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To: Kent and Medway Police and Crime Panel – 19th July 2018

Subject: Complaints against the Police and Crime Commissioner

1. Introduction

- 1.1 The Police and Crime Panel asked, in June 2014, to receive an annual report on complaints against the Police and Crime Commissioner. The previous report covered the period May 2016 to June 2017, i.e. the period since Mr Scott was elected Police and Crime Commissioner. This report covers the 12 months ending in June 2018.
- 1.2 The Elected Local Policing Bodies (Complaints and Misconduct Regulations) 2012 set out the statutory arrangements for dealing with complaints against Police and Crime Commissioners. Police and Crime Panels bear the statutory responsibility for resolving complaints and the Panel has established a Sub-Panel to undertake this role.

2. Complaints procedure

- 2.1 When a purported complaint is received the Regulations provide for an initial decision to be made on whether to record the complaint and, if so, whether to disapply the Regulations. The criteria by which these decisions are made are set out in Regulations and in the Panel's policy. The Panel determined that these initial decisions should be delegated to the PCC's Monitoring Officer. This delegation was in line with clear Home Office advice and is the approach adopted by most other Panels. The Explanatory Memorandum that accompanies the Regulations states: - "The Government takes the view that the task of the initial handling of complaints and conduct matters sits well with the role of the monitoring officer. Further, allowing scope for these matters to be dealt with internally in the first instance will promote the early resolution of minor complaints without unnecessary bureaucracy". The Panel agreed in 2016 that, while the initial decision should remain with the PCC's Monitoring Officer that decision should only be taken after discussion with Panel officers..
- 2.2 A complaint against the Police and Crime Commissioner is an allegation or expression of concern that he has taken or not taken an action personally. General criticisms of a PCC or of PCC's in general, or complaints about actions or lack of actions by the police do not come within the scope of the Regulations. Almost two years ago, the Government consulted on possible changes to the Regulations and one of those possible changes was to make this point clearer in the Regulations. However, to date no changes have been made in the Regulations.

3. Complaints since July 2017

3.1 Since May 2017 there have been 2 recorded complaints against the Commissioner. 3 possible complaints were received. In the 2 cases which were recorded the Regulations were disappplied on the grounds that the complaints were “vexatious and oppressive” (the phrase used in the Regulations). In the third case the matter was considered not to be a complaint and was therefore not recorded. The reasons for disapplication and non-recording, were provided to and discussed with Panel officers at the time and officers are fully satisfied that the PCC’s Monitoring Officer made the correct decision in every case

3.2 In the previous period (May 2016-June 2017) there were 5 recorded complaints. In 4 of those cases the Regulations were disappplied and one matter came to the Sub-Panel for resolution. There were also 2 matters which were not recorded. This data shows a decrease in the number of recorded complaints made against the Commissioner and demonstrates a continuing overall very low level of complaints. Although no national data is published, officer contact with other Panels suggests that the number of complaints recorded against the Kent Police and Crime Commissioner remains low compared with most other Commissioners.

4. Recommendation

4.1 That the Panel notes the contents of this report and requests a further report in June 2019.

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