

Agenda item 5

Police and Crime Panel

Meeting to be held on 7th April 2014

Monitoring of Complaints (Appendix 'A' refers)

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Executive Summary

This report sets out the current position with regard to complaints received to date in relation to the Police and Crime Commissioner.

Recommendation

That the update in relation to complaints be noted.

Background and Advice

At the meeting on the 26th November 2012 the Police and Crime Panel [PCP] agreed a procedure for dealing with complaints in relation to the Police and Crime Commissioner (PCC) and Deputy Police and Crime Commissioner (DPCC).

The Panel resolved that the Secretary to the Panel be responsible for the monitoring of complaints in order to ensure that complaints are considered in an appropriate manner and to provide regular updates to the Panel regarding the findings.

A report setting out the position with regard to complaints received in relation to the PCC up to 10th January 2014, was presented to the PCP at the last meeting on 27th January 2014 [COM 8].

Since the last report there have been 2 complaints made against the Police and Crime Commissioner, a summary of which is set out in the attached Appendix A [COM 9 + 10].

COM 1 in relation to the outstanding referral to the IPCC has also been updated to confirm that the Panel's Complaints Sub committee is awaiting both the original report and an addendum report from the IPCC, for its consideration.

No complaints have been received in relation to the DPCC.

The Panel are asked to note the current position regarding the complaints.

Consultations

N/A

Implications:

This item has the following implications, as indicated:

Legal Implications

The Police Reform and Social Responsibility Act 2011 includes provision for the handling of complaints and matters concerning the conduct of the holders of the office of Police and Crime Commissioner and Deputy Police and Crime Commissioner.

Financial Implications

There are no direct financial implications arising from this report. It is proposed the handling of such complaints will be contained within existing resources.

Risk management

The requirement to monitor and record complaints against the PCC and DPCC is in accordance with the provisions of The Elected Policing Bodies (Complaints and Misconduct) Regulations 2012.

Local Government (Access to Information) Act 1985**List of Background Papers**

<u>Paper</u>	<u>Date</u>	<u>Contact/Directorate/Tel</u>
Agenda and Minutes from	November 2012	S.Roxborough, Legal Services 01254585252

Summary of Complaints against the Police and Crime Commissioner for Lancashire up to 25th March 2014

Ref	Complaint	Position
COM1	<p>Alleged irregularities concerning expenses that were claimed by Mr Grunshaw, the Police and Crime Commissioner (PCC) while he was a member of Lancashire County Council and the Lancashire Police Authority.</p>	<p>The Independent Police Complaints Commission (IPCC) completed its investigation into the Police and Crime Commissioner (PCC) for Lancashire and passed its report to the Crown Prosecution Service (CPS).</p> <p>The independent investigation began after allegations about expenses claims made by Clive Grunshaw before his election as a PCC were referred to the IPCC by Lancashire's Police and Crime Panel. Mr Grunshaw was interviewed by IPCC investigators as part of the investigation. A final investigation report was sent to the CPS on 25 September 2013. The CPS had responsibility for deciding whether there was evidence to warrant criminal charges.</p> <p>On 9th January 2014 the CPS announced the following press release:</p> <p><i>Gemma Carsey, specialist lawyer with the CPS Special Crime Division said: "A file was submitted in October 2013, and all evidence received in mid-November 2013, in order for the CPS to consider if potential charges of fraud by false misrepresentation should be brought against Mr Clive Grunshaw. To prosecute this offence dishonesty must be proved.</i></p> <p><i>"The allegations concern a number of expenses claims made over a three year period between January 2009 and December 2012, during which time Mr Grunshaw was a member of both Lancashire County Council and Lancashire Police Authority. These expenses generally related to travel and subsistence claims for attendance at meetings for both authorities.</i></p> <p><i>"The evidence has now been considered in accordance with the Code for Crown Prosecutors, and we have concluded that there is insufficient evidence to prove that any claim had been submitted dishonestly, and therefore there is insufficient evidence for a realistic prospect of conviction for any relevant criminal offence.</i></p> <p><i>"During the three year period Mr Grunshaw made 37 claims, out of 452 in total, which the evidence indicates, according to the Code for Crown Prosecutors, could potentially have been proved to be incorrect. Mr Grunshaw was making claims for expenses incurred through work for three organisations, and the evidence suggests errors rather than deliberacy on his part. In addition it appears that Mr Grunshaw did not submit around 28</i></p>

		<p>claims to which he was entitled and this suggests that no financial gain was sought. In the light of these factors, our assessment is that there is insufficient evidence to show that any of these claims was submitted dishonestly.</p> <p><i>"In all the circumstances of this case, therefore, we have concluded that no further action should be taken."</i></p> <p>Following completion of the above investigation the IPCC prepared a report. They have subsequently informed us there will be a short addendum report which is expected soon. On receipt, both reports will then be presented to the Complaints Sub Committee for their consideration.</p>
COM2	<p>Alleged involvement of the PCC in 'operational matters' regarding the investigation of a previous complaint in relation to the Chief Constable and the Chief Executive of the Office of the PCC.</p>	<p>The Secretary considered the complaint to be both vexatious and an abuse of process within the meaning of Regulation 15(e) of the Elected Local Policing Bodies (Complaints and Misconduct) Regulations 2012.</p> <p>No further action has been taken and the complainant has been informed in writing of the decision.</p>
COM3	<p>Complainant made two complaints about the conduct of the Chief Constable.</p> <p>The Chief Executive of the OPCC was asked to deal with these issues and advised complainant that no action would be taken in relation to either complaint and that her decision in relation to the second complaint was on the basis that she considered the allegations to be repetitious.</p>	<p>The Secretary considers the complaint against the PCC is vexatious and an abuse of the procedures for dealing with complaints within the meaning of Regulation 15(e) of the 2012 Regulations.</p> <p>Furthermore, even if the complaint against the PCC Chief Executive could be regarded as a separate issue (which is not considered to be the case) that complaint relates solely to the conduct of a person working as a member of the PCC's staff within the meaning of Regulation 15(3)(a).</p>
COM4	<p>Complaint by an individual about failure to notify the Information Commissioner's Office and register as a data controller, processing personal data, as from the PCC taking up office on 22nd November 2012. [Registration took place 4th December 2013].</p>	<p>The complainant has written to 30 of the 41 PCC's who it is alleged, have committed the same offence. Accordingly, the Secretary considers this a complaint against the OPCC and not the PCC in his personal capacity under regulation 2 of The Elected Local Policing Bodies (Complaints and Misconduct) Regulation 2012. The Secretary is of the view it is the OPCC that should be registered, not the PCC as an individual. This complaint has been referred back to the OPCC and the complainant informed in writing.</p>
COM5	<p>Comment by an individual that PCC is trying to recruit 'Police Volunteers' to replace police officers in Lancashire, whilst he has recruited a Deputy and Assistant Commissioner to support him. The complainant referred to and requested an update on the progress of the existing complaint (COM1) under investigation by the IPCC.</p>	<p>The Secretary considered the reference to 'Police Volunteers' a comment rather than complaint and did not consider it appropriate for the PCP to respond in respect of a matter already subject to complaint. The Secretary suggested the IPCC may wish to acknowledge and confirm the status of the investigation, in order to avoid the risk of the PCP prejudicing any findings.</p>
COM6	<p>Complaint PCC is continuing as act in overseeing</p>	<p>Complaint was forwarded to Secretary by OPCC.PCC has statutory duty to</p>

<p>Lancashire Constabulary. Alleged conflict of interest as PCC cannot have fair judgement of conduct of Lancashire Police [LC] as they are assisting the CPS in investigating the IPCC referral in relation to expenses. Suggested PCC should, in public interest, stand down, allowing election of replacement PCC. Alleged if proved innocent, would be suspicion that LC had exonerated PCC, in return for expected lenient treatment from him in future.</p>		<p>Explanation requested as to why PCC has not been suspended whilst CPS consider the allegations? Who makes that decision? Does the PCC consider that it would be acceptable if the Chief Constable or his Deputy or Assistants were subject to similar allegations, if they carried on working?</p>	<p>Investigate complaints about non criminal behaviour of PCC. The Panel has no legal power to suspend the PCC in the present circumstances. Section 30 of the Police Reform and Social Responsibility Act 2011 provides that a panel may suspend a PCC if it appears he/she is charged with an offence. PCC has not been charged with an offence. The Secretary has responded to the complainant to set out this legal position.</p>
<p>COM7</p>		<p>Complaint against PCC for failure to deal with complaints made to him by the complainant relating to alleged actions by officers employed by Lancashire Constabulary and Blackburn With Darwen Council.</p>	<p>Complaint was forwarded to Secretary by OPCC. Unclear to Secretary whether this was a complaint but a written response has been provided to explain PCP has a statutory duty to investigate complaints about non criminal behaviour of the PCC. The Panel has no legal power to suspend the PCC in the present circumstances. Section 30 of the Police Reform and Social Responsibility Act 2011 provides that a panel may suspend a PCC if it appears he/she is charged with an offence that carries a maximum prison term of more than two years. PCC has not been charged with an offence. The OPCC support the PCC in his role of holding the Chief Constable to account. Not within the Secretary's remit to comment upon latter part of the query and any rules/regulations that may apply. This issue referred back to the OPCC for them to respond.</p>
<p>COM8</p>		<p>The complaint in summary alleges negligence and lack of support from the police service in relation to an allegation of being a victim of two serious assaults. Complainant alleges PCC's lack of intervention to resolve concerns about investigation into allegations and case associated matters not being dealt with appropriately. The</p>	<p>Complaint referred to Secretary by the IPCC. The Secretary has written to the complainant to confirm the Chief Constable is responsible for dealing with operational issues and also dealing with complaints and conduct matters in relation to personnel under his direction and control. Whilst complainant had indicated his wish to complain to the PCC, this matter would not be under the jurisdiction of the PCC to investigate or respond to. The Secretary has forwarded the correspondence to the Chief Constable, in order that he may respond in due course. Secretary also confirmed the PCC does not have any legal power to deal with complaints against a local authority. The complainant has been in separate correspondence previously in this regard, with Blackburn with Darwen Borough Council.</p> <p>The Secretary to the Panel has contacted the Home Office requesting clarification on the definition of complaints that allege the Police and Crime Commissioner has not acted to resolve complaints into operational police matters when they are raised with him. The Secretary on behalf of the Panel is seeking clarification on whether the Panel has jurisdiction to consider such a complaint, given the matters being raised relate to police operational matters, although</p>

	<p>complainant also alleges harassment by one of the PCC's members of staff. Complainant in addition alleges harassment continues even though complainant now resides in another country.</p>	<p>the complainant is in effect complaining that the PCC has not ensured the Chief Constable or his officers have resolved their complaints properly. The Home Office have acknowledged our request for clarification and a response is awaited.</p>
COM10	<p>Complaint about poor service from the police in relation to an un-provoked attack on the complainant in 2009 and that the Chief Constable is ultimately responsible for the actions of his officers and he failed to address the complainant's concerns. Complainant sought an apology from the Chief Constable. Complainant also dissatisfied with responses he had received from the Professional Standards Department.</p>	<p>Complainant's allegations are outside remit of the Panel and directly related to operational policing and allegations regarding conduct of OPCC officers.</p> <p>Complaint referred by Secretary to the Panel to Chief Executive of the OPCC who wrote to the complainant, providing him with a detailed response. This confirmed the Chief Executive has asked the Head of Professional Standards to re-visit concerns raised by the complainant. She also commented on the actions of her officers and advised on the appeals process in relation to the complaint against the Chief Constable, following her decision that there was no evidence of misconduct by him.</p>