

PFCC Decision Report

Report reference number: 080/2022

Classification: Not protectively marked

Title of report: PFCC's Complaints and Expressions of Dissatisfaction Policy

Area of county / stakeholders affected:
Countywide (all members of the public and Essex Police)

Report by: Pippa Brent-Isherwood (Chief Executive and Monitoring Officer)

Chief Officer: Pippa Brent-Isherwood (Chief Executive and Monitoring Officer)

Date of report: 13 June 2022

Enquiries to: Pippa Brent-Isherwood (Chief Executive and Monitoring Officer)

1. Executive Summary

The PFCC's Complaints and Expressions of Dissatisfaction Policy was last reviewed in 2020, to reflect national reform of the police complaints system and the introduction of the updated Police (Complaints and Misconduct) Regulations. In accordance with the PFCC's ongoing policy review plan, the policy has now been reviewed and updated to reflect organisational learning acquired over the last two years and to ensure that the policy continues to accord with all relevant legislation and guidance. a recommendation made to the PFCC by the Complaints Sub-Committee of the Essex Police, Fire and Crime Panel has also been discharged through this review.

2. Recommendations

That the PFCC adopts and publishes the updated Complaints and Expressions of Dissatisfaction Policy attached at Appendix 1 to this report.

3. Background to the Proposal

The PFCC's Complaints and Expressions of Dissatisfaction Policy sets out how complaints against the Chief Constable (or any Acting Chief Constable) of Essex Police, the PFCC, the Deputy PFCC and the PFCC's staff will be dealt with, as well as explaining the PFCC's statutory role in reviewing the handling of complaints made to Essex Police where the PFCC is determined to be the Relevant Review Body (RRB). The policy also sets out how police misconduct proceedings and Police Appeals Tribunals (PATs) will be carried out, and the PFCC's role in these.

As set out above, the policy has been reviewed and updated as part of the PFCC's ongoing policy review plan.

4. Proposal and Associated Benefits

Maintaining and implementing an effective and fit-for-purpose Complaints and Expressions of Dissatisfaction Policy is vital to building and maintaining public trust and confidence in policing and the role of the PFCC.

On this occasion, the policy has been updated primarily to:

- Reflect organisational learning acquired since the introduction of the Police (Complaints and Misconduct) Regulations 2020
- Reflect the requirements of the Elected Local Policing Bodies (Specified Information) (Amendment) Order 2021 in relation to complaints handling
- Discharge a recommendation made to the PFCC by the Complaints Sub-Committee of the Essex Police, Fire and Crime Panel

5. Options Analysis

The PFCC could chose not to update their Complaints and Dissatisfaction Policy, and instead continue to work to the existing policy, however this would fail to secure the benefits described in section 4 above.

6. Consultation and Engagement

The policy has been reviewed by the Head of Performance and Scrutiny (Policing and Crime) in consultation with the Strategic Head of Policy and Public Engagement, the Data Protection and Correspondence Officer and the Chief Executive and Monitoring Officer.

7. Strategic Links

The Police and Crime Plan 2021-2024 cites communications and engagement as two of the building blocks of success. It sets out a commitment to giving the public a voice so that they are heard and have confidence in the way that the police protect them. The operation of the Complaints and Expressions of Dissatisfaction Policy is a key element of this.

8. Police operational implications

As set out in section 3 above, the Complaints and Expressions of Dissatisfaction Policy sets out how complaints against the Chief Constable (or any Acting Chief Constable) of Essex Police, the PFCC, the Deputy PFCC and the PFCC's staff will be dealt with, as well as explaining the PFCC's statutory role in reviewing the handling of complaints made to Essex Police where the PFCC is determined as the Relevant Review Body (RRB). The policy also sets out how police misconduct proceedings and Police Appeals Tribunals (PATs) will be carried out, and the PFCC's role in these. It is therefore of relevance to any officer or member of staff in either Essex Police or the PFCC's employment who find themselves the subject of a complaint or other proceedings.

9. Financial implications

The policy has financial implications in terms of the staffing and training requirements (see section 11 below) and the costs of resourcing Police Appeal Tribunals. Spend against the PFCC's budget for misconduct hearings is demand led so varies significantly from year to year, however the annual budget of £12,000 is not usually exceeded.

10. Legal implications

As set out in section 5 above, this iteration of the policy has been updated primarily to reflect organisational learning acquired since the introduction of the Police (Complaints and Misconduct) Regulations 2020, along with the requirements of the Elected Local Policing Bodies (Specified Information) (Amendment) Order 2021 as they apply to complaints handling.

11. Staffing implications

Complaints and reviews are handled and considered by a range of staff within the PFCC's office, including the Chief Executive and Monitoring Officer, the Strategic Head of Performance and Resources, the Heads of Performance and Scrutiny, the Complaints Reviewing Officers and the Scrutiny Officers. The PFCC and their Chief Executive and Monitoring Officer will ensure that any member of staff involved in handling and considering complaints or applications for reviews receives sufficient training to enable them to discharge these responsibilities confidently and competently.

12. Equality, Diversity and Inclusion implications

The policy sets out the PFCC's commitments to promoting equality, diversity and human rights and to ensuring compliance with the Equality Act 2010 in their handling of complaints and expressions of dissatisfaction. It also sets out the steps the PFCC's office will take to improve access to the complaints system for communities across Essex and promote equality of access to it. These include making reasonable adjustments to the process where appropriate, and how complaints received from or on behalf of a young person aged under 18 will be approached. The updated policy

also sets out the PFCC's commitment to pay regard to the then IPCC's Guidelines for Handling Allegations of Discrimination when handling related complaints.

13. Risks and Mitigations

For the reasons described earlier in this report, failure to have in place an effective and fit-for-purpose Complaints and Expressions of Dissatisfaction Policy could be detrimental to building and maintaining public trust and confidence in policing and the role of the PFCC.

Declining to update the policy as recommended would also fail to secure the benefits identified in section 4 of this report.

14. Governance Boards

The updated policy was considered by the PFCC's Corporate Management Team at its meeting on 13 June 2022.

15. Links to Future Plans

The policy will be reviewed again in two years' time, or earlier should changes to legislation, regulations, statutory guidance or best practice warrant this.

16. Background Papers and Appendices

Appendix 1 – Complaints and Expressions of Dissatisfaction Policy (version 4.0)

Report Approval

The report will be signed off by the PFCC's Chief Executive and Chief Finance Officer prior to review and sign off by the PFCC / DPFCC.

Chief Executive / M.O. Sign: 

Print: P. Brent-Isherwood

Date: 13 June 2022

Chief Financial Officer Sign: 

Print: Janet Perry

Date: 13 June 2022

Publication

Is the report for publication? YES NO

If 'NO', please give reasons for non-publication (Where relevant, cite the security classification of the document(s). State 'None' if applicable)

None

If the report is not for publication, the Chief Executive will decide if and how the public can be informed of the decision.

Redaction

If the report is for publication, is redaction required:

1. Of Decision Sheet? YES NO 2. Of Appendix? YES NO

If 'YES', please provide details of required redaction:

N/A

Date redaction carried out:

Chief Finance Officer / Chief Executive Sign Off – for Redactions only

If redaction is required, the Treasurer or Chief Executive is to sign off that redaction has been completed.

Sign:

Print:

Chief Executive / Chief Finance Officer

Decision and Final Sign Off

I agree the recommendations to this report:

Sign: 

Print: Roger Hirst

PFCC

Date signed: 20 June 2022

I do not agree the recommendations to this report because:

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Sign:

Print:

PFCC/Deputy PFCC

Date signed: