

## SURREY POLICE AND CRIME PANEL

### 26 SEPTEMBER 2022

# REVISED PCC AND DPCC COMPLAINTS PROTOCOL

## 1 SUMMARY

This report sets out a revised Complaints Protocol for dealing with complaints about the conduct of the Police and Crime Commissioner (PCC) or Deputy Police and Crime Commissioner (DPCC).

The proposed new Complaints Protocol is attached as Annex B to this report.

## 2 RECOMMENDATIONS

It is recommended that Surrey Police and Crime Panel:

1. Note the Terms of Reference of the Complaints Sub-Committee attached at Annex A;
2. Agree the Complaints Protocol attached at Annex B;
3. Delegate to the Chief Executive of the Office of the Police and Crime Commissioner for Surrey its powers and duties under Part 2 of The Elected Local Policing Bodies (Complaints and Misconduct) Regulations 2012;
4. Delegate to the Complaints Sub-Committee its powers and duties under Part 2 of The Elected Local Policing Bodies (Complaints and Misconduct) Regulations 2012 to be exercised in the event that the Chief Executive of the Office of the Police and Crime Commissioner for Surrey considers there to be any actual, or that there could be a perceived, conflict of interest in their exercise of those powers and duties;
5. Delegate to the Complaints Sub-Committee its powers and duties under regulation 14 of The Elected Local Policing Bodies (Complaints and Misconduct) Regulations 2012 to be exercised in the event that a conduct matter is referred back to the Chief Executive by the Independent Office of Police Conduct or where, under paragraph 2.16 of the Complaints Protocol, the Sub-Committee objects to a decision by the Chief Executive of the Office of the Police and Crime Commissioner for Surrey to disapply the informal resolution process in respect of a complaint or the manner in which the Chief Executive decides to handle complaint from which the process has been disappplied;

6. Delegate to the Complaints Sub-Committee its powers and duties under Part 4 of The Elected Local Policing Bodies (Complaints and Misconduct) Regulations 2012.

### **3 INTRODUCTION**

- 3.1 The Elected Local Policing Bodies (Complaints and Misconduct) Regulations 2012 make Surrey's Police and Crime Panel responsible for overseeing non-criminal complaints made about the conduct of the PCC and the DPCC.
- 3.2 The Police and Crime Panel Complaints Protocol was last updated in 2021 when references to the Independent Police Complaints Commission (IPCC) were changed to the Independent Office for Police Conduct (IOPC). It was agreed at the June 2021 Surrey Police and Crime Panel meeting to undertake a review of the Protocol.

### **4 REVISIONS**

- 4.1 The main changes in the revised Protocol are outlined as follows:
  - 4.1.1 It makes the OPCC Chief Executive (rather than the PCP Complaints Sub-Committee) responsible for determining whether to disapply the informal resolution process (in cases where, for example, the complaint is repetitious or over a year old). The Sub-Committee has the option of calling in such a decision.
  - 4.1.2 In order to streamline the process, it removes the requirement to consult with a complainant and the subject of the complaint regarding disapplication.
  - 4.1.3 It adds in statutory grounds for disapplication, defining the terms 'repetitious', 'vexatious', 'oppressive' and 'abuse of procedures', from IOPC guidance.
  - 4.1.4 It provides a new timescale for the Sub-Committee to meet to consider the complaint – within six weeks (rather than four); this reflects the practicalities of taking advice and includes a two-week period in which the complainant and person complained against can provide supporting comments.
  - 4.1.5 It clearly articulates three questions for the Sub-Committee to determine when considering a complaint.
  - 4.1.6 It allows the Panel as a whole to assume responsibility for handling a complaint (rather than the Sub-Committee) if it would lead to more satisfactory resolution.
  - 4.1.7 It inserts statutory duties in relation to evidence.
  - 4.1.8 It incorporates statutory provisions in respect of discontinuation and withdrawal.

### **5 CONCLUSION AND RECOMMENDATIONS**

- 5.1 The Panel is asked to agree the recommendations set out above of this report.

## 6 REASONS FOR RECOMMENDATIONS

- 6.1 The Surrey Police and Crime Panel has a duty to informally resolve non-criminal complaints about the conduct of the PCC and DPCC, as well as criminal complaints or conduct matters that are referred back to it by the Independent Office for Police Conduct (IOPC). The recommendations contained in this report will help to ensure that this responsibility is fulfilled.

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