

Public Document Pack

Police & Crime Panel for Lancashire

Monday, 9th March, 2020

6.30 pm

Chorley Town Hall

AGENDA

1. **Welcome and Apologies**
2. **Minutes of the Meetings held on 9th December 2019 and 4th February 2020**
Police and Crime Panel for Lancashire Minutes December 2019 **3 - 11**
Police and Crime Panel for Lancashire Minutes February 2020
3. **Declarations of Interest**
4. **Public Questions**
5. **Presentation - Update on Capital Programme**
6. **Presentation by the Chief Constable**
7. **Performance Management Report**
performance report **12 - 14**
8. **Police and Crime Commissioner Decisions**
Decision Report **15 - 17**
9. **Task & Finish Groups Updates**
Task Finish Group Update 2019 20 **18 - 19**
10. **Appointment of Independent Co-Opted Member**
11. **Update of Complaints Procedure**
Police Crime Panel Update to Complaints Procedure **20 - 35**
PCC-Complaints-2020

12. Monitoring of Complaints

PCP Complaints Update

36 - 38

13. Urgent Business

An item of urgent business may only be considered under this heading where, by reason of special circumstances to be recorded in the Minutes, the Chairman of the meeting is of the opinion that the Item should be considered at the meeting as a matter of urgency. Wherever possible, the Secretary of the Panel should be given advance warning of any Members intention to raise a matter under this heading.

14. Date of Next Meeting

The next meeting of the Panel (AGM) will be held on Monday 6th July 2020, at 10am in Blackburn Town Hall.

Date Published: 28th February 2020

Police and Crime Panel for Lancashire

Minutes of the meeting held on Monday 9th December 2019

Present:

Chair

Councillor Alistair Bradley, Chorley Borough Council

Committee Members

Councillor Andy Kay, Blackburn with Darwen Borough Council

Councillor Ben Aitken, Fylde Borough Council

Councillor Geoff Driver, Lancashire County Council

Councillor Munsif Dad, Hyndburn Borough Council

Councillor David Whipp, Pendle Borough Council

Councillor Sue Bibby, Ribble Valley Borough Council

Councillor Steve Hughes, Rossendale Borough Council

Councillor Roger Berry, Wyre Borough Council

Abdul Mulla, Independent Co-opted Member

Also in attendance

- Clive Grunshaw, Police and Crime Commissioner
- Angela Harrison, Office of the Police and Crime Commissioner
- Steve Freeman, Office of the Police and Crime Commissioner
- Robert Ruston, Office of the Police and Crime Commissioner
- David Fairclough, Secretary
- Sian Roxborough, Council Solicitor
- Phil Llewellyn, Governance and Democratic Manager

1. Welcome and Apologies

The Chair, Councillor Alistair Bradley welcomed all to the meeting, and reminded Members of the Purdah period due to the forthcoming General Election . Apologies had been received from Councillors Ivan Taylor, Alan Hosker, Alistair Sinclair, Simon Hore and Paul Foster.

2. Minutes of the Meeting held on 18th September 2019

RESOLVED - The Minutes of the meeting held on 18th September 2019 were agreed as a correct record.

3. Declarations of Interest

Abdul Mulla declared an interest in the item below –VRU/Knife Crime – (Charity he works for receives funding).

4. Public Questions

No public questions had been received.

5. Presentation on the Violence Reduction Unit (VRU)/Knife Crime

Robert Ruston gave a presentation on Knife Crime and the Lancashire Violence Reduction Unit (VRU).

The VRU had been established via Government funding for 18 Police Forces to tackle serious violence, and a multi-agency approach was in place, with a focus on Early Intervention. The focus in Lancashire was on defining the extent of the issue and developing solutions, and the structure and work streams of the VRU were outlined along with lead officers. Funding via the Home Office for the VRU and also Knife Crime was overseen by the OPCC in terms of oversight of the two grants.

The context of Knife Crime in Lancashire was outlined, in terms of number of victims and the type of crimes where knives were used, along with the Risk factors that led to knife crime, which included deprivation, domestic abuse, NEET and homelessness.

The next steps were outlined, which included development of a mission statement, Strategy, promotional events and evaluation of pilot programmes.

Members of the Panel made comments on the presentation, in particular in terms of engagement with young people, and Abdul Mulla offered his assistance in identifying a suitable Third Sector representative.

Funding wise, Members of the Panel asked about how the money would be spent by the end of March 2020 (£2.8M) and Robert Rushton advised that Lancashire Constabulary received £1.8M of the funding, with £1.16M being allocated for staffing.

The Chair requested that the Panel be kept updated on progress of the initiative and also use of the funding.

RESOLVED – That the presentation be noted.

6. Membership of the Panel 2019/20

Further to discussions at the meetings in July and September, a report was submitted on the latest position in terms of Membership of the Panel for 2019/20.

Members were reminded that given the failure of the Panel to be able to fully agree its composition for 2019/20 the Panel at the last meeting asked the Secretary following consultation with all Lancashire Leaders, to write to the Secretary of State as regards finalisation of membership arrangements for 2019/20. Pending a reply it was noted the membership would need to remain at the core membership level of 15 Councillors (as nominated to date) and the 2 independent co-opted members.

On 1st October 2019 the Home Office wrote to respond to the Panel as regards the issue of membership and the `balanced appointment objective`. A copy of the

response was circulated to Lancashire Leaders and Panel Members on 10th October 2019 and was reproduced as Appendix A to this report.

The Home Office had confirmed the advice of the Secretary that it was the responsibility of the Panel to agree nominations which were acceptable to all of its Members and the balanced appointment objective must be secured as far as reasonably practicable – and if disagreement on co-option was irreconcilable, then the Panel may have reached the limit of the definition.

Given this advice the Panel were asked to confirm their membership for 2019/20 as the current 15 members plus 2 independent persons.

In addition in the light of the passage of time in confirming membership and the experience and knowledge of the core membership to date, it was considered appropriate to defer the Induction and Introduction to the role and function of the Police and Crime Panel until post the confirmed membership for 2020/21 following the AGM in July 2020.

RESOLVED – That the Panel:

1. Note the Membership Update Report and confirm Membership for 2019/20.
2. Agree that at the AGM in July 2020 when the Panel consider reviewing the membership of the Panel in 2020/21 they consider additional members (if required) in accordance with the legislation and in light of the confirmatory advice from the Home Office as referenced in this report.
3. Note that the Induction and Introduction to the role and function of the Police and Crime Panel be scheduled for Panel Membership in 2020/21.

7. Performance Monitoring Report

The PCC submitted his latest Performance Monitoring report, highlighting in particular the large number of Homicides being dealt with by the Major Incident Rooms, with a normal expectation of 12 murders a year being more than doubled, with 26 reported in the report submitted, which at the time of the meeting currently stood at 30 murders, and there was no set pattern to report, and these incidents had to be heavily resourced and came at a huge cost on already stretched resources.

The PCC also circulated a CSP funding update, which outlined the projects across each Borough, in terms of allocated and remaining funding.

The Commissioner answered a number of questions, including relating to the accuracy and comparability of information in the Northgate System, advising that he would report back on this, and also on issues with responding to crimes reported

digitally to the three Centres, which he advised should improve following the decant and that a dedicated team were now looking at this area.

In response to a question relating to homicide investigations, in particular on the time taken to investigate child deaths, the PCC advised he would report back on this at a future meeting.

Finally, the PCC confirmed that the report by HMICFRS on their inspection relating to Counter Terrorism would be reported back to the next full Panel meeting in March.

RESOLVED – That the report be noted.

8. PCC Decisions

A report was submitted, highlighting decisions made in the period since the last meeting of the Panel on 18th September 2019.

RESOLVED – That the report be noted.

9. Task and Finish Group Update

A report was submitted which provided an update on progress of the Task and Finish Groups, and Councillors Berry and Whipp verbally reported at the meeting. It was reported that following the September meeting of the Panel, the Secretary's office sought additional Panel members to complete the two Task & Finish Groups for this year.

Councillor Boswell joined the Frontline Policing Task and Finish Group along with Councillor Whipp, and Councillor Hughes has joined the Contact Centre Task and Finish Group.

The Secretary's office confirmed with Councillor Berry the key areas for scrutiny for Task and Finish group 1 and specific information was being prepared by the Office of the Police and Crime Commissioner for circulation to Task and Finish Group members on these areas as follows:

- Neighbourhood policing and response teams and their interactions, and whether there is evidence that this model of policing works;
- The balance between neighbourhood policing and response teams, and whether there is a need to recruit more PCSOS and Specials to assist neighbourhood policing;
- Progress in reducing knife crime.

Once this information had been circulated the group would consider and determine how it would like to progress further scrutiny of the topic in advance of reporting back to the Panel in March.

Councillor Whipp would be similarly providing information to the Secretary's office identifying the area's for closer scrutiny in respect of the Contact Centre and then determining how the Task and Finish group would progress more detailed scrutiny in advance of reporting back to the Panel in March.

RESOLVED – That the update report be noted.

10. Verbal Update -Annual PCP Conference November 2019

The Vice Chair, Councillor Andy Kay, and Phil Llewellyn reported on their attendance at the Annual PCP Conference organised by Frontline Consulting.

The Conference had been very well attended by Panels across the Country, and the workshops had been particularly useful this year. It was reported that Membership of the National Association was now free following the AGM meeting held at the Conference, and also that Panels were being encouraged to fully utilise the Home Office Grant and also now had to provide more information when completing grant returns.

The Conference had once again been a very good opportunity to share good practice and make key contacts across the Country.

RESOLVED – That the verbal update be noted.

11. Forward Plan 2019/20

Following discussions at the last meeting, an updated Forward Plan was submitted for 2019/20.

RESOLVED - That the updated Forward Plan for the Municipal Year 2019/20 be agreed and published.

12. Monitoring of Complaints

A report was submitted which set out the current position with regard to communications relating to potential complaints received up to 19th November 2019 in relation to the Police and Crime Commissioner.

Since the commencement of the Panel in 2012 there had now been 73 recorded communications which at the outset were described by the complainants as complaints against the Police & Crime Commissioner, and in all 67 outcomes had been reported to previous meetings.

Since September 2019 through to 19th November 2019 there had been a further 6 communications/complaints considered, 3 of which, (69), (70) and (73) related to operational police matters so the complainants had been advised of the appropriate authority to which to address their concerns.

In respect of (68), this matter related to a complaint about the conduct of a survey by an officer in the Police and Crime Commissioners Office and the complaint was re-

directed to the Director of the Office of the Police and Crime Commissioner to handle as the appropriate authority to respond.

In respect of (71), this complaint related to allocation of funding to an organisation and continued complaints about an individual. On initial assessment it was found that the Commissioner had responded to the enquiries previously and that the complaint was repetitious relating to a previous set of complaints reviewed and responded to by the Secretary, i.e. (39) in 2017 and (51) in 2018.

In respect of (72), this complaint was currently subject of initial assessment and the outcome would be reported to the next meeting.

RESOLVED – That the update in relation to communications and complaints be noted.

13. Urgent Business

There were no items of urgent business.

14. Date of Next Meeting

The next meeting of the Panel would be held at 6.30pm on Monday 20th January 2020 (Precept only) Cabinet Room 'C' The Duke of Lancaster Room, County Hall, Preston.

Signed.....Chair
2020

Police and Crime Panel for Lancashire

Minutes of the meeting held on Tuesday 4th February 2020

Present:

Chair

Councillor Alistair Bradley, Chorley Borough Council

Committee Members

Councillor Mohammed Khan, Blackburn with Darwen Borough Council

Councillor Ivan Taylor, Blackpool Borough Council

Councillor Geoff Driver, Lancashire County Council

Councillor Dave Parkins, Hyndburn Borough Council

Councillor Alistair Sinclair, Lancaster City Council

Councillor David Whipp, Pendle Borough Council

Councillor Robert Boswell, Preston City Council

Councillor Sue Bibby, Ribble Valley Borough Council

Councillor Jackie Oakes, Rossendale Borough Council

Councillor Mick Titherington, South Ribble Borough Council

Councillor Kevin Wright, West Lancs Borough Council

Councillor Roger Berry, Wyre Borough Council

Also in attendance

- Clive Grunshaw, Police and Crime Commissioner
- Angela Harrison, Office of the Police and Crime Commissioner
- Steve Freeman, Office of the Police and Crime Commissioner
- Sian Roxborough, Council Solicitor
- Phil Llewellyn, Governance and Democratic Manager

1. Welcome and Apologies

The Chair, Councillor Alistair Bradley welcomed all to the meeting, in particular Councillor Mohammed Khan, who had replaced Councillor Andy Kay as Blackburn with Darwen Borough Council's representative. Apologies had been received from Councillors Ben Aitken, Steve Hughes, Munsif Dad, Simon Hore and Paul Foster.

2. Declarations of Interest

There were no Declarations of Interest submitted.

3. Appointment of Vice Chair

It was reported that due to a change of Panel representative from Blackburn with Darwen, that a new Vice Chair was required for the remainder of the Municipal Year.

Councillor Roger Berry was nominated for the position of Vice Chair, which was seconded by several Members of the Panel.

RESOLVED – That Councillor Roger Berry be appointed Vice Chair of the Panel for the remainder of the 2019/20 Municipal Year.

4. Police and Crime Commissioner's Budget 2020-21

The Commissioner presented a report which set out the latest financial position for the Police and Crime budgets in Lancashire for 2020/2021 and proposals in relation to the Council Tax Precept.

The report set out the latest forecast for the Police and Crime budgets in Lancashire for 2020/21 and the proposals in relation to the precept.

As a result of the General Election in December 2019, the police finance settlement for 2020/21 was only received on 22nd January 2020. The published settlement had now provided certainty over the funding available and was reflected in the report.

Included in the report was the current financial position which reflected the changes in the level of resources, additional cost pressures, reductions in the cost base and the identification of additional savings agreed by the Commissioner since setting the budget for 2019/20. The report set out the draft revenue budget for 2020/21, the council tax proposal for 2020/21, and the draft capital investment programme for 2020/21 to 2024/25 and the financing available. In addition, the report set out the advice of the Commissioner's Chief Finance Officer on the robustness of the budget and the adequacy of the level of reserves.

The Commissioner advised that the Police Settlement included the expectation that PCCs would increase council tax by £10 for a Band D property in 2020/21. The report gave details of the shortfall of funding compared to budget requirement, and if council tax was not increased this would be £5.773m. This was £1.798m higher than the gap previously identified to panel. The proposed increase to the precept of £10 for a Band D property would generate additional income of £4.444m in 2020/21 towards meeting the funding gap of £5.773m.

The report identified how the remaining funding gap would be bridged through additional savings of £1.329m, and detailed risks and uncertainties, the latest Medium Term Financial Strategy, the draft Capital Programme and also engagement with the public on the precept.

Members of the Panel then asked a number of questions and made comments on the Commissioner's proposals, in particular in relation to impact on Neighbourhood Policing, use and number of the extra Police Officers that would be employed in Lancashire following the Government's announcement of an extra 6,000 nationally, further details were required on the investment plans for the Estate, and also on Climate Change/'Greening' of the Constabulary.

The Commissioner, supported by Angela Harrison and Steve Freeman, provided responses to the questions and comments arising, and agreed to report back to the Panel at future meetings on 'Greening' of the Constabulary and also on investment plans for the Estate.

The Panel then moved to the vote and the recommendations were carried.

RESOLVED –

That the Police and Crime Panel:

- Noted the details of the 2020/21 police finance settlement and the overall impact on Lancashire's budget;
- Noted the report on the public consultation undertaken in respect of the proposed precept level;
- Agreed the Commissioner's proposal to increase the council tax precept by £10 for a Band D property in 2020/21;
- Make arrangements to ensure that a formal written response to the proposals is sent to the Commissioner by 8th February 2020.
- Noted the draft capital investment programme for the period 2020/21 to 2024/25 and the financing available;
- Noted the proposed use of the Commissioner's reserves in 2020/21 and future years.

5. Urgent Business

There were no items of urgent business.

6. Date of Next Meeting

The next meeting of the Panel would be held at 6.30pm on Monday 9th March 2020 at Chorley Town Hall.

Signed.....Chair
2020

POLICE AND CRIME PANEL

Meeting to be held on 9 March 2020

Police & Crime Plan Performance Monitoring Report

Contact for further information Ian Dickinson, 01772 533587, Office of the Police and Crime Commissioner, ian.dickinson@lancashire-pcc.gov.uk

EXECUTIVE SUMMARY

The Purpose of this report is to provide Members of the Panel with an update on progress in delivering the current Police and Crime Plan (the Plan) for Lancashire 2016-2021.

This is the final report before the PCC elections in May and covers the 3rd quarter' from the 1 October 2019 to 31 December 2019.

RECOMMENDATION

The Panel is asked to consider the report.

Background

1. The Police and Crime Commissioner has a responsibility to hold the Chief Constable to account for the Constabulary's performance as against the police and crime plan priorities by means of the quarterly Strategic Scrutiny meeting.
2. This link <https://www.lancashire-pcc.gov.uk/meetings-and-decisions/meetings-and-reports/strategic-scrutiny-meetings/> details the Scrutiny papers received from the Chief Constable and the note of the meeting records the PCC holding the Chief Constable to account.
3. The Panel are therefore referred to that Scrutiny meeting and may through today's meeting ask the Police and Crime Commissioner issues they feel relevant to that Scrutiny.

Performance Headlines

4. Since the last meeting in December 2019, Lancashire Constabulary has been rated as outstanding for efficiency following an inspection by Her Majesty's Inspectorate of Constabulary and Fire & Rescue Services (HMICFRS).
5. In spite of 10 years of government cuts, the Commissioner is resolute in his believe that this inspection is testament that Lancashire continues to have one

of the best and most efficient police forces in the country which we should all be proud of.

6. Additionally, the Inspectorate rated the Constabulary good at reducing crime, keeping people safe, protecting vulnerable people and treating its staff and communities with fairness.
7. The Commissioner is also pleased to report that HMICFRS praised the Constabulary's approach to planning based on evidence and insight, making investment in critical service areas to meet the changing nature of demand and aligning resources to meet the expectations of the public.
8. Preparatory work has also continued in order to refurbish the Force Control Room (FCR) during 2020/21. The FCR POD moves commenced on the 28th January 2020 with the South POD moving over a phased three day period to the new control room at Preston. Following return to a refurbished FCR in 2021, the Preston control room will be retained as a force Silver Command Suite and 'Fall Back' location. Following a period of stable operation of the temporary South POD, the East POD moved w/c 10th February to Preston and Burnley. West POD will be the final POD to move out from the main room w/c 24th February, following the completion of ICT upgrades and User Acceptance Testing.
9. The multi-agency Violence Reduction Unit (VRU) has been developing a Strategic Needs Assessment and problem profile, to provide a baseline understanding of violence in Lancashire and the prevalence of any risk factors. This will inform the VRU Strategy and implementation plan for 2020/21, prior to partnership consultation events planned in February and March. Six work streams are in progress offering parenting support, the Divert programme, Accident and Emergency navigators, interventions with prisoners and their families, a multi-agency violence reduction team and awareness raising/prevention. An additional work stream will see family support workers assigned to families at risk of exploitation.
10. Through the Commissioner's office, Lancashire Constabulary have submitted a bid into the Conducted Energy Device Fund (Taser) for 95 devices in this financial year at a cost of £78,375 and a further 285 devices in 20/21 at a cost of £235,125.
11. Additionally, as members are aware, since April 2017 the Commissioner has contracted Victim Support to deliver the Independent Sexual Violence Service as part of an integrated service for all victims of crime, Lancashire Victim Services.
12. Prior to commissioning this service the Commissioner's office undertook research with Lancashire Police and NHS England to estimate the anticipated volume of referrals that would require the support of an ISVA (Independent Sexual Violence Advisor). This was originally was around 450 referrals per annum with ISVA resource of 7FTE using this information as the basis. Demand on the service as a whole, and in particular the ISVA service has

increased significantly over the past three years and is on target for over 2,300 adult and over 1,100 Children and Young Person (CYP) referrals this financial year.

13. The Commissioner has therefore submitted a bid in to the Violence Against Women and Girls Fund for £219,415 per annum in order to employ 3FTE CYP ISVA's who will work with CYP aged 5 – 13 and 2 FTE Adult ISVAs to supplement the existing team. If successful, the funding would be awarded to our commissioned provider Victim Support and therefore could be awarded quickly and simply by way of a Contract Variation Notice rather than a lengthy procurement or grant award. Victim Support have assured the OPCC that as soon as funding is secured they will commence recruitment which usually takes around eight weeks.
14. Finally, the Panel will recall that at the precept meeting an enquiry was made of the Commissioner in relation to the uplift of police officers and the 2020/21 Capital Programme. Arrangements have been made for members to receive an update on these issues elsewhere on the agenda.

Recommendation

Panel Members are recommended to consider the information contained in this report, and the information provided within the meeting, and comment accordingly.

Angela Harrison
Director

POLICE AND CRIME PANEL

Meeting to be held on 9 March 2020

Police & Crime Commissioner Decisions

Contact for further information: Ian Dickinson, 01772 533462, Office of the Police and Crime Commissioner, ian.dickinson@lancashire-pcc.gov.uk

EXECUTIVE SUMMARY

The purpose of the report is to highlight decisions made by

- i) the Police and Crime Commissioner for Lancashire, and
- ii) the Director, or authorised officer, under delegated authority in the period since the last meeting of the Panel on the 9 December 2019.

RECOMMENDATION

The Panel is asked to consider the report and raise any issues identified on the decisions presented.

1 Background

- 1.1. Under Section 28(6) of the Police Reform and Social responsibility Act 2011, the Panel is obliged to review or scrutinise decisions made, or other action taken, by the Police and Crime Commissioner's functions and, where necessary, make reports or recommendations to the Police and Crime Commissioner with respect to the discharge of the Commissioner's functions.
- 1.2. The Commissioner is under a statutory obligation under the terms of the Specified Information Order to publish details of decisions of significant public interest. In more general terms under Section 13 of the 2011 Act, the Commissioner is obliged to ensure that he provides the Panel with any information that it might reasonably require to allow it to carry out its functions. This would include the provision of information regarding the Commissioner's decisions and actions, irrespective of whether they were to be considered to be of 'significant public interest'.
- 1.3. In this respect, the Commissioner publishes on his website all decisions he has made.
- 1.4. Further details on all these decisions are available for scrutiny on the Commissioner's Website at:-

<http://lancashire-pcc.gov.uk/meetings-and-decisions/decisions/>
- 1.5. Additionally, Members may access the Strategic Scrutiny Agenda and Minutes at

<http://lancashire-pcc.gov.uk/meetings-and-decisions/meetings-and-reports/strategic-scrutiny-meetings/>

and the Joint Management Board papers at

<http://lancashire-pcc.gov.uk/meetings-and-decisions/meetings-and-reports/joint-management-board/>

2 Decisions made and/or published since the last scheduled meeting of the Police and Crime Panel

2.1 Drawing on the information published on the Commissioner's website, a number of decisions have been made since the report to the Panel at its last meeting on 9 December 2019. These are set out in the table below.

Decision Reference	Decision Title	PCC Priority	Date of Decision
2019/32 (restricted)	Lancashire Victim Services – Future Funding Arrangements	Supporting vulnerable people & victims	13 th December 2019
2019/33	Immediate Resourcing Agreed for Delivery of Uplift Programme	All Priorities	21 st November 2019
2019/34	Community Action Fund	All Priorities	12 th December 2019
2019/12	Early Intervention Youth Fund – Twilight Project	Supporting vulnerable people & victims	9 th December 2019
2019/35 (restricted)	Digital Evidence Management Solution - Funding	Protect local Policing	13 th December 2019
2019/36	Violence Reduction Unit – Divert Programme Funding for 2020/21	All priorities	13 th December 2019
2019/37	Knife Crime Grant Fund Applications	All priorities	13 th December 2019
2019/38	DBS Checks for Community Organisations in Lancashire	Protect local Policing Supporting vulnerable people & victims	17 th December 2019
2019/39	Treasury Management mid-year report 2019/20	Governance	17 th December 2019
2019/40 (restricted)	Storage Refresh and Procurement	Protect local Policing	17 th December 2019
2019/41 (restricted)	Body Worn Video	All priorities	17 th December 2019
2019/42 (restricted)	Counter Terrorism Policing North West	Reducing crime and re-offending	20 th December 2019
2019/43	Police Force Collaboration Agreement for the Provision of Police Officers from the Civil Nuclear Constabulary	Protecting local policing Reducing crime and re-offending	7 th January 2020
2019/44	Reducing Re-offending Funding	Reducing crime and re-offending	16 th January 2020

2019/45	Agreement Under Section 60 of the Police (Northern Ireland) Act 1998	Governance	27 th January 2020
2019/46 (restricted)	Operation Whittlewood	Governance	7 th February 2020
2019/24	Police Complaints Reform	Governance Supporting vulnerable people & victims	6 th February 2020
2019/49	Community Action Fund	All Priorities	17 th February 2020
2019/50	Renewal of Insurance for the OPCC	Governance	20 th February 2020
2019/51	Financial position as at 31 st December 2019	Governance	20 th February 2020
2019/52	The Commissioner's Revenue Budget and Council Tax for 2020/21 and Capital Investment Programme for 2020/21 and Future Years	Governance	20 th February 2020
2019/53	OPCC Corporate Risk Register	Governance	20 th February 2020
2019/54	Joint Audit & Ethics Committee – Revised Terms of Reference	Governance	20 th February 2020

3. Director's Delegated Decisions

3.1 The Panel will recall that the Commissioner has agreed to the Director's delegated decisions being published.

3.2 A report detailing the exercise of her delegations made since the last meeting was presented to the Commissioner on the 2 March 2020. This report has been published along with all other decisions made by the Commissioner on the website and is available for inspection via the following link.

<http://lancashire-pcc.gov.uk/meetings-and-decisions/decisions/>

4. Conclusion

4.2 In accordance with its statutory duty, the Panel has the opportunity to scrutinise and review the decisions made and published as set out in the report now presented.

Police and Crime Panel for Lancashire

Meeting to be held on the 9th March 2020

Task & Finish Group Update

Contact for further information: David Fairclough, Secretary to Police & Crime Panel, david.fairclough@blackburn.gov.uk

Executive Summary

The Panel to receive the latest updates from the work of the Task& Finish Groups

Recommendation

The Panel is asked to note the reports and make any recommendations for further scrutiny or action.

Background and Advice

It was agreed at the September meeting of the Panel that Subject Task and Finish Leaders (Champions) be nominated from the membership as follows:

Councillor Berry agreed to lead on Frontline Policing

Councillor Whipp agreed to lead on the Contact Centre

The Task and Finish Leaders, supported by their group members will update the wider Panel on progress and feedback issues/recommendations for consideration at the meeting.

Consultations

All Members of the Panel are consulted in relation to Task and Finish Group work as set out in this report.

Implications:

This item has the following implications, as indicated:

Legal Implications

The Police Reform and Social Responsibility Act 2011 introduced Police and Crime Panels (PCP) as formal joint committee of all the local authorities in a police force area, with the following main responsibilities.

- making recommendations on the Police and Crime Commissioners (PCC) Police and Crime Plan and Annual Reports;
- consider the PCCs appointment of a Chief Constable, with the Panel having power of veto over the appointment;
- consider the level of precept to be set by the PCC, again with a power of veto;
- review certain senior appointments by the PCC;
- scrutinise and support the activities of the PCC.

The creation of Task & Finish Groups to fulfil the scrutiny of the work of the Commissioner is appropriate and meets the legislative function of the Panel.

Financial Implications

The costs of operating and supporting Task& Finish Groups are borne from the Home Office Grant supporting the Panel.

Risk Management

The requirement for an Independent Police and Crime Panel for Lancashire is in accordance with the provisions of the Police Reform and Social Responsibility Act 2011.

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

None

Reason for inclusion in Part II, if appropriate N/A

Agenda item

Police and Crime Panel

Meeting to be held on 9th March 2020

UPDATE TO LANCASHIRE POLICE & CRIME PANEL COMPLAINTS PROCEDURE

Contact for further information:

David Fairclough (01254) 585642 Secretary Lancashire Police & Crime Panel,
david.fairclough@blackburn.gov.uk

Executive Summary

This report proposes changes to the advisory notes in the Police & Crime Panel Complaints Procedure consequent of the Policing and Crime Act 2017 amending the handling of Police Complaints matters by the Commissioner.

Recommendation

That the Panel approve the updating of the advisory paragraphs in the introductory section of the Lancashire Police and Crime Panel Complaints Procedure as set out in this report.

Background and Advice

In December 2018 the Panel received a report detailing changes to the Police Complaints Procedure and the potential implications for the Panel Complaints Procedure.

That report outlined:

The Policing and Crime Act 2017 introducing various changes to the Police Complaints regime including:-

- Changes to the ability of police officers subject to misconduct proceedings to resign and changes to the barred officers list arrangements;
- Changes to the Independent Police Complaints Commission structure and constitution including a change of name to the Independent Office for Police Conduct (IOPC) (which took effect on 8th January 2018);

- The introduction of the concept of super complaints; and
- The introduction of changes to the Police Complaints Regime including an enhanced role for Police and Crime Commissioners (the subject of this report which has now taken effect).

The paper then set out the changes to the Police Complaints regime in more detail and described the approach being taken in Lancashire to these changes.

Overview of the changes to the Police Complaints regime

It reported that the Act made a number of changes to the police complaints regime in order to increase public confidence and to simplify the system.

These changes included:-

- Introducing a broader definition of a complaint;
- Allowing low level customer services issues to be resolved informally outside of the formal process;
- Requiring that all complaints are recorded unless the complainant withdraws the complaint or it is decided to address it informally;
- Removing the different options for handling complaints and replacing them with a duty for appropriate authorities to handle complaints in a reasonable and proportionate manner; and
- Simplification of appeal points so that there is one right of appeal in relation to the outcome of the complaint.

It also reported that the Act also seeks to strengthen the role of Police and Crime Commissioners (PCC's) in the complaints process. It introduced new duties which are mandatory and also allows Police and Crime Commissioners to choose to take over a number of functions. It will also allow Police and Crime Commissioners to delegate their complaint handling powers.

There were three options under the Policing and Crime Act for Police and Crime Commissioners outlined:-

Option 1 – Reviews - Mandatory

The PCC will have an express duty in relation to the oversight of the complaints process. Police and Crime Commissioners will become the body to deal with all reviews (currently known as appeals) which are currently heard by the Chief Constable – this does not include appeals in

relation to potentially criminal or serious misconduct issues which will be heard by the IOPC.

Option 2 – Customer Service approach for low level complaints

Police and Crime Commissioners may choose to receive and record all complaints and to resolve low level complaints outside of the formal process.

Option 3 – Single Point of Contact with Complainants

Police and Crime Commissioners may decide in addition to options 1 & 2 to become the single point of contact with complainants throughout the process unless the matters are being investigated by the IOPC. However, formal investigation of complaints will still remain with police forces.

Timetable

The timetable for the introduction of these changes to the Police Complaints regime was not originally clear. It was originally intended that they would take effect in June 2018, then March 2019, but has only recently come into force.

The position in relation to the Police Complaints changes in Lancashire

The PCC confirmed in the earlier report he has adopted Option 1 of the Policing and Crime Act changes, the Mandatory option, to take over the review/appeals process for police complaints from the Chief Constable. The PCC decided not to take up options 2 and 3 at this stage but will continue to keep this under review.

The PCC as has been previously reported also supported the introduction of a more customer serviced focussed approach to lower level complaints through the introduction of the Constabulary's 'service recovery' team to handle lower level complaints.

This involves early contact with complainants by a dedicated 'Triage Team' within the Constabulary's Professional Standards Department (PSD) in order to establish further details about the matters in question. The complainant's desired outcome is also discussed in order for PSD to work towards providing a conclusion that works for both the Constabulary and the complainant prior to the recording of a formal complaint.

The PCC reports the move towards Service Recovery has improved public satisfaction and public trust through a process of effective and timely communication which then allows the Constabulary to learn important lessons; addressing any documented concerns.

The OPCC will continue to update the Police and Crime Panel on progress and on the expected timescale for implementation of other relevant aspects of the Act.

1. Impact on the Lancashire Police and Crime Panel Complaints Procedure

The Panel handles complaints in respect of the Police & Crime Commissioner and his deputy. Under paragraph 10 of the Procedure the Panel has delegated its authority for the initial handling of complaints, together with other aspects of the process, as set out in the procedure, to the Secretary. As set out separately on this Agenda the Panel is updated on these matters at each meeting.

The Lancashire Police and Crime Panel Complaints Procedure makes clear that its remit is to consider all non-criminal complaints directed against the Police and Crime Commissioner (and Deputy) and any matter referred back to the Panel by the IOPC.

The Home Office do not expect that the PCC's new role in police complaints as described above should lead to an increase in complaints about the PCC that the Panel is required to deal with. This is because complaints about this issue are extremely unlikely to relate to PCC personal conduct issues. In addition, Panels will not provide an additional tier of appeal for complainants who are not satisfied with the PCC's decision following a complaint appeal/review.

However it is acknowledged that the PCC's management of aspects of the police complaints process that they are responsible for will be a legitimate area of scrutiny for the Panel to consider. So for example, if the Panel begins to receive significant numbers of complaints about the PCC's management of police complaints, this may indicate issues the Panel may wish to scrutinise in the future.

What is clear is that it will be important to set out to complainants the separation of the two processes, i.e. those involving the personal conduct of the PCC (covered by Panel Arrangements) and Police conduct complaints (covered by the Police Complaints process as outlined above). This is so complainants do not consider an Appeal to the Panel is a further option should they be dissatisfied with the response they receive as regards a police complaints matter. It is suggested therefore that the advisory note at the beginning of the Lancashire Police and Crime Panel Complaints Procedure be updated as set out in Paragraph 2. (Highlighted)

Consultations

N/A

Implications:

This item has the following implications, as indicated:

Legal Implications

The procedures adopted by the Panel comply with the Elected Local Policing Bodies (Complaints and Misconduct) Regulations 2012 which are issued under the Police Reform and Social Responsibility Act 2011 for the handling of complaints and matters concerning the conduct of the holders of the office of Police and Crime Commissioner.

Financial Implications

There are no direct financial implications arising from this report. The handling of such complaints will as now be contained within existing resources from the Home Office Grant.

Risk management

The requirement to handle, 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>
Changes to Complaints Procedure	February 2020	David Fairclough HR, Legal & Governance 01254 585642

POLICE AND CRIME PANEL COMPLAINTS PROCEDURE

LANCASHIRE POLICE AND CRIME PANEL COMPLAINTS PROCEDURE

BACKGROUND

1. This procedure has been adopted to comply with the Elected Local Policing Bodies (Complaints and Misconduct) Regulations 2012 which are issued under the Police Reform and Social Responsibility Act 2011.

2. The Panel handles:-

- All non-criminal complaints directed against Police and Crime Commissioner (the Commissioner) and if appointed, any Deputy Police and Crime Commissioner; and
- Criminal complaints and conduct matters that are referred back to the Panel by the Independent Office for Police Conduct (IOPC) to be treated by the Panel as a non-criminal complaint.

PLEASE NOTE

The Panel does not deal with complaints involving the conduct/behaviour of Police officers or the delivery of operational policing matters. Complaints involving Police Officers or in respect of Police Operational matters are dealt with by:

Lancashire Constabulary Professional Standards Department,
Police Headquarters
PO Box 77
Hutton
Preston
Lancashire PR4 5SB

Email: hq-professionalstandards@lancashire.pnn.police.uk

Alternatively, you can contact the IOPC directly.

Lancashire Constabulary is responsible for dealing with most complaints about the force and the conduct of police officers and staff, while the Independent Office for Police Conduct (IOPC) investigates the most serious complaints, incidents and allegations of misconduct.

Where a complaint has been recorded under Schedule 3 of the Police Reform Act 2002, the complainant has a right to apply for a review (appeal) of the outcome of the complaint. In this respect legislation is clear that complainants will not be entitled to then further appeal the decision of the Police and Crime Commissioner in relation to their review to the Police and Crime Panel.

The Police and Crime Panel is only able to handle complaints that relate directly to the actions of the Police and Crime Commissioner. The Panel therefore cannot consider complaints about the Police and Crime Commissioner's:

- I. intervention or lack of it into complaints against Lancashire Police, its police officers and staff;
- II. failure to act as an advocate for an individual; or
- III. failure to investigate a personal case.
- IV. decision in relation to their review

AIMS/OBJECTIVES

3. To set out the way complaints against the Commissioner and the Deputy Commissioner will be handled by the Police and Crime Panel (the Panel).
4. To reassure the public those complaints against the Commissioner is dealt with fairly and appropriately.
5. To reassure the public that any complaint relating to a criminal offence will be referred by the Panel to the IOPC.

DEFINITIONS AND INTERPRETATION

6. In these Procedures:

'Sub-Committee' means the Complaints Sub-Committee appointed by the Panel to handle complaints on its behalf.

'Secretary' means the Secretary for the Panel who will be the Monitoring Officer or Deputy Monitoring Officer for the Host Authority.

The term 'Commissioner' includes the Deputy Commissioner.

Meaning of 'Complaint'

7. This Procedure relates to complaints about the conduct of the Commissioner.

'Conduct' means the way things are done or not done, acts or omissions, statements that are made and the way decisions taken.

PLEASE NOTE

It does not cover complaints about the merits of a decision, for example where somebody disagrees with a policy the Commissioner has introduced. The Panel can consider whether a decision was taken properly and in accordance with procedures, but it cannot substitute another view for that of the Commissioner.

8. The Regulations divide complaints into three categories; a complaint, a serious complaint and a conduct matter.

- A complaint is any complaint about the conduct of the Commissioner.
- A 'serious complaint' is a complaint which alleges that the Commissioner has committed a criminal offence.
- A 'conduct matter' is where there exists an indication that the Commissioner may have committed a criminal offence and this comes to light other than by way of complaint.

9. To assist attached to these procedures is a complaint handling flowchart.

INITIAL HANDLING OF COMPLAINTS

Submitting a complaint

10. The Panel has delegated its authority for the initial handling of complaints, together with other aspects of the process, as set out in these procedures, to the Secretary.

If you wish to make a complaint against the Police and Crime Commissioner you will need to contact the Secretary:-

David Fairclough, Monitoring Officer Email:
SecretaryPCP@blackburn.gov.uk

11. When submitting a complaint it is helpful to provide as much information as possible, to be specific regarding what was allegedly said or done, the date it happened, and whether there were any witnesses. A form is available on the website.

Timescales

12. Wherever possible complaints will be acknowledged within 5 working days, and concluded within eight weeks if dealt with through the informal resolution process (see below).

Duty to preserve evidence

13. Where a complaint comes to the attention of the Panel, the first task is to ensure that all appropriate steps are taken to obtain and preserve evidence relating to the complaint.

This duty is ongoing until or unless arrangements are made for the complaint to be dealt with through informal resolution.

Notification and recording of complaints

14. If the complaint relates to another PCC and police force area, the Panel for that area must be notified and the complaint passed on to them

15 If the complaint relates to the Lancashire Commissioner it will be recorded unless the complaint has been, or is already being, dealt with by criminal proceedings or the complaint falls within one of the exemptions or has been withdrawn.

16. If it is apparent at the time for recording a complaint that one of the exemptions applies to that complaint, (See Paragraph 30 below) then Secretary may decide not to record the complaint. Instead the Secretary will note that the recording of the complaint was considered and the reasons why it has not been recorded and any other actions taken. The complainant should be informed of that decision not to accept the complaint and the reasons why.

17. If the complaint is recorded, the complainant and the Commissioner will be provided with a copy of the record of complaint.

However:

- The record may be altered to protect the identity of the complainant or any other person.
- In some cases the Secretary may decide not to provide a copy of the record, if doing so might prejudice any criminal investigation or pending proceedings or would in some other way not be in the public interest. Any decision not to provide the record will be kept under regular review.

Options available to the Panel.

18. There are 3 options available to the Panel:

- A 'serious complaint' or 'conduct matter' will be referred to the IOPC;
- A complaint can be referred to the Panel for informal resolution (see below);
- A decision can be taken to take no action.

Notification and recording of conduct matters

19. If an issue arises because of a media report or for example by a notification of legal proceedings against the Commissioner, and it appears that the Commissioner may have committed a criminal offence, this is referred to as a '**conduct matter**'.

20. A 'conduct matter' is where no formal complaint has been received, but the matter should be treated in the same way as if there was a 'serious complaint'.

21. Such 'conduct matters' will be recorded in the same way as a complaint unless it is satisfied that the matter has already been recorded as a complaint or the subject of past or present criminal proceedings.

22. A conduct matter must be referred to the IOPC.

Reference to the Independent Office for Police Conduct (IOPC)

23. The Panel is not responsible for investigating or determining whether a crime has been committed. The Secretary will decide which complaints may amount to criminal conduct and therefore should be referred to the IOPC. The Secretary may take advice from the IOPC before making the referral.

24. Any 'conduct matter' and any 'serious complaint' (i.e. a complaint about conduct that constitutes or involves, or appears to, the commission of a criminal offence) must be reported to the IOPC as soon as possible.

25. Other complaints must also be referred, if the IOPC requires the matter to be referred to them.

26. Referrals should be made as soon as possible and no later than the close of business the day after the Panel becomes aware that the matter should be referred.

27. The complainant and the person complained about should be notified, unless doing so might prejudice a future investigation.

28. It is possible for the IOPC to decide not to investigate a matter but to refer any complaint back to the Panel for informal resolution. The IOPC shall notify the complainant and the Commissioner that the matter has been referred back to the Panel. The complaint is then treated as a non-criminal complaint by the Panel.

Investigations by the IPCC

29 If the IOPC decide to carry out a full investigation, the IOPC become responsible for producing an Investigation Report and for providing that report to the complainant and further, any publication of that report will be a matter for the IOPC. The outcome of an IOPC investigation is not a matter that can be considered by the Panel.

Circumstances when the Panel does not need to deal with a complaint

30. The Secretary can decide not to refer the complaint for resolution, or to take no action at all, in the following circumstances: -

- A complaint by a member of the Commissioner's staff, arising from their work
- A complaint that is more than 12 months old where there is no good reason for the delay or the delay would be likely to cause injustice
- A complaint about conduct that is already the subject of another complaint
- An anonymous complaint
- A complaint which is vexatious, oppressive or otherwise an abuse of process for dealing with complaints
- A repetitious complaint. For example the complaint is substantially the same as a previous complaint; or it concerns substantially the same conduct; or it contains no fresh allegations or evidence;

31. The complainant will be notified if the decision is taken not to deal with his/ her complaint.

Withdrawn complaints

32. A complainant can withdraw or discontinue their complaint at any time, by notifying the Panel in writing (addressed to the Secretary) and signing the notification. This must be recorded, and if the complaint has been referred to the IOPC they must be updated too.

33. The Panel may decide not to treat the complaint as withdrawn, but to treat it as a 'conduct matter' and refer it to the IOPC in accordance with the procedure set out in paragraph 23 above.

34. The Commissioner will be kept informed, unless to do so might prejudice a criminal investigation or pending proceedings, or would in some other way be contrary to the public interest.

Conduct occurring outside England and Wales

35. The Commissioner is under a duty to notify the Panel via the Secretary, of any allegation, investigation or proceedings relating to his/her conduct outside England and Wales. The Panel can take whatever action it thinks fit in these circumstances. This decision will be made by the Secretary in consultation with the Chair of the Sub-Committee.

Informal Resolution of Complaints

36. The Complaints Sub Committee will deal with the informal resolution of complaints. The Secretary will decide which complaints should be referred to the Complaints Sub-Committee for informal resolution. These procedures apply equally to the Police and Crime Panel and its Complaints Sub- Committee.

37. If a complaint is not referred to the IOPC or has been referred back by the IOPC then unless the complaint falls under Paragraph 30 above, it may be dealt with by informal resolution.

38. Informal resolution is a way of dealing with a complaint by solving, explaining, clearing up or settling the matter directly with the complainant, without an investigation or formal proceedings taking place. It is not a disciplinary process, and does not involve the imposition of any sanction. It is a flexible process that may be adapted to the needs of the complainant and the individual complaint.

39. If a complaint has already been satisfactorily dealt with by the time it comes to the Panel's attention, the complaint may be considered resolved and no further action taken. The Secretary can take this decision following consultation with the Chair of the Sub-Committee.

40. If action is to be taken the Secretary will make arrangements following consultation with the Chair of the Sub-Committee.

41 The Secretary will write to the complainant, setting out timescales; provide details of the informal resolution procedure; and giving the complainant and the Commissioner an opportunity to make further written comments in support of the complaint (allowing two weeks to respond)

42. Any complaint may be remitted at any time for informal resolution to be undertaken by the Panel itself, if the Secretary, the Chair of the Sub Committee, the Sub-Committee or the Panel considers that this may lead to a more satisfactory resolution of the complaint. The complainant or the Commissioner can also request remittal to the Panel.

43. Informal resolution will be discontinued if the IOPC notifies the Secretary/ the Panel that they require the complaint to be referred to them, or if the Secretary decides the complaint should be referred to the IOPC under paragraph 23 above.

Requirements for informal resolution by the Panel

44. The intention is for the procedure to be flexible so it can be adapted to individual circumstances.

45. However, there are some formal requirements which are set out below:

- If a complaint is dealt with by way of informal resolution the Panel does not investigate the complaint, and the duty to preserve evidence does not apply once informal resolution is initiated.
- The Panel has power to require the Commissioner to provide information and documents to them and to attend to answer questions. This does not amount to an investigation. The Panel cannot gather information about or corroborate the complaint by taking statements from witnesses or by seeking documents from other parties.
- The complainant and the Commissioner must be given the opportunity to comment in writing on the complaint as soon as is practicable.
- Any failure by the Commissioner to comment on the complaint when invited to do so will be noted in the written record.
- The Secretary shall send to the Panel the relevant papers and pertinent details of the complaint, 5 working days before the meeting

46. The Meeting

- The complainant and the Commissioner, the Chief Executive or a member of the PCC staff may be invited to the meeting. However

neither the complainant nor the Commissioner is entitled to speak in respect of the complaint at that meeting. However they may be invited to speak at the discretion of the Chair.

- The Panel will normally meet within 6 weeks of a complaint being made to decide upon an informal resolution.
- The matter will be considered by the Panel in private (this means that the public and press will be excluded from this part of the meeting when considering the informal resolution in accordance with the rules on access to information as set out by the Local Government Act 1972 as amended).
- The Panel will first consider whether the complaint has been dealt with satisfactorily and, subject to any written representations by the complainant, may decide to treat the complaint as having been resolved. In such a case, the reasons of the Panel will be recorded and notified to the parties in writing.
- If the Panel considers the complaint has not been dealt with satisfactorily, the Panel will decide what course of action may assist in resolving the complaint, and any recommendations it may wish to make in this respect. This may include:-
 - ❖ An explanatory letter to the complainant written by the Chair or an officer of the Panel (on behalf of the Panel);
 - ❖ An explanatory letter being written by the Secretary;
 - ❖ Requesting that the PCC or one of his or her staff write a letter of explanation to the complainant
 - ❖ A suggested change to the Commissioner's policy; or
 - ❖ Requesting the Commissioner issue an apology to the complainant. This could be face to face or in writing. No apology can be tendered on behalf of the Commissioner unless the Commissioner has admitted the alleged conduct and has agreed to the apology.

47. The decision of the Panel will be recorded as soon as practicable, normally within five working days after the process is completed.

48. The outcome of the meeting should be notified to the complainant, the Commissioner, the Secretary and the PCC's Chief Executive. The matter will then be closed.

The outcome of informal resolution

49 Informal resolution is not a disciplinary process, and does not involve the imposition of any sanction; ultimately the Commissioner is held accountable by the ballot box. However the Panel may publish a report or recommendation.

50. The aim of the informal resolution process is to resolve the complaint to the satisfaction of the parties involved. For example, the person complained against may agree that an apology would be appropriate, an explanation might resolve the concern, or an agreement on how to move forward may be reached following mediation.

Publishing the outcome of informal resolution

51. A record of the outcome of the informal resolution must be made as soon as practicable after the process is completed. Copies must be provided to the complainant and the person complained against.

52. The record of the outcome of informal resolution can be published if it is considered to be in the public interest. This decision rests with the Secretary in consultation with the Chair of the Panel. Before doing so the complainant and the person complained against will be invited to comment, and their views will be considered.

Keeping records

53. A record of all complaints received will be kept until 12 months after the Commissioner and/or Deputy Commissioner leave office. The record will include the name of the complainant, details of the complaint and how the matter has been dealt with.

54. Summary reports regarding complaints dealt with under this procedure will be submitted to the Panel on a regular basis.

Appeals

55. There is no right of appeal to an informal resolution.

56. However a complaint can be made about the way the matter was handled, for example if it was delayed or if there was a failure to record a complaint. In the first instance the complaint should be addressed to the Chair of the Panel:

Email: SecretaryPCP@blackburn.gov.uk

For the attention of 'The Chair of the Police and Crime Panel'

57. The Chair with the assistance of the Secretary will respond to that complaint normally within 4 weeks.

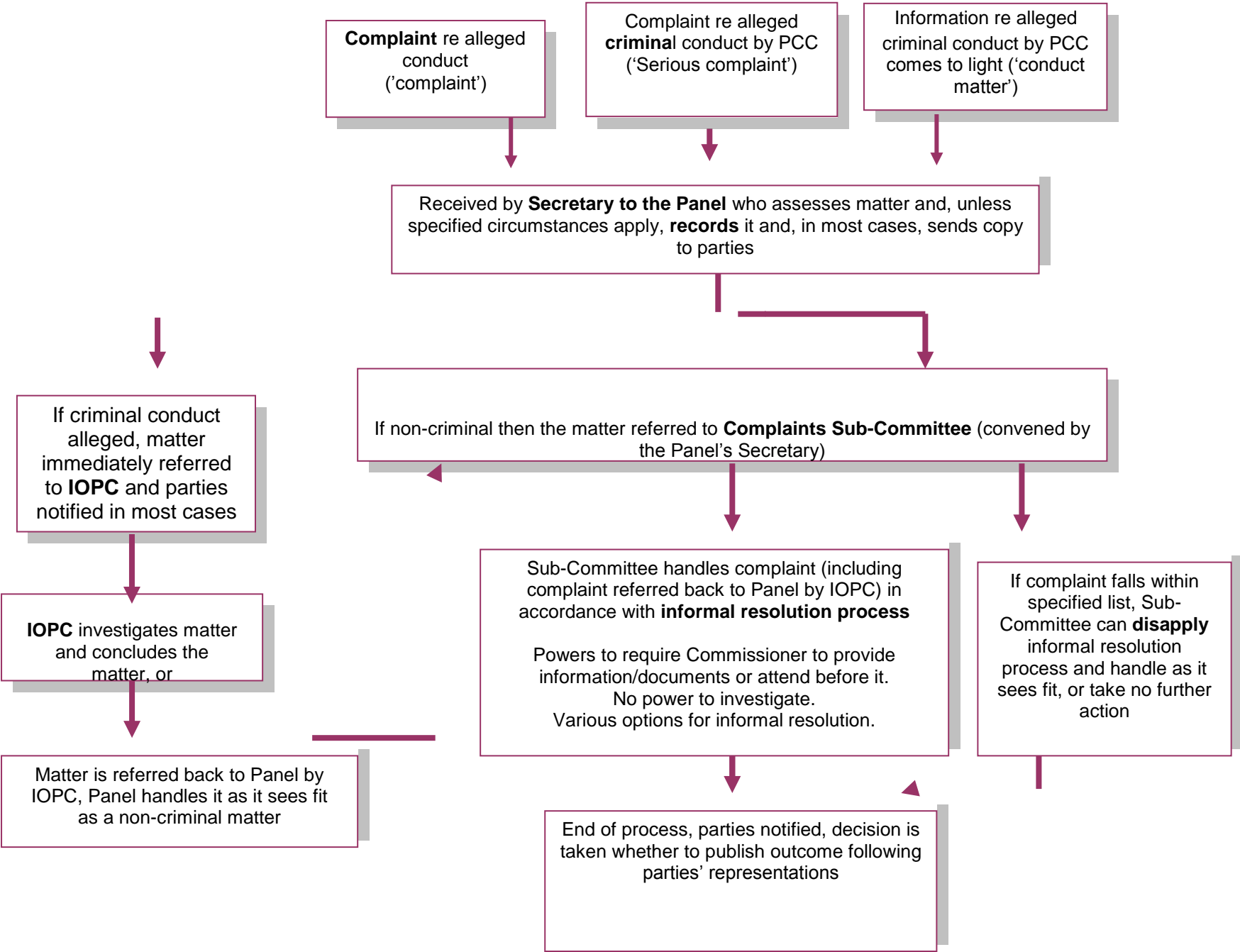
58. If a satisfactory response is not received the complainant can refer the matter to the Local Government Ombudsman:

The Local Government Ombudsman www.lgo.org.uk

9 March 2020

Updated and approved March 2020 revised advisory notes under paragraph 2 re Policing and Crime Act 2017)

COMPLAINT HANDLING FLOWCHART



Agenda item

Police and Crime Panel

Meeting to be held on 9th March 2020

MONITORING OF COMPLAINTS

Contact for further information:

David Fairclough (01254) 585642 Secretary Lancashire Police & Crime Panel,
david.fairclough@blackburn.gov.uk

Executive Summary

This report sets out the current position with regard to communications relating to potential complaints received up to 31st January 2020 in relation to the Police and Crime Commissioner.

Recommendation

That the update in relation to communications and complaints be noted.

Background and Advice

Since the commencement of the Panel in 2012 there have now been 77 recorded communications which at the outset were described by the complainants as complaints against the Police & Crime Commissioner, and 72 outcomes have been reported to previous meetings.

Many of these communications as reported previously however did/do not relate directly to the conduct of the PCC and therefore do not, under the terms of the governing regulations come under the jurisdiction of the Police & Crime Panel.

Many communications received focus on the alleged conduct of police officers or the chief constable, and these are matters for which there are other complaints processes and/or, appropriate authorities to deal with such matters.

Since the last meeting of the 5 complaints outstanding, 3 have been communications/complaints (74 *was also anonymous*), (75) and (76) related to such operational police matters.

In respect of (72), this matter at the time of the last meeting was the subject of Initial Assessment. Following which, it was determined the complaint related

to a an officer in the Police and Crime Commissioners Office and the complaint was re-directed to the Director of the Office of the Police and Crime Commissioner to handle as the appropriate authority to respond.

In respect of (77), this complaint related to allegations of maladministration of complaint handling by the Commissioner. This complainant being the same as (38), (57), (62) & (63) reported previously. Findings of fact against the latest allegations made during the initial assessment process resulted in no further action.

Consultations

N/A

Implications:

This item has the following implications, as indicated:

Legal Implications

The procedures adopted by the Panel comply with the Elected Local Policing Bodies (Complaints and Misconduct) Regulations 2012 which are issued under the Police Reform and Social Responsibility Act 2011 for the handling of complaints and matters concerning the conduct of the holders of the office of 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	David Fairclough HR, Legal & Governance
Agenda and Minutes from	July 2014	David Fairclough HR, Legal & Governance

Agenda and Minutes from March 2016

David Fairclough
HR, Legal &
Governance

01254 585642