

Committee:	Dated:
Professional Standards & Integrity Sub (Police) Committee	5 th March 2018
Subject:	Public
Changes to the Complaints Appeals Process	For Information
Report of:	
Town Clerk	
Report author:	
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Summary

This report aims to inform members about the reforms to the police complaints process being introduced by the Police and Crime Act 2017. It highlights the mandatory changes which will affect PCCs/Authorities (namely that they will become the appellant body for complainants) and the additional options that they may like to consider (principally around engagement with the complainant through the complaints process).

Futhermore, it suggests that given the high performance of the Force in this area and in-line with nearly every other force in England and Wales, it is not considered necessary to implement anything other than the mandatory changes imposed by the Act.

Recommendation

Members are asked to:

- Note the report.

Main Report

Background

1. Following the Chapman Review in December 2014, the Home Office launched a consultation: *Improving Police Integrity*. This led to proposals to simplify and improve the police complaints process with provisions included in the Police and Crime Bill in February 2016 – which gained Royal Assent in January 2017.

Current Position

2. The aim of the changes in the Act is to deliver a system that is:
 - a) More customer focused and that resolves complaints in a timely fashion;
 - b) Less bureaucratic;
 - c) More transparent and independent with effective local oversight;
 - d) Allows for identification of patterns and trends of dissatisfaction being raised; and
 - e) Less adversarial for officers.

3. The key reforms that have been introduced to achieve these aims are:
 - a) **Definition of 'Complaint'** – Currently a complaint has to be about the conduct of an officer. This will be replaced by a broader definition: *any expression of dissatisfaction with a police force*. This covers general customer service and police practice issues, not only misconduct of an individual officer(s).
 - b) **Remove the non-recording decision** – A complaint must be formally recorded if the complainant wants it recorded or if the Local Policing Body or Chief Officer determines the complaint is to be handled in accordance with Schedule 3 to the Police Reform Act 2002. "Serious" complaints must be handled in accordance with Schedule 3.
 - c) **Resolving issues outside formal system** – Where appropriate, and the complainant agrees, a complaint can be resolved otherwise than in accordance with Schedule 3. The intention is that such complaints will still need to be "logged" or "registered" to ensure that data on **all** complaints are captured.
 - d) **Simplification** – Removing the various categories for handling a complaint (local resolution, disapplication, discontinuance etc.). These terms and concepts were found to be meaningless to the public.
 - e) **Reasonable and Proportionate** – A series of statutory duties on the force: to contact the complainant to understand how the complaint might be resolved; to take reasonable and proportionate action to resolve a complaint; to keep the complainant updated; and to inform the complainant of the outcome. In some cases, that may be to take no action. There is an obligation to investigate the matter if there is an indication that the matter is "serious".
 - f) **Complaints Appeals** – Streamlining appeals: replacing current five appeal points with one "review" point at the outcome of a complaint.
 - g) **Police and Crime Commissioners (and Authorities)** – Increased role for PCCs/Authorities: explicit statutory duty to hold Chief Constable/Commissioner to account for complaints handling, PCC/Authority will become appellate body for appeals currently handled by Chief Officers. PCC/Authority will have options to take on certain other complaints functions.
4. It is the last of these – (Responsibilities and options for PCCs/Authorities), that will be focus of the rest of this report.
5. The latest indications from the Home Office are that these changes will come into effect in January 2019 (having previously slipped from June 2018).

Options

6. The redesignation of the Police Authority as the appellant body for appeals (to termed 'reviews' under the new system) from the Force, is the key change affecting PCCs/Authorities and is mandatory under the Act. The Police Authority Team in the Town Clerk's Department is currently working with the Professional

Standards Department in the Force to identify the best way of handling this transition.

7. Within the Act, there are two further options that PCCs/Authorities may consider implementing, outlined below:
 - Taking ownership of the customer service – resolution and recording process. This would involve being the first point of contact for complainants, recording the complaint and passing it on to the force for investigation. Alternatively, it may include working with the complainant and the force, to resolve the matter locally.
 - Managing contact with the complainant throughout the process – building on the option above, PCCs/Authorities have the option of maintaining contact with the complainant and updating them on progress throughout the entire process (i.e. including while the force is running the investigation) and informing them of the outcome and their appeal right (or right of review under the new provisions).

Proposals

8. It is proposed that the City of London Police Authority continues to make provisions to accommodate the mandatory changes described above, but does not adopt the additional options outlined in paragraph 7. This is in-line with the vast majority of other force areas across England and Wales – as polled at meetings of the Association of Police and Crime Commissioners and the Association of Police and Crime Chief Executives, when the changes have been discussed.
9. A very small number of forces are considering adopting the optional provisions and it should be noted that this is generally to address serious performance issues the relevant forces have had in handling complaints.
10. As will be noted in the regular IPOC performance updates, the City of London Police consistently perform well against national comparators. In addition, unlike any other force areas, this Sub-Committee examines every single complaint made against the force – giving it a tremendous level of oversight of force decision-making in this area, which has always been commented on positively by HMICFRS. With this in mind, it is not thought necessary to adopt the wider reform options available.
11. Additionally, it is the view of the City of London Police Authority Team, and most OPCCs, that adopting responsibility for engagement with the complainant carries added complexities and risks, as the force will continue to run the investigations and the OPCC/Authority will have no authority to intervene in or direct this process.
12. As such, the only substantive change in the process for the City of London Police handling of complaints will be for the Authority to take on the role of appellant body.

Implications

13. The Town Clerk's Department is currently in discussions with the Force to draw up appropriate processes to allow for a smooth transition to the mandatory changes that the Authority will be taking on. Early indications suggest that the Police Authority Team in Town Clerk's will carry out the review of the complaint and provide a short report and recommendation for consideration by the Chairman of the Professional Standards & Integrity Sub (Police) Committee. The Chairman's decision will then be communicated back to the Complainant and the Force. However, a more detailed proposition will be submitted once a firmer idea of the new process is available.
14. As a guide, the following numbers of appeals have been handled by the force over the last three years:
- **2017-18 (to date):** Total of nine Force Appeals. Four have not been upheld, five are still being considered. There were also nine appeals against the force's decision not to record a complaint. None was upheld.
 - **2016-17:** Total of 21 Force Appeals. One was upheld; 18 were not upheld and two were not valid. There were also 15 appeals against non-recording. 13 were not upheld and two were not valid.
 - **2015-16:** Total of 11 Force Appeals. Ten were not upheld and one was not valid. There were also 21 appeals against non-recording. Four were upheld, 16 not upheld and one was not valid.

Conclusion

15. The City of London Police provide a good and timely service to those that make a complaint to the force. As such (and in line with nearly all other force areas) it is intended that the Police Authority take on no more than the mandatory changes outlined in this report.
16. A report with more detailed proposals on how police complaint appeals (to be called 'reviews' under the new system) will be handled in the City of London, will be submitted later this year.

Appendices

- None

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