**Police and Crime Commissioner’s Statutory Responsibilities**

**in relation to Police Complaints**

***Reporting Period: 1st April 2020 to 31st March 2021***

**1.0 Introduction**

1.1 This report has been prepared to meet the requirements of The Elected Local Policing Bodies (Specified Information) (Amendment) Order 2021

1.2 In Dyfed Powys, the Police and Crime Commissioner has given Notice to the Chief Constable that Model 1will be adopted in accordance with paragraph 13A of the Policing and Crime Act 2017. As Model 1 has been adopted, the Deputy Chief Constable as the delegated Appropriate Authority is responsible for all dissatisfactions, complaints and conduct relating to operational policing, officers and staff under their direction and control. This duty includes the logging, recording, investigating and keeping complainants informed with progress and decisions relating to complaints.

1.3 The Police and Crime Commissioner has three main duties in relation to police complaints, as outlined below:

1. Appropriate Authority to consider complaints about the Chief Constable
2. Duty to hold the Chief Constable to account in providing an effective and efficient complaints process
3. Relevant Review Body of some police complaints

1.4 This report will provide information relating to the resources and processes that have been put in place to meet those duties and will give reassurance that the Police and Crime Commissioner is fulfilling his duties in relation to police complaints.

1.5 This report does not contain details of any specific complaint or review dealt with by the Police and Crime Commissioner.

**2.0 Statutory Duties**

2.1 **Appropriate Authority of complaints about the Chief Constable**

2.1.1 The Police and Crime Commissioner for Dyfed Powys is statutorily responsible for considering complaints made against the Chief Constable of Dyfed Powys Police. It is also the role of the Police and Crime Commissioner to ensure those complaints are dealt with in a reasonable and proportionate manner.

2.1.2 During the period 1st April 2020 and 31st March 2021, the OPCC received a total of 7 formal Chief Constable complaints. A total of 6 Chief Constable complaints were recorded. A total of 2 reviews against the OPCC decision were made to the Independent Office for Police Conduct (IOPC), resulting in 2 reviews upheld in favour of the OPCC decision.

2.1.3 The Independent Office for Police Conduct (IOPC) is the Relevant Review body for these complaints (The IOPC is the relevant review body where the complaint is about the conduct of a senior officer [an officer holding a rank above chief superintendent]).

2.2 **How the Police and Crime Commissioner is holding the Chief Constable to Account**

2.2.1 The Chief Constable is the Appropriate Authority for all complaints made about officers, staff and services under his direction and control. This duty has been delegated to the Deputy Chief Constable and is carried out by the Force’s Professional Standards Department.

2.2.2 The Police and Crime Commissioner has a duty to ensure that the Chief Constable has an effective and efficient police complaints system in place and the Policing Board is the forum in which the Police and Crime Commissioner holds the Chief Constable to account for the delivery of policing services across the Dyfed Powys area. Between April 2020 and March 2021, the Policing Board met on 13 occasions; a forward working programme ensured these meetings were focused and effective. The Policing Board adopts a themed approach, where each meeting focuses on a particular area of business; identified and prioritised based on operational demand, community impact and risk. One of the Policing Board themes is ‘Complaints’ and minutes of the meetings can be located via the following hyperlink: [Policing Board (dyfedpowys-pcc.org.uk)](https://www.dyfedpowys-pcc.org.uk/en/accountability-and-transparency/policing-board/).

2.2.3 The Office of the Police and Crime Commissioner review complaint data to identify any peaks in complaints or a consistently high volume of complaints in a particular area of policing. Consideration is given to further work that may need to be undertaken to address repetitive concerns. This can include dip-sampling, with referral to the Quality Assurance Panel for independent analysis or top-level data comparison with other similar forces etc. The aim of dip-sampling activity is to scrutinise the performance of the Force’s complaints management process. The volume of police complaint cases considered by Dyfed Powys Police’s Professional Standards Department dictates that it would be impractical for the Office of the Police and Crime Commissioner to oversee every complaint case, therefore dip-sampling enables the Police and Crime Commissioner to fulfil his oversight and monitoring responsibility under legislation. Recent dip sampling undertaken by Dyfed Powys OPCC and the relevant reports can be located via the following hyperlink: [Dip Sampling (dyfedpowys-pcc.org.uk)](https://www.dyfedpowys-pcc.org.uk/en/accountability-and-transparency/scrutiny/dip-sampling/).

2.2.4 The Office of the Police and Crime Commissioner has a process in place to action communication, dissatisfactions and complaints received of an operational nature or in relation to officers below the rank of Chief Constable – this communication is the responsibility of the Chief Constable and falls outside of the remit of the Police and Crime Commissioner. The Office of the Police and Crime Commissioner considers all communication received and provides relevant advice to the individual, including the process for making a complaint to the Force, details of the relevant department or process relevant to their communication and/or any relevant information/hyperlink to further information on the Force website. This communication is logged and considered by the Office of the Police and Crime Commissioner; as detailed in Section 3.2.3.

2.2.5 Within the Police and Crime Plan, the Police and Crime Commissioner committed to delivering a professional response to complaints (and compliments) that is widely accessible, transparent and provides swift and proportionate responses. The Office of the Police and Crime Commissioner considers dissatisfaction raised by members of the public concerning various issues that they have encountered within our Force area; these are referred to as ‘Community Concerns.’ ‘Community Concerns’ are recorded using three main categories: ‘Personal Concerns’ such as anti-social behaviour, traffic concerns or domestic abuse; ‘Organisational Concerns’ such as CCTV, financial/budgets or arrest dissatisfaction; and ‘Other Concerns’ such as local/national concerns or non-policing related concerns.

2.2.6 During the period 1st April 2020 and 31st March 2021, the OPCC recorded a total of 291 community concerns, 99.75% of those cases were responded to within 30 working days. Additionally, the OPCC received 254 COVID-19 related queries and concerns from members of the public and community representatives. These included concerns linked to breaches of regulations and social distancing, as well as queries on travel restrictions.

2.2.7 Further scrutiny of the police complaints function is carried out by the Independent Office for Police Conduct (IOPC) and scheduled investigations by Her Majesty’s Inspectorate of Constabulary (HMICFRS). Statistical reports of their scrutiny and findings are available on their respective websites. The Dyfed Powys Police and Crime Commissioner responses to the assessments are published: <https://www.dyfedpowys-pcc.org.uk/en/accountability-and-transparency/force-performance/hmic/>.

2.2.8 Dyfed Powys Police have published their Annual Report for 2020/21 on the Dyfed Powys Police website: <https://www.dyfed-powys.police.uk/SysSiteAssets/foi-media/dyfed-powys/priorities-and-how-we-are-doing/psd-annual-report-2020-21>. This report details a breakdown of the complaint cases and allegations received in Dyfed Powys Police, complaint handling performance, review statistics, conduct cases, details of misconduct hearings held in the reporting period and IOPC referrals.

2.2.9 Quality assurance mechanisms are in place to monitor and improve the quality of responses to Dyfed Powys Police complaints.Dip sampling work undertaken by the Office of the Police and Crime Commissioner includes consideration to any further work that may need to be undertaken to address and improve the quality of responses to complaints. This includes referral to the Quality Assurance Panel for independent analysis. Additionally, when each complaint review is considered, the Office of the Police and Crime Commissioner retain a log of all recommendations/lessons learnt made to Dyfed Powys Police Professional Standards Department (PSD). The Office of the Police and Crime Commissioner ensure that we have received a satisfactory response from Dyfed Powys Police, that addresses the recommendation/lesson learnt identified, prior to updating both the complainant and the log with those details. Those logs are then considered for any opportunities to improve the quality of responses to future complaints.

2.2.10 During the period 1st April 2020 and 31st March 2021, the Office of the Police and Crime Commissioner have received 1 written communication issued by the Force under regulation 13 of the Police (Complaints and Misconduct) Regulations 2020, where an investigation has not been completed within a “relevant period.”

2.2.11 The Dyfed Powys Police and Crime Panel scrutinises and supports the work of the Police and Crime Commissioner. Throughout 2020-2021, the Panel continued to hold the Police and Crime Commissioner to account for the performance of his statutory functions and delivery against his Police and Crime Plan priorities. The Panel is made of up of members nominated by the four councils in the force area, and at least two independent members. Four formal Panel meetings were held during the year, as well as one informal briefing from the PCC. Due to the pandemic, these meetings were held virtually, though they remained open to the public and press through webcasts. Previous meetings can be located on the Dyfed Powys Police and Crime Panel website: <https://www.dppoliceandcrimepanel.wales/home/meetings/>.

2.3 **Police and Crime Commissioner Performance Assessment – OPCC identified as Relevant Review Body**

2.3.1 The Policing and Crime Act 2017 and supporting regulations made significant changes to the police complaints and disciplinary systems. They introduced a number of changes designed to achieve a more customer-focused complaints system. Importantly, the reforms aim to make the discipline system more proportionate and encourage a much greater emphasis on learning from mistakes.

2.3.2 Local accountability was enhanced through changes to the role of Police and Crime Commissioners. They have a central role in deciding how the complaints system operates at a local level, as they have the option of taking on direct responsibility for certain functions. Were appeals were previously handled by either the Chief Constable or the IOPC, the new right to apply for review is to either the Police and Crime Commissioner or the IOPC. This change is aimed to increase independence and transparency.

2.3.3 The Act provides a choice of three models, which the Commissioner may choose to adopt. In Dyfed Powys, the Commissioner confirmed that Model 1 will be adopted. The rationale for this decision can be located on the Dyfed Powys OPCC website: <https://www.dyfedpowys-pcc.org.uk/media/8964/c-users-65015-desktop-dll-dec-s.pdf>.

2.3.4 Since 1st February 2020, if an individual’s complaint was recorded under Schedule 3 of the Police Reform Act 2002 and the individual is unhappy with the outcome of their complaint, they can submit an application for a review to the Relevant Review Body, either the IOPC or the Police and Crime Commissioner. Dyfed Powys Police continue to be responsible for logging, recording and investigating complaints and for keeping complainants informed of progress.

2.3.5 The IOPC is the relevant review body where –

i. the appropriate authority is the Police and Crime Commissioner

ii. the complaint is about the conduct of a senior officer (an officer holding a rank above chief superintendent)

iii. the appropriate authority is unable to satisfy itself, from the complaint alone, that the conduct complained of (if it were proved) would not justify the bringing of criminal or disciplinary proceedings145 or would not involve an infringement of a person’s rights under Article 2 or 3 of the European Convention on Human Rights (see glossary)

iv. the complaint has been, or must be, referred to the IOPC

v. the IOPC is treating the complaint as having been referred (also known as the ‘power of initiative’, see paragraphs 9.36 – 9.39)

vi. the complaint arises from the same incident as a complaint falling within ii-v

vii. any part of the complaint falls within ii-vi

2.3.6 In any other case the relevant review body is the Police and Crime Commissioner.

2.3.7 The Office of the Police and Crime Commissioner has developed quality assurance mechanisms to ensure that review decisions are sound and in-line with the requirements of the complaints legislation and IOPC statutory guidance. The reviews are considered independently by Sancus (see section 4.3), the review is then considered alongside the Sancus recommendations and the outcome written by the Quality of Service Manager. The Chief of Staff and Monitoring Officer then considers the proposed outcome prior to disclosure. Office of the Police and Crime Commissioner staff involved in the review process regularly attend IOPC workshops and events, ensuring that they are up-to-date with legislation and statutory guidance.

**3.0 Outsourcing Reviews**

3.1 Dyfed Powys, Gwent and North Wales Police and Crime Commissioners decided to outsource reviews on an initial basis, as this was the most financially viable option and would allow an initial understanding of the level of demand, prior to any permanent decisions being made.

3.2 A joint tender process to outsource complaint reviews was led by the Dyfed Powys Office of the Police and Crime Commissioner. The contract was awarded to Sancus.

3.3 The contract was awarded for an initial period of 12 months, which has already been extended for a further 12 months. The rationale for this decision is available on the Dyfed Powys Office of the Police and Crime Commissioner website: <https://www.dyfedpowys-pcc.org.uk/media/9385/c-users-65038-desktop-dll174-sancus-solutions-decision-log-002.pdf>.

3.4 Every individual is notified that the complaint reviews are outsourced to an independent organisation. This information is available on the Dyfed Powys OPCC website (in the OPCC Review Form section): <https://www.dyfedpowys-pcc.org.uk/en/contact-us/compliments-and-concerns/>.

**4.0 Reviews 2020/21**

4.1 Between 1st April 2020 and 31st March 2021, a total number of 53 valid reviews have been received by the Dyfed Powys Police and Crime Commissioner to review the outcome of police complaints.

4.2 Of those 53 valid reviews, 7 were Upheld, 6 were Partially Upheld, 40 were Not Upheld. A total of 18 reviews resulted in lessons learnt/recommendations identified by the OPCC. There are no outstanding reviews for this period.

4.3 The new regulations relating to police complaints provides the Relevant Review Body with one element to consider and that is whether the outcome of the police complaint was reasonable and proportionate.

4.4 If the Police and Crime Commissioner determines that the outcome provided by the Force was reasonable and proportionate, the review is not upheld. If the Police and Crime Commissioner finds that the outcome is not reasonable and proportionate, it may:

* recommend that the appropriate authority refer it to the IOPC, if the complaint has not been previously referred
* recommend that the appropriate authority investigate the complaint
* make a recommendation under paragraph 28ZA, Schedule 3, *Police Reform Act 2002* (recommendation with a view to remedying the dissatisfaction of a complainant, see paragraphs 17.15 – 17.20).

**5.0 Independent Office for Police Conduct (IOPC) Statistics**

5.1 The quarterly and annual IOPC statistics can be located on their website, via the following hyperlinks: Quarterly Statistics: [Dyfed Powys Police | Independent Office for Police Conduct](https://policeconduct.gov.uk/tags/dyfed-powys-police) Annual Statistics: [IOPC Police complaints: Statistics for England and Wales 2019/20 (policeconduct.gov.uk)](https://www.policeconduct.gov.uk/sites/default/files/Documents/statistics/complaints_statistics_2019_20.pdf)

**6.0 Publication**

6.1 In accordance with The Elected Local Policing Bodies (Specified Information) (Amendment) Order 2021, this information and report will be published on an annual basis on the Dyfed Powys Police and Crime Commissioner’s website.