

## DEVON AND CORNWALL POLICE AND CRIME PANEL

**Subject:** Handling Non-Criminal Complaints  
**Date:** 17 January 2013  
**Author:** Sarah Hopkins, Community Safety Partnership Manager  
**Organisation:** Plymouth City Council  
**Contact:** Tel (01752) 305542 e-mail sarah.hopkins@plymouth.gov.uk

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### Executive summary

The Police Reform and Social Responsibility Act 2011<sup>1</sup> requires that Police and Crime Panels handle non-criminal complaints about the Police and Crime Commissioner. The role of Panels in this regard is set out in the Elected Local Policing Bodies (Complaints and Misconduct) Regulations 2012<sup>2</sup>.

This report is to update the Devon and Cornwall Police and Crime Panel on progress towards determining a process and options for handling such complaints.

Discussions have recently taken place between the Chair of the Panel and the Chief Executive for the Office of the Police and Crime Commissioner (OPCC) where it was proposed that, whilst options are being considered, in the interim, the Panel delegates the handling of non-criminal complaints to the OPCC.

This report notes that officers of the Host Authority will work in liaison with the relevant officers from the OPCC to draft proposals for the OPCC handling complaints and make subsequent recommendations to the Panel, as soon as practical, for consideration at a future scheduled meeting of the Panel.

Determining a process for this has been complex, as whilst there is a considerable amount of guidance and advice on this<sup>3</sup>, this also raises further issues and points requiring further clarification. Colleagues from the OPCC have started drafting some proposals, but the Host Authority is of the view that further work is required to refine these proposals before presenting them to the Panel and is, therefore, offering to support the OPCC with this work.

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### Implications: Police and Crime Plan, Annual Report, Peninsula Partnership Strategic Assessment, Panel Functions, Panel Arrangements and Rules of Procedure

It is not clear at this stage as to the number of non-criminal complaints likely to be received about the Police and Crime Commissioner, but whatever the proposals are for handling this, there will be staffing implications for either the Host Authority or OPCC for administering a robust and

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<sup>1</sup> <http://www.legislation.gov.uk/ukpga/2011/13/contents/enacted>

<sup>2</sup> <http://www.legislation.gov.uk/uksi/2012/62/introduction/made>

<sup>3</sup> <http://www.homeoffice.gov.uk/publications/police/pcc/pcp-complaints-handling-process?view=Binary>

transparent process and informing the Panel. Panel Arrangements and Rules of Procedure will need to be amended to reflect the proposals, when agreed.

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### **Implications: resources including finance, human and IT**

The proposals being explored, and the process when agreed, will require staff, on behalf of the Panel, to manage and administer a robust and transparent process for handling non-criminal complaints about the Police and Crime Commissioner.

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### **Recommendations & Reasons for recommended action:**

It is recommended that the Devon and Cornwall Police and Crime Panel:

- Agrees to delegate, in the interim, the handling of non-criminal complaints to the OPCC, until proposals for formalising this have been presented to a future meeting of the Panel.
- Notes that officers of the Host Authority will continue to work with the OPCC to draft a process for presentation to a Panel meeting in the near future.

Agreeing these recommendations will ensure the Panel meets fully the requirements of the Police Reform and Social Responsibility Act 2011 and the Regulations whilst considering practical implications.

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### **Alternative options considered, and reasons for recommended action**

Failure to agree to the recommendations would mean that the Devon and Cornwall Police and Crime Panel is not meeting the requirements of the Police Reform and Social Responsibility Act 2011 and the Regulations, in relation to the handling of non-criminal complaints about the Police and Crime Commissioner.

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### **Background Papers**

None.