



Durham Police and Crime Panel

27 June 2024

Complaints Update

Report of Helen Bradley, Clerk and Monitoring Officer to the Police and Crime Panel.

Electoral division(s) affected:

None

Purpose of the Report

1. To update members on the number of formal complaints received since the last meeting.

Executive summary

2. On 23 June 2022, the Police and Crime Panel approved an update to the procedure for handling complaints relating to the Police and Crime Commissioner (PCC) or the Deputy PCC.
3. In addition to this, the Police and Crime Panel agreed to receive at each regular meeting an update on the number of formal complaints received including those which may have been rejected without consideration by the Panel in accordance with the procedure.

Recommendation

4. The Police and Crime Panel is asked to note the report.

Background

5. The Police Reform and Social Responsibility Act 2011 sets out the role and responsibility of Panels, which includes handling complaints relating to the Police and Crime Commissioner and their Deputy where appointed.
6. On 23 June 2022, the Panel approved an updated procedure for dealing with complaints and conduct matters about the PCC and their Deputy. The Procedure reflects the Local Government Association's best practice guidance for complaints handling.
7. All complaints received after 23 June 2022 are dealt with in accordance with the updated procedure.
8. Responsibility for the initial receipt of complaints and referral to the Panel is delegated to the Clerk to the Panel. There may be instances where a complaint is not presented to the Panel where they fall outside the procedure or are withdrawn by the Complainant.
9. In order to promote transparency and ensure effective scrutiny, the Panel receives a report at each regular meeting on the number of complaints received including those which have not been/will not be presented to the Panel.

Complaints Update

10. The last report the Panel received in relation to complaints was at its meeting on 20 March 2024. There were no outstanding complaints at that point and no complaints have been received since.
11. No further complaints have been received since the last report to Panel.

Criminal Justice Bill

12. On 9 May 2024, the Home Office wrote to all Police and Crime Panels to advise of proposals to amend the Criminal Justice Bill in relation to the handling of complaints against the Police and Crime Commissioner.
13. The changes would enable the Secretary of State to make regulations to change responsibility for the handling of non-serious complaints about PCC's from Panels to an independent person such as a local authority Monitoring Officer. Under the proposals the Panel would still have some general oversight of complaints including keeping a record of complaints against PCC's. Details relating to the independent person responsible for handling non-serious complaints would be provided for

in secondary legislation following further engagement with the Department for Levelling Up, Housing and Communities and the Welsh Government. However, no changes were expected before April 2025.

14. It is understood that the Local Government Association raised concerns with the Home Office about the lack of consultation with Panels and Monitoring Officers regarding the proposals.
15. The Home Office subsequently invited Monitoring Officers to complete a survey by 5 June 2024. The survey sought information relating to how complaints handling is dealt with currently by Panels and how many complaints had been dealt with in 2023/24 with an estimated time and cost of dealing with such complaints.
16. The Clerk to the Panel submitted a response within the deadline, which summarised the Procedure for dealing with complaints against the PCC. She provided a summary of the complaints received for the years 2023/24 and 2022/23 on the basis that one year did not really provide sufficient insight as the number of complaints and the time spent.
17. The Clerk also submitted that the complaints arrangements as prescribed in legislation rarely meet the expectations of complainants and the Panel. The majority of complaints arise out of dissatisfaction with the outcome of a complaint relating to an operational policing matter or against the Chief Constable. Such complaints would perhaps be better dealt with by the IOPC, with complaints about the PCC's conduct being dealt with under similar procedures to those for elected Members.
18. Since the correspondence from the Home Office was received, the UK Parliamentary General Election was announced, and Parliament has been resolved. It is understood that the Criminal Justice Bill 2024 was not carried over and therefore the bill will not progress any further.

Background papers

- None

Other useful documents

- None

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Appendix 1: Implications

Legal Implications

The Police and Crime Panel must have arrangements in place for dealing with complaints in accordance with the Police Reform and Social Responsibility Act 2011 and the Elected Local Policing Bodies (Complaints and Misconduct) Regulations 2012.

It is good practice for Panels to maintain oversight of the number of complaints and how they are dealt with in accordance with the agreed arrangements.

Finance

None.

Consultation

None.

Equality and Diversity / Public Sector Equality Duty

None.

Climate Change

None.

Human Rights

None.

Crime and Disorder

This is a key focus of the role of the Police and Crime Commissioner and Police and Crime Panel.

Staffing

None.

Accommodation

None.

Risk

None.

Procurement

None.