

HAMPSHIRE POLICE AND CRIME PANEL

Report

Date considered:	7 February 2020
Title:	Update to Governance Documents
Contact:	Democratic Services Officer to the Panel
Email:	members.services@hants.gov.uk

1. Executive Summary

- 1.1 The purpose of this report is to set out revised governance documents previously adopted by the Hampshire Police and Crime Panel (PCP).

2. Complaints Reforms

- 2.1. The Elected Local Policing Bodies (Complaints and Misconduct) Regulations 2012 (the regulations) mandated the statutory responsibility for Police and Crime Panels (PCP) to handle non-criminal complaints about the conduct of the Police and Crime Commissioner (PCC) and Deputy Police and Crime Commissioner (DPCC), where appointed.
- 2.2. The Police and Crime Act 2017 outlined a suite of reforms designed to overhaul the police complaints and disciplinary systems. The Police (Complaints and Misconduct) Regulations 2020, introduced on 10 January 2020, brings these changes into effect from 1 February 2020.
- 2.3. Under these reforms Police and Crime Commissioners (PCC's) will hold an enhanced role in the management of police complaints. With effect from 1 February 2020 PCC's will:
- Be given the explicit function to hold the Chief Constable to account in relation to the handling of complaints locally.
 - Take on responsibility for carrying out reviews, where they are the relevant review body for complaints against Hampshire Constabulary (the Constabulary) that are handled under the Police Reform Act 2002. Within this role the PCC will consider whether the outcome reached by the Constabulary, in respect of complaint/s, was reasonable and proportionate. This function was previously held by the Constabulary and led by an independent review officer (police officer). The responsibility for the right to review is mandated within the regulations and referred to as model one.
 - Have the right to assume additional optional functions under the Police complaints system; both the responsibility for initial complaints handling (model two) and contact with complainant throughout the process (model three). The PCC for Hampshire and the Isle of Wight has advised the Panel

that they will be operating model one from inception, however the PCC reserves the right to expand their responsibility to models two or three at a future date.

- 2.4. It is anticipated that the new regulations will have minimal impact upon the role of the PCP. The PCP are not cited as appropriate route of recourse in respect of the police complaints review process, nor granted any additional powers in respect of the process. The legislation mandates that PCC's decision is final and may only be challenged through Judicial Review.
- 2.5. It is, however, possible that complainants may be dissatisfied with decision of the PCC, in respect of their right to review, and subsequently raise complaints to the PCP. Therefore, the Panel's complaints protocol, associated documents and website are recommended to be updated to note the implementation of the new regulations and to make clear how such complaints may be approached by the Panel.
- 2.6. Under the new reforms the PCP will also be responsible for scrutinising and supporting the PCC in the discharge of their functions in respect of carrying out reviews against police complaints, and any potential consultation on the PCC's right to expand their role to include either of the optional complaint models.

3. Governance Documents

Protocol for the informal resolution procedure

- 3.1. The protocol outlines the process under which the complaints sub-committee will seek to determine complaints.
- 3.2. Updates are proposed to the protocol to provide greater clarity regarding the circumstances under which the PCP may not record a complaint and how complaints received against the right to review process will be approached.
- 3.3. Further, the protocol introduces an updated archiving protocol for complaints inline with recent guidance published by the LGA
<https://www.local.gov.uk/policing-and-fire-governance-guidance-police-and-crime-panels>
- 3.4. If the updates to the protocol are agreed, the PCP's website and complaints form will be updated to reflect any changes.
- 3.5. The updated protocol can be found at appendix one.

4. Recommendations

- 4.1. **That the Panel agrees the updated Protocol for the Informal Resolution Procedure Regarding Complaints made Against the PCC.**
- 4.2. **That the Panel requests an annual update from the PCC, monitoring the right to review process and scrutinising how the PCC is holding the Chief Constable to account in relation to the handling of complaints locally.**

Section 100 D - Local Government Act 1972 - background documents

The following documents discuss facts or matters on which this report, or an important part of it, is based and have been relied upon to a material extent in the preparation of this report. (NB: the list excludes published works and any documents which disclose exempt or confidential information as defined in the Act.)

Document

Location

N/A

N/A