



OPCC RECORD OF DECISION

PROJECT NAME OR TITLE
Legislative change: Police complaint reviews of qualifying complaints

DECISION RECORD PREPARED BY	
Name:	Eleanor Tanner
Role:	Business Support and Customer Services Manager
Date of Decision:	18 September 2019

1.0 BACKGROUND

1.1 Reforms to the police complaints and discipline systems, anticipated in early 2020, will result in PCCs nationally taking on the mandatory responsibility for handling appeals (to be renamed reviews) of qualifying complaints outcomes. They are also given the option to take on responsibility for administering certain other parts of the complaints system, as follows:

- the option to take on responsibility for the front end of the complaints system (i.e. initial contact with a complainant, resolving issues outside of the complaints system, recording of complaints).
- the option to additionally assume responsibility for keeping complainants and interested persons properly informed of the progress of the handling and outcome of their complaint. They will in essence become a single point of contact on a complaint.

1.2 These options are about giving PCCs the levers to ensure that complaints about the police are dealt with in a way that is proportionate, timely and in the manner which works best for the local area. Other than taking on responsibility for reviews, the PCC need not change the process if they are confident they have the oversight of the system they need.

1.3 PCCs are not being given a formal role in the resolution process for complaints. Where a complaint is recorded, the statutory duty for resolving that complaint will rest with the police force. This is crucial for maintaining the independence of the review process but also the principle of operational independence.

2.0 DECISION RECORD

2.1 Devon and Cornwall PCC has decided to initially adopt the mandatory element of complaint reform – the responsibility for complaint reviews of qualifying police complaints, and that this position may be reviewed after the 2020 PCC Elections.



2.2 The PCC will appoint a complaints review officer for Devon and Cornwall.

3.0 CONSULTATION, ENGAGEMENT AND COMMUNICATION

3.1 The Devon and Cornwall OPCC Communications and Engagement Team, in close liaison with their Force colleagues, will produce an appropriate communications strategy to promote the implications of this decision. This will run alongside and support the stakeholder engagement that is required.

4.0 OPCC MONITORING OFFICER ADVICE

4.1 Legal, Management and Equality Implications – Current and Future

The PCC's Chief Executive and Monitoring Officer has advised that the arrangements set out in the proposal meet the requirements of the relevant legislation and the needs of the organisation.

The decision is within the powers of those making it and that, from the information provided, there would not appear to be any adverse legal, managerial or equality implications arising from the proposal.

4.2 Financial and Commercial – Current and Future

The PCC's Chief Finance Officer and S151 Officer has advised that the financial implications are set out within the report referenced in 5.1 below, and are both reasonable and deliverable.

5.0 SUPPORTING DOCUMENTS:

5.1 This decision should be read in conjunction with the Joint Leadership Board report of 18 September 2019 entitled, [Police Complaint and Conduct Reforms](#)

6.0 OFFICIAL APPROVAL

6.1 Following the appropriate approval, this decision sheet will be published, subject to FOIA classification, on the OPCC website.



FOR OPCC OFFICE USE:

<p>If FOI Closed at the current date under Section 22, please provide details of the future date by which this decision can be reconsidered for publication:</p>	<p>N/A</p>
<p>Is there a publication schedule that lists the documents relating to this decision that will also be published at a later date in the future? If yes, please attach a copy with this decision.</p>	<p>YES / NO <i>[delete as appropriate]</i></p>

The Recommendation for Decision as outlined in this report is formally approved and subject to Freedom of Information Classification will be published on the OPCC website:

Police and Crime Commissioner

 SIGNED
 PRINT: Alison Hernandez
 DATE: 30 October 19

Governance Signature by Monitoring Officer

 SIGNED
 PRINT: Frances Hughes
 DATE: 30 October 2019

Decision logged in register? **[Tick if completed]**

Decision published on OPCC website? **[Tick if completed]**