

Norfolk Police and Crime Panel



Date: **Monday 14 November 2022**

Time: **11.00am**

Venue: **Council Chamber, County Hall, Norwich**

SUPPLEMENTARY AGENDA

11. Complaints Policy Sub panel - Update

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To consider an update from the Chair of the Sub Panel

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Complaints Policy Sub Panel – Update

Report from the Chair of the Sub Panel, Air Commodore Kevin Pellatt

The Panel is asked to consider an update from the Complaints Policy Sub Panel.

1. Background

- 1.1 In July 2014 the Government announced a review of the entire police complaints system, including the role, powers and funding of the then Independent Police Complaints Commission (IPCC) and the local role played by Police and Crime Commissioners (PCCs). The proposed reforms form part of the Policing and Crime Act 2017.
- 1.2 This Sub Panel was originally established as a task and finish group, to monitor the development of police integrity reforms and their implications. During the time it took to progress this legislation, the value of maintaining a small group of members with expertise in complaints matters (both relating to the implementation of reforms and PCC conduct complaints) became clear.
- 1.3 The Terms of Reference were refreshed in 2019 and the function of the Sub Panel is currently to: ensure that the PCP has a pool of nominated Members with a specialist knowledge on complaints matters who can advise the Panel accordingly; maintain oversight of the PCP's procedure for handling Police and Crime Commissioner (PCC) conduct complaints; monitor OPCCN's implementation of the Police Integrity Reforms set out in the Policing and Crime Act 2017.
- 1.4 The Panel endorsed these Terms of Reference and appointed the following members on 27 June 2022: Cllr Sarah Bütikofer, Cllr James Easter, Mr Peter Hill, Air Commodore Kevin Pellatt (re-elected as Chair for 2022-23), and Cllr Mike Smith-Clare.

2. Information reviewed by the Sub Panel

- 2.1 The Sub Panel met on 6 July 2022 and 7 November 2022. A summary of the information reviewed is set out below.
- 2.2 Police Complaint Reviews
 - 2.2.1 The new legislation in relation to reviews of public complaints took effect from 1 February 2020. This changed the Relevant Review Body to Police and Crime Commissioners and the Independent Office for Police Conduct (IOPC), from the previous Relevant Appeals Body of the Appropriate Authority (the Chief Officer of a police force) and the IOPC.

- 2.2.2 It means that from 1 February 2020 anyone dissatisfied with the outcome of a complaint made against Norfolk Constabulary now has the right to request a review of that decision through the Office of the Police and Crime Commissioner for Norfolk (OPCCN). Details of that process are available to view on the complaints pages of OPCCN's website, which can be viewed [here](#). Norfolk Constabulary's Professional Standards Department (PSD) will continue to handle existing appeals that were being investigated at the point of the new legislation coming into force (historic cases will still be referred to as appeals to avoid confusion).
- 2.2.3 At the 6 July meeting OPCCN reported that it had received 121 requests for a review since the new legislation had come into effect. By the time we met on 7 November that had increased to 140. Of those 140, 117 requests were considered valid for the OPCCN and to date 17 had been upheld.
- 2.2.4 At our 6 July meeting it was reported that benchmarking data from the Independent Office for Police Conduct (IOPC) was unlikely to be available before Spring 2023. Sub Panel Members expressed concern about this ongoing delay as without this data it wasn't possible to compare Norfolk's performance against other counties. To support OPCCN and partners who had already raised concerns with the IOPC, I outlined the issue at our Eastern Region Panel Network meeting and the Chair of the National Association of Police, Crime and Fire Panels (NAPFCP) agreed to follow up during his next scheduled meeting with police accountability partners.
- 2.2.5 However, I am pleased to report that when we met on 7 November the comparative data had been published. This showed that:
- For the full reporting period of 1 April 2021 to 31 March 2022, OPCCN received 53 reviews which is less than the Most Similar Force (MSF) average of 60;
 - The review timeliness performance for OPCCN is very good when comparing both MSF and national averages. On average, OPCCN conducted its complaint reviews within 35 working days, for MSF it takes 73 working days and nationally it averages at 62 working days;
 - OPCCN is upholding reviews more or less in line with the national average, which indicates that the quality of investigation through a review is sound. Norfolk upheld 12% of its reviews over the full reporting year with the national average being 15%.
- 2.2.6 The Sub Panel also noted that OPCCN's internal audit programme for 2022/23 included an audit of complaint reviews. The Sub Panel confirmed that it would like to consider the findings when they were available.

2.3 Home Affairs Select Committee – Police Conduct and Complaints

- 2.3.1 In my last report I highlighted that the Home Affairs Select Committee had commissioned an inquiry into [Police conduct and complaints \(parliament.uk\)](#). The report, published on 23 February 2022, made a recommendation to Government regarding the role of PCCs, that it should review bi-annually how effectively they are holding their Chief Constables accountable for implementing IOPC learning recommendations. It was anticipated that the Policing Minister would contact all PCCs asking for this recommendation to be implemented, however, the OPCCN

had not yet received an official letter. Since then, the IOPC has advised that it will be conducting a pilot with forces following-up on recommendations made under Schedule 3, paragraph 28A of the Police Reform Act (2002). This is due to begin in late November/early December 2022.

- 2.3.2 At our November meeting, OPCCN advised that a new Performance Officer had been recruited to OPCCN. They will be analysing complaints processes and the follow-up mechanisms that have been put in place as part of their wider remit to provide performance analysis for the OPCCN. This will incorporate oversight of the IOPC pilot and an update will be provided to the Sub Panel at a future meeting.

2.4 Complaints Practitioners Working Group

- 2.4.1 The Sub Panel noted that:

- Part 1 of the independent inquiry to address the issues raised by the abduction, rape and murder of Sarah Everard would not be completed until early 2023. Part 2 would focus on vetting and would start in Spring 2023;
- The use of 'reflective practice', which was part of the police integrity reforms, has not been widely adopted for a variety of reasons, often as a result of lack of knowledge and training by PSD staff. An IOPC learning bulletin was due to be issued to all forces later in the year. The Sub Panel requested more information about reflective practice, and the statutory guidance and force-level guidance examples have been circulated to help broaden Members' understanding.

2.5 Police super-complaints

- 2.5.1 The Sub Panel noted that no further super-complaints had been submitted since the last meeting.

- 2.5.2 Reference had been made to super-complaints in the recent His Majesty's Inspectorate of Constabulary and Fire & Rescue Services (HMICFRS) Annual State of Policing Report 2021-22, which demonstrated that these were becoming embedded. OPCCN had also been notified that any recommendations made by the HMICFRS arising from a super-complaint would be legally binding. OPCCN confirmed that it would track Norfolk Constabulary's performance against these recommendations and this would be reported through PCC Accountability Meetings (PAMs).

- 2.5.3 The Sub Panel has also noted that HMICFRS has published its report and recommendations following the investigation of a super-complaint regarding police perpetrated domestic abuse originated by the Centre for Women's Justice. The [PCC's response](#) has been published. In addition to this, the PCC will monitor how Norfolk Constabulary is complying with the recommendation to Chief Constables through future PAMs.

2.6 Police, Crime and Community Safety Plan

- 2.6.1 The Sub Panel noted that the format of the PCC Accountability Meetings (PAMs) would be slightly changed. An overview of complaints and conduct would be reported under the pillar 'trusted and visible policing' at every meeting, instead of a separate complaints monitoring paper every six months.

2.6.2 The Sub Panel also noted that PCCs have a statutory duty to consider complaints against Chief Constables and a short discussion took place about the most appropriate way for the PCP to maintain oversight of the discharge of this duty. It was agreed that future OPCCN briefings should include details of how many Chief Constable complaints had been recorded, the themes and the outcomes. This was provided for our 7 November 2022 meeting and I can confirm that no Chief Constable complaints have been received since the appointment of Paul Sanford.

2.7 Police Public Misconduct Hearings - Appeals

2.7.1 The OPCCN had managed a Police Appeal Tribunal (PAT) whereby the officer had been dismissed at a Police Misconduct Hearing for the falsification of overtime claims. There had been a short delay in scheduling the PAT owing to problems with availability, however the PAT Chair was content that all timescales had been adhered to and there was no breach of regulations.

2.7.2 The full tribunal decision was published on 7th August 2022. In summary, the officers appeal was heard and upheld, and this resulted in PC Goff being reinstated with immediate effect. The rationale for upholding the appeal was that the original decision by the misconduct panel that the appellant (PC Goff) had breached the standard of honesty and integrity and committed gross misconduct, was unreasonable in that it fell outside the range of reasonable findings that could have been reached on the evidence before it.

2.7.3 The Sub Panel also noted that on 17 October 2022, Baroness Casey published her interim report into her review of police misconduct, culture and standards in the Metropolitan Police Service. This report had identified systemic failings in the application of the police misconduct process and as a result to government has announced that there will be a review of the process with regards to sanctions applied. The full report is due to be published in the new year.

2.7.4 The Sub Panel observed that, from the public's perspective, the police appeared to be unwilling to examine itself and hold itself to the high standards expected. Members noted that Norfolk's PCC was the national lead for transparency and accountability. In light of the many interrelated standards and misconduct matters currently in the public eye, members were assured that he would continue to monitor performance through his existing governance arrangements.

2.8 Legally Qualified Chairs (LQC) Indemnification

2.8.1 In my last report, I highlighted that there was an ongoing issue with indemnification for LQCs. Although this has not resulted in any refusals to sit in Norfolk, we noted there had been some refusals to sit in the Eastern Region. It remained the decision of individual PCCs as to whether to use the facility to provide indemnity for their LQCs. Added to this, a new issue has recently arisen whereby it is possible that LQCs may be summoned to give evidence which is likely to cause some to be unwilling to sit on misconduct proceedings.

2.8.2 The PCC continues to monitor the situation closely and lobby the Home Office.

2.10 HMICFRS inspection of vetting, misconduct, and misogyny in the police service

2.10.1 When we met on 6 July 2022, we were advised that HMICFRS was conducting an inspection on police vetting and across-force corruption. By the time we met on 7 November 2022, HMICFRS' report had been published: [An inspection of vetting, misconduct, and misogyny in the police service - HMICFRS \(justiceinspectorates.gov.uk\)](https://www.justiceinspectorates.gov.uk/hmicfrs/reports-and-publications/an-inspection-of-vetting-misconduct-and-misogyny-in-the-police-service/). Recognising that the PCC has a legal duty to publish a formal response, we nevertheless felt it was important to seek initial comment given the seriousness of the findings. OPCCN confirmed that while Norfolk had not been one of the eight forces inspected the PCC had nevertheless discussed the findings with the Chief Constable. He had been reassured that the Chief Constable will be implementing the recommendations within the report and the PCC will monitor their implementation through his internal Governance Board and public PCC Accountability Meetings.

2.11 PCC conduct complaints

2.11.1 As previously reported, the Home Office has indicated that it intends to progress the implementation of new Regulations, which will give PCPs greater investigatory powers in relation to PCC conduct complaints. The Home Office has said it will further consider the PCC conduct complaints system as part of the PCC Role Review Stage 2 and it is possible that investigatory powers for PCPs will be incorporated within the outcomes of that piece of work. The Sub Panel will keep these matters under review and recommend any necessary amendments to our local procedure in due course.

3. **Work programme**

3.1 The next Sub Panel meeting is scheduled to take place on 14 March 2023.

4. **Action**

4.1 The Panel is asked to consider the update from the Complaints Policy Sub Panel.



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