Nottinghamshire Police and Crime Commissioner
Notice of Decision

Nottinghamshire
POLICE & CRIME COMMISSIONER

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For Decision or Information	Decision
Date received*:	31.10.19
Ref*:	2019.062

*to be inserted by Office of PCC

TITLE: POLICE COMPLAINT REFORMS

EXECUTIVE SUMMARY:

The Police and Crime Act 2017 details reforms to be implemented across the police complaints and discipline system. Simplification of the complaints system (Phase 3) regulations will be laid in early December and will come into force on 1 February 2020.

Key objectives of Phase 3 Police Complaint Reforms are to:

- Create a complaints system that will be:
  - proportionate;
  - less adversarial; and
  - has a focus on learning and improvement.
- Improve accountability.
- Streamline processes, improved timeliness and independence.
- Improve transparency, cooperation and fairness.

The Police and Crime Commissioner will have an explicit duty to hold the Chief Constable to account for complaints handling and in addition has three complaint model options to consider:

Model 1 (mandatory): all local policing bodies have responsibility for carrying out reviews where they are the relevant review body.

Model 2 (optional): in addition to the responsibilities under model 1, a local policing body can chose to assume responsibility for making initial contact with complainants, handling complaints outside of Schedule 3 and recording complaints.

Model 3 (optional): a local policing body that has adopted model 2 can additionally choose to assume responsibility for keeping complainants and interested persons properly informed of the progress of the handling and outcome of their complaint.

The purpose of this paper for the Police and Crime Commissioner to determine which model they would like to adopt in Nottinghamshire.

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Notice of Decision

INFORMATION IN SUPPORT OF DECISION: (e.g report or business case)

Model 1
There are 2 aspects to Model 1:

- Oversight and accountability of the Police complaints system
- Appeals

PROS	CONS
Mandatory function.	The Police and Crime Commissioner can only make recommendations to the Chief Constable
Provides an independent appeal body.	
Least disruptive	
Least cost	

Model 2
In addition to model 1 above, there are four further aspects to Model 2:

- Recording any expressions of dissatisfaction
- Initial contact
- Resolve via customer service resolution
- Pass to Professional Standards Directorate for investigation

PROS	CONS
Opportunity for the Office of the Police and Crime Commissioner (OPCC) to improve customer experience	Additional resources in staffing, accommodation etc
Complete oversight of any dissatisfaction being raised	Removes the benefit of the appeal body being a separate entity from the complaint authority
Potentially a greater ability to hold the Chief Constable to account	Perception that the OPCC owns the complaints system.
	Low level complaints would not be as easily resolved by officers on the front line

Model 3
In addition to models 1 and 2 above, there are two further aspects to Model 3:

- Keep complainant updated on progress
- Inform complainant of outcome and review right.

PROS	CONS
Provide a complete oversight of any dissatisfaction being raised	Significant increase in resources
	Practical difficulties in the OPCC having to administer an operational process over which it has no control

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Notice of Decision

In view of the above, it is recommended that the Police and Crime Commissioner adopts Model 1.

The Chief Constable has been consulted on the model options and is in agreement that Model 1 would be the preferred option for Nottinghamshire.

It is recommended that the Police and Crime Commissioner should commission at external company to undertake the police complaint reviews with sufficient expertise to assess the level and nature of reviews for the first 6-12 months and delegate this area of responsibility to the Police and Crime Commissioner's Chief Executive.

The external company will act independently under authority from the Nottinghamshire Police and Crime Commissioner's Chief Executive to undertake a review of complaints and make recommendations where the Chief Constable is the appropriate authority.

Their role will be to make an independent determination as to whether the complaint outcome has been handled reasonably and proportionately in accordance with primary legislation and the Independent Office for Police Conduct (IOPC) Statutory Complaints Guidance. Following the 6-12 month period the Police and Crime Commissioner will then need to make a decision on how these new responsibilities should be resourced in the longer term. It is expected that other OPCCs across the country will adopt a similar approach given the uncertainty about the demand impact at this stage.

This model also has the advantage of building the skills and knowledge of OPCC staff during this initial period. Home Office has written to Police and Crime Commissioners to advise that the police complaints reform will be implemented from 1st February 2020.

FINANCIAL INFORMATION (please include if is it capital or revenue or both. What the split is and the totals being requested. Is this a virement/ something already budgeted for or something that requires additional funding. Are there any savings that can be offered up/or achieved)

Costs are estimated to be around £20,000 depending on the number of cases reviewed, this is an increase in the PCC revenue budget for 2020/2021.

Signature: [redacted] Date: 31st October 2019

Chief Finance Officer

Is any of the supporting information classified as non public or confidential information?**	Yes		No	X
If yes, please state under which category number from the guidance**				

DECISION:

To adopt Model 1 and delegate this area of responsibility to the Police and Crime Commissioner's Chief Executive.

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Notice of Decision

OFFICER APPROVAL

I have been consulted about the proposal and confirm that the appropriate advice has been taken into account in the preparation of this report. I am satisfied that this is an appropriate request to be submitted to the Police and Crime Commissioner.

Signature: Ken Dennis Date: 1/11/19.

Chief Executive

DECLARATION:

I confirm that I do not have any disclosable pecuniary interests in this decision and I take the decision in compliance with the Code of Conduct for the Nottinghamshire Office of the Police and Crime Commissioner. Any interests are indicated below:

The above request has my approval.

Signature: Date: 4/11/19

Nottinghamshire Police and Crime Commissioner

** See guidance on non public information