

Specified Information Order **Statutory Requirements in relation to Police Complaints**

Reporting Period: 1st April 2021 to 31st March 2022

1. Introduction

- 1.1 This report has been prepared to meet the requirements of The Elected Local Policing Bodies (Specified Information) (Amendment) Order 2021.
- 1.2 The Police and Crime Commissioner has three main duties in relation to police complaints, as outlined below:
 - Appropriate Authority to consider complaints about the Chief Constable
 - Duty to hold the Chief Constable to account in providing an effective and efficient complaints process
 - Relevant Review Body of some police complaints
- 1.3 This report will provide information relating to the resources and processes that have been put in place to meet those duties and will give reassurance that the Police and Crime Commissioner is fulfilling his duties in relation to police complaints.
- 1.4 This report does not contain details of any specific complaint or review dealt with by the Police and Crime Commissioner.

2. Statutory Duties

2.1 Appropriate Authority for complaints about the Chief Constable

- 2.1.1 The Police and Crime Commissioner for Gwent is statutorily responsible for considering complaints made against the Chief Constable of Gwent Police. It is also the role of the Police and Crime Commissioner to ensure those complaints are dealt with in a reasonable and proportionate manner. The Chief Executive has been delegated as the Appropriate Authority for dealing with these complaints and is supported by the Head of Assurance and Compliance.
- 2.1.2 During the period 1st April 2021 and 31st March 2022, the OPCC recorded 2 formal (schedule 3) Chief Constable complaints. A total of 2 reviews against the OPCC decision were made to the Independent Office for Police Conduct (IOPC), resulting in 2 reviews upheld in favour of the OPCC. In addition, 1 complaint was logged and responded to informally (non-schedule 3), whilst a further 3 complaints were deemed not to be complaints against the Chief Constable but about the actions of officers under her direction and control.

2.2 How the Police and Crime Commissioner is holding the Chief Constable to Account

- 2.2.1 The Chief Constable is the Appropriate Authority for all complaints made about officers, staff and services under her direction and control. This duty has been delegated to the Deputy Chief Constable and is carried out by the Force's Professional Standards Department (PSD).

- 2.2.2 The Police and Crime Commissioner has a duty to ensure that the Chief Constable has an effective and efficient police complaints system in place. The Strategy and Performance Board is the forum in which the Police and Crime Commissioner holds the Chief Constable to account for the delivery of policing services across the Gwent area. Meetings take place on a quarterly basis and follow a forward work programme which ensures these meetings are focused and effective. At each meeting the Police and Crime Commissioner receives a performance report from Gwent Police relating to their management of complaints.
- 2.2.3 This complaint data is reviewed by the OPCC to identify any peaks in complaints or to determine if there is a consistently high volume of complaints in a particular area of policing. The quarterly reports presented at the Strategy and Performance Board can be found on the OPCC website and provide a breakdown of complaint cases and allegations received by Gwent Police, complaint handling performance, review statistics and details of misconduct cases for each reporting period.

[Gwent Police Complaint Performance Report Quarter 1 2021/22](#)
[Gwent Police Complaint Performance Report Quarter 2 2021/22](#)
[Gwent Police Complaint Performance Report Quarter 3 2021/22](#)
[Gwent Police Complaint Performance Report Quarter 4 2021/22](#)

- 2.2.4 Consideration is given to further work that may need to be undertaken to address repetitive concerns. This can include dip-sampling, the aim of which is to scrutinise compliance with the Force's complaints management process. The volume of police complaint cases considered by Gwent Police's PSD dictates that it would be impractical for the Office of the Police and Crime Commissioner (OPCC) to oversee every complaint case, therefore dip-sampling enables the Police and Crime Commissioner to fulfil his oversight and monitoring responsibility under legislation. The outcome of recent dip sampling undertaken by Gwent OPCC can be located via the following hyperlink: [Decisions | Gwent Police and Crime Commissioner \(pcc.police.uk\)](#)
- 2.2.5 The OPCC has processes in place to action communication, dissatisfactions and complaints received of an operational nature or in relation to officers below the rank of Chief Constable – this communication is the responsibility of the Chief Constable and falls outside of the remit of the Police and Crime Commissioner. The OPCC considers all communication received and provides relevant advice to the individual, including the process for making a complaint to the Force, details of the relevant department or process relevant to their communication and/or any relevant information/hyperlink to further information on the Force website.
- 2.2.6 Gwent Police has also implemented an Assurance Board to consider progress against all recommendations from outside bodies, including any from the IOPC or Her Majesty's Inspectorate of Constabulary and Fire & Rescue Services (HMICFRS) that relate to the complaints process. This meeting is held quarterly and is attended by the Head of Assurance and Compliance from the OPCC. Matters are fed back to the OPCC team as appropriate and further discussions are had with Gwent Police on progressing of recommendations as appropriate.

- 2.2.7 Further scrutiny of the police complaints function is carried out by the IOPC. Scheduled investigations by HMICFRS also take place. Statistical reports of their scrutiny and findings are available on their respective websites. The Police and Crime Commissioner responses to the HMICFRS assessments are published on our website [HMICFRS Inspection Responses | Gwent Police and Crime Commissioner \(pcc.police.uk\)](https://www.pcc.police.uk/hmicfrs-inspection-responses). Progress against all HMICFRS recommendations are also now publicly available on their website [Progress against recommendations - HMICFRS \(justiceinspectorates.gov.uk\)](https://www.justiceinspectorates.gov.uk/progress-against-recommendations)
- 2.2.8 Quality assurance mechanisms are in place to monitor and improve the quality of responses to Gwent Police complaints. As previously mentioned, the OPCC undertakes dip sampling of police complaint files which includes consideration to any further work that may need to be undertaken to address and improve the quality of responses to complaints.
- 2.2.9 Gwent Police also has quality assurance measures built into their complaints process. In the majority of cases, each recorded complaint is dealt with by a specialist Sergeant who covers a set area within the force. The Sergeant considers the complaint and drafts a report which is sent to the Appropriate Authority in the PSD to review before final sign off.
- 2.2.10 Additionally, when each complaint review is considered, the OPCC retains a log of all recommendations/lessons learnt made to Gwent Police PSD. The OPCC ensures that we have received a satisfactory response from Gwent Police that addresses the recommendation/lesson learnt identified, prior to updating both the complainant and the log with those details. Those logs are then considered for any opportunities to improve the quality of responses to future complaints.
- 2.2.11 During the period 1st April 2021 and 31st March 2022, the OPCC received a total of 4 written communications issued under regulation 13 of the Police (Complaints and Misconduct) Regulations 2020, where an investigation has not been completed within a “relevant period”. Gwent Police provided 3 of these updates with the remaining update being provided by the IOPC for a complaint that they were managing in relation to Gwent Police.
- 2.2.12 The Gwent and Crime Panel scrutinises and supports the work of the Police and Crime Commissioner. Throughout 2021-2022, the Panel continued to hold the Police and Crime Commissioner to account for the performance of his statutory functions and delivery against his Police and Crime Plan priorities. The Panel is made up of members nominated by the local councils in the force area, and at least two independent members. Five formal Panel meetings were held during 2021/22. Meeting agendas and minutes can be located on the Gwent Police and Crime Panel website: [Meetings « Gwent Police and Crime Panel \(gwentpcp.org.uk\)](https://www.gwentpcp.org.uk/meetings)
- 2.3 **Police and Crime Commissioner Performance Assessment – OPCC identified as Relevant Review Body**
- 2.3.1 The Policing and Crime Act 2017 and supporting regulations made significant changes to the police complaints and disciplinary systems. They introduced a number of changes designed to achieve a more customer-focused complaints system. Importantly, the reforms

aim to make the discipline system more proportionate and encourage a much greater emphasis on learning from mistakes.

- 2.3.2 Local accountability was enhanced through changes to the role of Police and Crime Commissioners. They have a central role in deciding how the complaints system operates at a local level, as they have the option of taking on direct responsibility for certain functions. Where appeals were previously handled by either the Chief Constable or the IOPC, the new right to apply for review is to either the Police and Crime Commissioner or the IOPC. This change is aimed to increase independence and transparency.
- 2.3.3 The Act provides a choice of three models, which the Commissioner may choose to adopt. In Gwent, the Commissioner confirmed that Model 1 would be adopted in accordance with paragraph 13a of the Policing and Crime Act 2017. This decision is evidenced on the OPCC website [The Police and Crime Commissioner for Gwent has considered and agreed his preferred option in relation to changes to the Police Complaints Reform introduced by the Policing and Crime Act 2017. | Gwent Police and Crime Commissioner \(pcc.police.uk\)](#)
- 2.3.4 Since 1st February 2020, if an individual's complaint was recorded under Schedule 3 of the Police Reform Act 2002 and the individual is unhappy with the outcome of their complaint, they can submit an application for a review to the Relevant Review Body, either the IOPC or the Police and Crime Commissioner. Gwent Police continue to be responsible for logging, recording and investigating complaints and for keeping complainants informed of progress.
- 2.3.5 The Office of the Police and Crime Commissioner has developed quality assurance mechanisms to ensure that review decisions are sound and in-line with the requirements of the complaints legislation and IOPC statutory guidance. The reviews are considered independently by an external company called Sancus (see section 3), the review file is then considered alongside the Sancus recommendations with the final outcome written by the Head of Assurance and Compliance. The Chief Executive and Monitoring Officer then considers the proposed outcome prior to disclosure. The introduction of additional resource to support the complaints function within the OPCC has been agreed and will be implemented in 2022/23, this will see the Head of Assurance and Compliance move to the approval role with the Chief Executive retaining overall scrutiny of the area. OPCC staff involved in the review process regularly attend IOPC workshops and events, ensuring that they are up-to-date with legislation and statutory guidance.
- 3. Outsourcing Reviews**
- 3.1 Dyfed Powys, Gwent and North Wales Police and Crime Commissioners decided to seek external support for the review process in 2020, as this was deemed to be the most financially viable option and would allow an initial understanding of the level of demand, prior to any permanent decisions being made.
- 3.2 The success of the external contract and the valuable support and extra layer of scrutiny and independence provided by an external organisation led all three Police and Crime Commissioners to run a further tender process in 2021/22. After a competitive procurement process, Sancus were again awarded the contract which will commence in

April 2022. The contract will run for a period of three years with the option to extend for a further two individual years if required. The PCC approved this contract in decision log number [PCCG-2021-035](#).

- 3.4 Every individual is notified that the complaint reviews are outsourced to an independent organisation. This information is available on the complaint section of the Gwent OPCC website in the privacy notice and is also contained in the review form that complainants are asked to complete.

4. Reviews 2021/22

- 4.1 Between 1st April 2021 and 31st March 2022, a total of 46 valid requests were received by the Police and Crime Commissioner to review the outcome of a police complaint.
- 4.2 Of those 46 valid reviews, 43 were finalised by the end of the 2021/22 financial year as well as an additional 11 finalised that had been carried over from 2020/21. 49 (91%) were deemed to be reasonable and proportionate and were therefore not upheld with the remaining 5 (9%) not deemed to be reasonable and proportionate and therefore upheld.
- 4.3 On average it took 32 working days to finalise a review from receipt of the request through to sending the outcome letter.
- 4.4 Recommendations are only made when a complaint is found not to have been dealt with in a reasonable and proportionate manner. A total of 3 recommendations were made across the 5 complaints deemed not to have dealt with in a reasonable and proportionate manner. All recommendations were accepted and actioned by PSD.
- 4.5 Further information can be found in the OPCC's Annual Report on Complaint Reviews.

5.0 Independent Office for Police Conduct Statistics

- 5.1 The quarterly and annual IOPC statistics can be located on their website, via the following hyperlink: [Gwent Police | Independent Office for Police Conduct](#)

6.0 Publication

- 6.1 In accordance with The Elected Local Policing Bodies (Specified Information) (Amendment) Order 2021, this information and report will be published on an annual basis on the PCC's website.