



SUMMARY DECISION SHEET

PURPOSE: COMMISSIONER DECISION – REF. Police Reforms Act 2019 - Option 1 Agreement

Timing: Urgent – decision required in order to publish report prior to 1st February 2020

Title: Changes to handling of Police Complaints

Category of Decision / Business Area Impact: Quality of Service

Executive Summary:

As part of the Improving Police Integrity programme the police complaints and disciplinary systems for policing are currently in the third phase of reform. Phase 3 will impact on the way all complaint, misconduct and death or serious injury (DSI) investigations are handled.

This phase also provides a stronger role for Police and Crime Commissioners (PCC's) within the complaints system and provides three different models. The PCC needs to make a decision in relation to which model he will implement.

Background:

As part of the Improving Police Integrity programme the police complaints and disciplinary systems for policing are currently in the third phase of reform.

Phase 1 related to the misconduct regulations applying to former officers and the introduction of the barred and advisory lists.

Phase 2 related to the transition of the IPCC to the IOPC and the introduction of legislation enabling designated bodies to make super-complaints - Organisations can apply to become designated bodies to raise systemic issues in policing where a feature of policing by one or more force is/appears to be significantly harming the interests of the public.

Phase 3 relates to the introduction of the following:

- Police (Conduct) Regulations 2019
- Police (Complaints and Misconduct) Regulations 2019
- Police (Performance) Regulations 2019
- Police Appeal Tribunal Rules 2019

Phase 3 will impact on the way all complaint, misconduct and death or serious injury (DSI) investigations are handled. This phase also provides a stronger role for Police and Crime Commissioners (PCC's) within the complaints system and provides three different models.

Police and Crime Commissioner Options

	Option 1 (Mandatory)	Option 2	Option 3
Receiving & making initial contact with complainant	POLICE	PCC	PCC
Handling complaints outside of Schedule 3 and recording complaints	POLICE	PCC	PCC
Keeping complainants and interested parties update and informed of outcome	POLICE	POLICE	PCC
Investigating complaints	POLICE	POLICE	POLICE
Complaint Reviews	PCC	PCC	PCC

Change to chosen model

Local Policing Bodies can only change from one or other model, having consulted with

- The Chief Constable of the Force
- Any police or staff that may be affected by change

Then published findings and considered representations are made before giving 28 days notice of change or confirming that no change will take place.

Police and Crime Plan

Police and Crime Commissioners (PCCs) act as the voice of the public on policing and crime matters. They are responsible for setting the strategic direction for policing within their respective force areas.

They will shortly (anticipated January/February 2020) be involved in the implementation of new complaints and conduct legislation arising from police integrity reforms 2019. A key element of the reforms will be to carry out independent reviews of police complaints where the Commissioner has been assessed as the relevant appeal body and the complainant formally requests a review in respect of the Force's handling of their complaint.

This forms part of the Commissioners' priorities i.e. keeping our communities safe, safeguarding the vulnerable and connecting with communities.

Recommendation

Option 1 is considered as the preferred approach for Dyfed Powys. This means that the management of complaints will remain with Dyfed Powys Police. As per the legislation, the Police and Crime Commissioner will be responsible for considering the application of police complaints processes and procedures in individual cases and thereafter decide on the outcome of the review.

The rationale for this decision is based on the Police and Crime Commissioner's statutory responsibilities, as contained within the Policing Protocol Order 2011. Section 17 states that the PCC has the legal power and duty to scrutinise, support and challenge the overall performance of the Force, including against the priorities agreed within the Plan. When considering this responsibility, there is a requirement for impartiality and independence from the initial recording of a complaint. In order to undertake a completely independent assessment/review of a complaint, it was considered that Option 1 is the only model that provides the necessary transparency and independence, to enable the PCC to effectively comply with his statutory duty to scrutinise and challenge complaints handled by Dyfed Powys Police.

The Police and Crime Commissioner's Office suggest that a review of the Model 1 option is undertaken 18 months from the implementation date.

Collaboration Work

The Police and Crime Commissioners for Dyfed Powys, Gwent and North Wales are seeking to appoint an independent service provider to conduct independent reviews on their behalf. This will be for a period of 12 months with the option of extending it for a further period of 12 months.

Police and Crime Commissioner for Dyfed-Powys

I confirm I have considered whether or not I have any personal or prejudicial interest in this matter and take the proposed decision in compliance with the Nolan Principles for Conduct in Public Life.

The above request has my approval / does not have my approval / I note the information contained within the report (delete as appropriate)

Signature:



Date:

27-01-2020

