

## Police and Crime Panels and PCC Complaints

### Purpose of report

For decision.

### Summary

The Association of Police and Crime Commissioners have raised with the LGA's Chairman some issues related to the process for resolving non-serious complaints about Police and Crime Commissioners (PCCs). The Home Office also committed at the end of Part 2 of the Review of PCCs to further consider the process for handling complaints against PCCs. This paper seeks agreement from members on a set of principles to inform the LGA's future work in this policy area, and also seeks agreement to raise a number of practical points which would assist police and crime panels in their work.

### Recommendation

1. Members are asked to agree the principles for reforming the system for resolving non-serious complaints against PCCs set out in paragraph 11 as well as the proposals set out in paragraph 12.

### Action/s

The agreed principles and proposals will be used to inform the LGA's work in relation to the handling of non-serious complaints against PCCs.

**Contact officer:** Mark Norris  
**Position:** Principal Policy Officer  
**Phone no:** 07798 534781  
**Email:** mark.norris@local.gov.uk

## **Police and Crime Panels and PCC Complaints**

### **Background**

1. Under the Police, Reform and Social Responsibility Act 2011 police and crime panels were given responsibility for making arrangements to informally resolve non-serious complaints about the conduct of police and crime commissioners (PCCs) and their deputies. The process for handling such complaints is covered by the complaints and misconduct regulations. Responsibility for investigating serious complaints of criminal conduct by a PCC lies with the Independent Office of Police Complaints (IOPC).
2. In July 2021 the Home Secretary announced that Part 2 of the PCC Review being conducted by the Home Office would consider the role of the IOPC in the handling of complaints about PCCs.
3. Following the conclusion of the Part 2 Review the Home Office committed to giving further consideration to the processes for how complaints of criminal misconduct against PCCs are handled. One option it mentioned considering was the scope to align a new code of conduct with the regime for mayors and councillors in local government. In addition the Home Office said it will also consider how to address the problems of vexatious and political motivated complaints, especially those which stem from disagreements with the political views of the Commissioner, or complaints which are nothing to do with policing.
4. This latter point on the problems of vexatious and politically motivated complaints is an issue of concern to the Association of Police and Crime Commissioners (APCC), who have raised this issue with the LGA's Chairman. The APCC are aware of instances where complaints have been politically motivated and the media are notified a complaint has been received before the relevant PCC has been made aware a complaint has been made. The IOPC went on to investigate these complaints but did not uphold any of them, but the PCCs and their families were in some instances subject to abuse through social media. The APCC are therefore keen to see panels supported with guidance on how to handle complaints.

### **The views of panels on the system for resolving complaints against PCCs**

5. In order to inform its submission to Part 2 of the PCC Review the Board sought views from police and crime panels on the key issues being considered during the Review, which included the system for handling complaints.
6. Panels reported very different experiences, with the level of complaints they received varying considerably. Panels did however agree that the complaints process was complex, lacking in clarity and as a result expensive to service as they often have to seek legal guidance to navigate their way through the legislation, regulations and guidance issued by the Home Office.

7. Panels also felt that although they made every effort to be clear about the type of complaints they are responsible for resolving, the public found it hard to differentiate between complaints against the PCC and the wider police complaints system overseen by PCCs and the IOPC. As a result panels have received complaints about operational policing matters, or where members of the public felt their complaint about a police force had not been resolved in what they deemed to be a satisfactory way. Again this led to a mixed experience by panels with repetitive and what might be considered vexatious complaints.
8. Overall panels have indicated the system for resolving complaints against PCCs needs to be improved, and the Home Office's consideration of the issue of complaints provides an opportunity to make the case for changes in the process.

#### **Improving the resolution of complaints about PCCs.**

9. In councils there are specific and separate processes for scrutinising the decisions of the authority and considering breaches of the authority's code of conduct; with scrutiny committees and standards committees dealing with these issues. Police and crime panels combine these functions into one body. Part 2 of the PCC Review sought views on whether the IOPC for example might take on the role of handling all complaints. The views of panels on this issue were split, with some favouring transferring responsibility of all complaints to the IOPC, while others wished to retain accountability of PCCs at a local level.
10. In the absence of suggestions from the Home Office to reform the resolution of complaints against PCCs by transferring responsibility completely to the IOPC, it is likely that panels will retain the responsibility for resolving non-serious complaints against PCCs.
11. Given the different feedback from panels about what might be changed to improve the process for resolving non-serious complaints against PCCs, members are asked to agree the following principles to guide future discussions with the Home Office about changes to the complaints process:
  - 11.1. The system for resolving non-serious complaints against PCCs should be as simple and as easy for police and crime panels to conduct as possible.
  - 11.2. The system should minimise the need for police and crime panels to seek specialist legal guidance in order to resolve a non-serious complaint.
  - 11.3. The system should be as similar as possible to the processes councils use for dealing with breaches of their code of conduct on their own authorities as this would allow panels to draw on familiar processes, while also being able to draw on a wider range of expertise and experience.
  - 11.4. Members of the public should be able to distinguish more clearly between any reformed process of resolving complaints about the PCC, and the system for

handling complaints about operational policing matters, so it is easier for them to direct their complaints to the right body.

12. In their responses to the Part 2 Review of PCCs police and crime panels also identified some practical actions which would assist them in resolving non-serious complaints against PCCs, and these were raised in the LGA's submission to the Review. Members are also asked to confirm the following proposals, which would then inform the Board's future lobbying around the resolution of non-serious complaints:

12.1. The Home Office should update and expand its guidance on the handling of complaints, including around complaints recording, identifying valid complaints, dealing with vexatious or repetitive complaints, the role of the IOPC and the parameters of complaints. In doing so the Home Office should engage with panels.

12.2. The inability to impose any sanctions in the event they found against a PCC was thought to be unhelpful by panels, and they also highlighted the lack of a requirement on a PCC to respond any recommendations made by a panel. The Home Office should consider providing further clarity (which could be done through the guidance) on how PCCs should engage with the complaints process and any findings a panel arrives at.

12.3. The Home Office should fund an on-going training programme on the complaints process for members of panels and the monitoring officers supporting panels, and should also support the sharing of good practice.

12.4. Having previously considered whether panels should be given the power to investigate complaints, the Home Office should complete its examination of this option (including the need for further funding to enable panels to carry out any investigations).

### **Civility in public life – safety of elected people**

13. While improvements in the process for handling complaints would address some of the issues the APCC have raised about social media abuse related to vexatious and politically motivated complaints, this will not prevent PCCs all social media abuse. The LGA and APCC have therefore been in discussion about linking their work around the civility in public life agenda.

14. The [LGA Civility in public life programme](#) was established by the LGA's Executive Advisory Board in 2019 to address growing concerns about the impact an increasing level of public intimidation and toxicity of debate is having on local democracy. In particular, there were concerns that attacks risk the personal safety of councillors, undermine local democracy and decision-making, and can put of prospective candidates from standing for election.

15. The purpose of the programme is to address the intimidation of elected members and officers, improve standards of public and political discourse and behaviour in public office and provide support and advice to councils and councillors.

16. Since 2019, the LGA has produced a Model Councillor Code of Conduct and associated guidance for councillors and monitoring officers; a Councillors guide to handling intimidation that has recently been updated; a Councillor guide on using social media and handling abuse on social media; guidance on Digital citizenship; and case studies highlighting good practice from councils supporting councillors experiencing abuse and intimidation linked to their role.
17. In addition, the LGA is working to understand the emerging issues relating to civility in public life, particularly around mounting concerns about the safety of elected members. The LGA launched a Call for evidence of abuse and intimidation of councillors in October 2021 and is due to publish a report of the findings in time for LGA Annual Conference. The report will support the launch of the LGA Debate Not Hate campaign and an associated plenary session also at Annual Conference.
18. The findings of the Call for evidence indicate a significant amount of variance in support offered to councillors to handle intimidation and abuse, and levels of response from police to incidents perpetrated against councillors in relation to their councillor role. The findings also suggest that there is a normalisation of abuse generally and specifically in relation to figures in public life and that some individual may be more likely to experience personalised abuse than others. Finally, evidence from the Call for evidence and other feedback to the LGA indicates that there is a perception that abuse, intimidation and risks to personal safety of elected members are worsening and that this can have a deterrent effect for people interested in getting into local politics.

### **Implications for Wales**

19. Policing is not a devolved matter, while local government is a devolved responsibility of the Welsh Government. As a result police and crime panels in Wales are appointed and supported by the Home Office, although the Home Office works closely with the Welsh Government and WLGA. The LGA will continue to liaise with colleagues in the WLGA around the resolution of non-serious complaints by panels, but the proposals outlined in this paper would only apply to police and crime panes in England.

### **Financial Implications**

20. There are no direct financial implications for the LGA arising from this report. As is highlighted in the paper, making the process for resolving non-serious complaints would reduce some costs for police and crime panels, while permitting panels to investigate non-serious complaints could place additional costs on councils.

**Next steps**

21. Members are asked to agree the principles for reforming the complaints system set out in paragraph 11 and the proposals set out in paragraph 12. If these are agreed they will inform the LGA's work in relation to the handling of non-serious complaints against PCCs.