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

***Reporting Period: 1st April 2020 to 31st March 2021***

**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 In Gwent, the Police and Crime Commissioner has adopted Model 1 in accordance with paragraph 13A of the Policing and Crime Act 2017. As Model 1 has been adopted, the Deputy Chief Constable as the delegated Appropriate Authority is responsible for all dissatisfactions, complaints and conduct relating to operational policing, officers and staff under their direction and control. This duty includes the logging, recording, investigating and keeping complainants informed with progress and decisions relating to complaints.

1.3 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

1.4 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.

1.5 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.

2.1.2 During the period 1st April 2020 and 31st March 2021, the OPCC recorded 2 formal Chief Constable complaints. A total of 0 reviews against the OPCC decisions were made to the Independent Office for Police Conduct (IOPC).

2.1.3 The Independent Office for Police Conduct (IOPC) is the Relevant Review body for these complaints (The IOPC is the relevant review body where the complaint is about the conduct of a senior officer [an officer holding a rank above chief superintendent]).

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.

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 ensured 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. The agendas and minutes from these meetings can be located via the following hyperlink: [Strategy and Performance Board | Gwent Police and Crime Commissioner (pcc.police.uk)](https://www.gwent.pcc.police.uk/en/transparency/strategy-and-performance-board/)

2.2.3 The Office of the Police and Crime Commissioner review complaint data at the Strategy and Performance Board to identify any peaks in complaints or to determine if there is consistently high volume of complaints in a particular area of policing. The quarterly reports 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 2 2](https://www.gwent.pcc.police.uk/media/chef3gkt/6c-spb-psd-report-q2-2020-21.pdf)020/21

[Gwent Police Complaint Performance Report Quarter 3 2020/21](https://www.gwent.pcc.police.uk/media/ifioz3ot/3c-psd-q3-2020-21-report-for-spb.pdf)

[Gwent Police Complaint Performance Report Quarter 4 2020/21](https://www.gwent.pcc.police.uk/media/gildjltz/3c-psd-q4-2020-21-spb-report.pdf)

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 the performance of the Force’s complaints management process. The volume of police complaint cases considered by Gwent Police’s Professional Standards Department dictates that it would be impractical for the Office of the Police and Crime Commissioner to oversee every complaint case, therefore dip-sampling enables the Police and Crime Commissioner to fulfil his oversight and monitoring responsibility under legislation. Recent dip sampling undertaken by Gwent OPCC and the relevant reports can be located via the following hyperlink: [Decisions | Gwent Police and Crime Commissioner (pcc.police.uk)](https://www.gwent.pcc.police.uk/en/decisions/)

2.2.5 The Office of the Police and Crime Commissioner 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 Office of the Police and Crime Commissioner 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 have also implemented an Assurance Board to consider progress against all recommendations from outside bodies, including any from the IOPC or 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 if appropriate.

2.2.7 Further scrutiny of the police complaints function is carried out by the Independent Office for Police Conduct (IOPC). Scheduled investigations by Her Majesty’s Inspectorate of Constabulary and Fire & Rescue Services (HMICFRS) also take place. Statistical reports of their scrutiny and findings are available on their respective websites. The Gwent 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.gwent.pcc.police.uk/en/transparency/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/hmicfrs/police-forces/data/progress-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 Office of the Police and Crime Commissioner undertake 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 have 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 PSD to review before final sign off.

2.2.10 Additionally, when each complaint review is considered, the Office of the Police and Crime Commissioner retain a log of all recommendations/lessons learnt made to Gwent Police Professional Standards Department (PSD). The Office of the Police and Crime Commissioner ensure 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 2020 and 31st March 2021, the Office of the Police and Crime Commissioner received 1 written communication issued by the Force under regulation 13 of the Police (Complaints and Misconduct) Regulations 2020, where an investigation has not been completed within a “relevant period.” The case involved was being progressed under the old regulations and an update was not required to be provided by law but in the spirit of the new regulations, PSD did send us notice of the case.

2.2.12 The Gwent and Crime Panel scrutinises and supports the work of the Police and Crime Commissioner. Throughout 2020-2021, 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 of up of members nominated by the local councils in the force area, and at least two independent members. Four formal Panel meetings were held during 2020/21. There would usually be 5 meetings held during the financial year but the June 2020 meeting was cancelled due to the pandemic. Plans were then put in place for the remaining meetings to be held virtually, though they remained open to the public and press through webcasts. Previous meetings 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 will be adopted. 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)](https://www.gwent.pcc.police.uk/en/decisions/pccg-2019-067/)

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. Office of the Police and Crime Commissioner 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 outsource reviews on an initial basis, as this was 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 A joint tender process to outsource complaint reviews was led by the Dyfed Powys Office of the Police and Crime Commissioner. The contract was awarded to Sancus.

3.3 The contract was awarded for an initial period of 12 months, which has already been extended for a further 12 months. The rationale for this decision is available on the Gwent OPCC’s website: [The Police and Crime Commissioner awarded the outsourcing contract for complaint reviews to Sancus Solution Ltd. | Gwent Police and Crime Commissioner (pcc.police.uk)](https://www.gwent.pcc.police.uk/en/decisions/pccg-2020-018/)

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 2020/21**

4.1 Between 1st April 2020 and 31st March 2021, a total of 32 valid requests have been received by the Police and Crime Commissioner to review the outcome of a police complaint.

4.2 Of those 32 valid reviews, 21 were finalised by the end of the 2020/21 financial year, 16 (76%) were deemed to be reasonable and proportionate and were therefore not upheld with the remaining 5 (24%) not deemed to be reasonable and proportionate and were upheld.

4.3 On average it took 29 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 8 recommendations were made across the 5 complaints deemed not to have dealt with in a reasonable and proportionate manner. Of the 8 recommendations, 7 were accepted by PSD and 1 was rejected.

**5.0 Independent Office for Police Conduct (IOPC) 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](https://www.policeconduct.gov.uk/tags/gwent-police)

**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 Gwent Police and Crime Commissioner’s website.