



# SUSSEX POLICE & CRIME PANEL

## Sussex Police and Crime Panel

12 March 2021

### Police Complaints Reform – Update on Reviews

#### Report by The Clerk to Sussex Police and Crime Panel

##### Focus for scrutiny:

Whether the chosen Model was correct – whether the adoption of Model 1 in Sussex has addressed the shortcomings identified with the previous arrangements (see 1.1 & 1.2 below).

## 1. Background

- 1.1 The Policing and Crime Act 2017 introduced reforms to the police complaints process, to make it simpler and to give PCCs an enhanced role, including an explicit responsibility for ensuring the effectiveness of the local police complaints procedure. According to the Home Office, in 2013/14, 72% of people were dissatisfied with how their police complaint was handled. It took an average of 110 working days to finalise complaint cases in 2014/15, nearly two weeks longer than the average time in 2013/14 (101 working days). Police officers who are the subject of complaints lacked faith in the system and were reluctant to engage in what they viewed as an adversarial process. Evidence suggested that police whistleblowers lacked confidence in the ability of their police force's system to protect their identity, discouraging them from reporting.
- 1.2 The intention of the reforms was that complaints made against the police would be responded to in a way that restored trust, built public confidence, and allowed lessons to be learned, without always seeking to blame the officer. Also, to increase the confidence of genuine whistleblowers to report their concerns by ensuring that protections are in place for those individuals. Previously, commissioners had no role in policing complaints.

## 2. Discussion

- 2.1 The Police and Crime Panel received a report in October 2018 on how the Sussex Police and Crime Commissioner (PCC) proposed to implement the legislation (see pages 33-36: <https://bit.ly/3komTMc>). The Commissioner chose to adopt Model 1, of the three options permissible, which are set out below:

2.1.1 Model 1 (Mandatory minimum) – Oversight and complaint reviews

PCCs continue to hold Chief Constables to account for the exercise of their functions under the Police and Reform Act 2002 in relation to the handling of complaints. Under Model 1 PCCs become the relevant review body for reviews (formerly known as 'appeals') where the IOPC is not the relevant review body, for example complaints which have been locally resolved by the relevant Force. PCCs become responsible for undertaking reviews of complaint outcomes for some complaints which are formally recorded and the right of appeal was previously to the relevant Chief Constable – the equivalent of local resolution outcomes. PCCs also have the power to recommend how a complaint they have reviewed should be resolved and Chief Constables will be expected to co-operate in order to achieve a satisfactory outcome for the complainant.

2.1.2 Model 2 Customer Service Resolution and Recording

In addition to the mandatory functions listed in Model 1, PCCs receive all expressions of dissatisfaction and are responsible for the initial contact with the complainant. They take on responsibility for resolving low-level customer service issues informally and recording those complaints which cannot be resolved in this way, or where the complainant requests that it is formally recorded.

2.1.3 Model 3 Contact

In addition to the function of Models 1 and 2, PCCs become the single point of contact for complainants and are responsible for maintaining contact with the complainant at all stages throughout the complaints process, including communicating complaint outcomes along with information about their right of appeal to have the outcome reviewed.

- 2.2 It should be noted that in every Model the resolution of a complaint remains the responsibility of Sussex Police. Forces continue to determine whether complaints meet the criteria for referring to the IOPC.

**3. Risk Management Implications**

- 3.1 The Commissioner's role in overseeing the complaints system is an important statutory responsibility that plays a key part in building public confidence and maintaining trust and transparency.

**Tony Kershaw**

Clerk to Sussex Police and Crime Panel

**Contact:**

Ninesh Edwards  
(T) 0330 222 2542  
(E) ninesh.edwards@westsussex.gov.uk

**Appendices:** Appendix A – ‘Police Complaints Reform – Update on Reviews’  
(Report by the Sussex Police & Crime Commissioner)