

HAMPSHIRE POLICE AND CRIME PANEL

Report

Date:	8 July 2022
Title:	Annual Complaints Report 2021/22
Report From:	Democratic Services Officer to the Panel

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Purpose of this Report

1. The purpose of this report is to provide the Hampshire Police and Crime Panel (PCP) with an overview of the work undertaken by the PCP's Complaints Sub-Committee (the Sub-Committee) over the previous 12 calendar months.

Recommendation(s)

2. **That the annual complaints report is noted.**

Contextual information

3. The PCP is responsible for handling complaints made against the Police and Crime Commissioner for Hampshire (PCC) and the Deputy Police and Crime Commissioner (DPCC), and for informally resolving non-criminal complaints, as well as complaints or conduct matters that are referred back to the Panel by the Independent Office for Police Conduct (IOPC).
4. The PCP is also required to forward any 'serious' complaint it receives against the PCC/DPCC to the IOPC. The definition of a 'serious' complaint is 'a qualifying complaint made about conduct which constitutes or involves, or appears to constitute or involve, the commission of a criminal offence', as per paragraph 2(6) of Schedule 7 to the Police Reform and Social Responsibility Act 2011.
5. At its meeting on 19 October 2012, the PCP agreed protocols for how it would handle such complaints. This included the delegation of the initial stages of the complaints handling system to the Chief Executive of the Office of the Police

and Crime Commissioner (OPCC). Should the delegated officer determine that a complaint received should be considered by the Sub-Committee, it will be recorded as such and referred to the Panel's Democratic Services Officer.

6. The complaints protocol is reviewed regularly to determine if any amendments need to be made. The current version was revised and agreed at the 7 February 2020 meeting and can be viewed on the PCP's web pages: <https://documents.hants.gov.uk/partnerships/hampshire-pcp/PCP-ProtocolfortheInformalComplaintsProcedure.pdf>
7. Should the Monitoring Officer to the PCP, in consultation with the Chairman of the Sub-Committee, consider a complaint, or part thereof, does not properly fall within the responsibility of the PCP then the complaint will not be recorded, and the complainant notified in writing of the grounds on which the decision was made.
8. Recorded complaints will be subject to an 'informal resolution' process, as described in the complaints procedure. Prior to initiating the informal resolution process the Monitoring Officer, in consultation with the Chairman of the Sub-Committee, will consider the suitability of the complaint, or part thereof, for disapplication within the meaning of section 15 of the Elected Local Policing Bodies (Complaints and Misconduct) Regulations 2012.

Complaints Sub-Committee

9. The Membership of the Complaints Sub-Committee during the 2021/22 municipal year was as follows:
 - David Stewart – Independent Co-opted Member
 - Councillor John Beavis – Conservative
 - Councillor Tony Jones – Labour
 - Councillor Phillip Lashbrook - Conservative
 - Councillor Ken Muschamp – Conservative
10. The Sub-Committee received legal advice from Portsmouth City Council.

Complaints Activity – June 2021 to June 2022

11. 13 potential complaints against the PCC, Donna Jones, were received by the delegated officer between 23 June 2021 and 22 June 2022 (see Table 1). Of these 13 complaints, 10 were considered not to properly fall within the responsibility of the PCP and were not recorded.
12. In addition, three potential complaints against Luke Stubbs, in his former role as DPCC, were received by the delegated officer between 23 June 2021 and 22 June 2022 (see Table1). One of these four complaints was withdrawn by the complainant before the Sub-Committee met to review it.
13. The Complaints Sub-Committee met on four occasions during the last 12 months. Further details of the date and papers for this meeting can be viewed online: <https://democracy.hants.gov.uk/ieListMeetings.aspx?Committeeld=671>
14. This represents a significant increase in complaints activity from the previous reporting period (June 2020 - June 2021), when the Sub-Committee were only required to meet on one occasion.
15. A summary of complaints activity can be found in Table 1. It should be noted that a DPCC was not in post during the periods 2019-20 and 2020-21.

Complaints Received – Delegated Officer	2021-22	2020-21	2019-20
Potential complaints received against PCC	13	10	3
- Not recorded as a complaint	10	8	2
- Recorded as a complaint	3	2	1
- Recorded as a potential 'serious' complaint	0	0	0
Potential complaints received against DPCC	4	0	0
- Not recorded as a complaint	0	0	0
- Recorded as a complaint	4	0	0
- Recorded as a potential 'serious' complaint	0	0	0

Table 1

Complaint Outcomes – June 2021 to June 2022

16. At the time of writing:

- No complaints were on-going.
- No complaints had been referred to the IOPC.
- The informal resolution process was dis-applied in respect of one complaint.
- Five complaints had been informally resolved, one with an action plan and three further with recommendation to the PCC, and one was informally resolved without further action.

17. A summary of complaint outcomes from those complaints recorded can be found in Table 2:

Complaints Conclusions	2021-22	2020-21	2019-20
Complaints recorded against PCC			
Informal resolution process dis-applied	1	1	0
Referred to the IOPC	0	0	0
Informally resolved without further action	1	0	1
Informally resolved without further action, with recommendation to the PCC	0	1	0
Informally resolved with action plan	1	0	0
Complaint still ongoing	0	0	0
Complaint withdrawn by complainant	0	0	0
Complaints recorded against DPCC			
Informal resolution process dis-applied	0	0	0
Referred to the IOPC	0	0	0
Informally resolved without further action	0	0	0
Informally resolved without further action, with recommendation to the PCC	3	0	0
Informally resolved with action plan	0	0	0
Complaint still ongoing	0	0	0
Complaint withdrawn by complainant	1	0	0

Table 2

Unreasonable Complainant Behaviour – June 2021 to June 2022

18. Usually, complaints reviewed by the Sub-Committee are subject to a straightforward process, but in a small number of cases complainants may

begin to pursue their cases in a way that can get in the way of reviewing the complaint or unfairly take officers supporting the Sub-Committee away from their other duties. Similarly, complainants who have had their complaints resolved by the Sub-Committee may continue to pursue their complaint, or request outcomes to their case that the Sub-Committee is not capable or is unwilling to grant.

19. If a complainant's behaviour adversely affects the Sub-Committee's ability to undertake their responsibilities or the work of any of the PCP's supporting officers, the Monitoring Officer, in consultation with the Chairman of the Sub-Committee may decide to restrict the contact that person has with the PCP, the Sub-Committee, its members and any officer supporting the PCP. Any decision taken to apply contact restrictions are formally reported to the Sub-Committee at its first meeting following the date of the determination.
20. When imposing a restriction on access a specified review date is given. The Sub-Committee will review the restrictions on or before the review date. Generally, once that date has been reached, any restrictions are lifted and relationships returned to normal unless there are good grounds to extend the restriction. Further details of management of unreasonable complainant behaviour by the PCP can be found online at <https://documents.hants.gov.uk/partnerships/hampshire-pcp/PoliceandCrimePanelGuidanceNoteManagementUnreasonableComplainantBehaviour.pdf>
21. Contact restrictions, as a result of unreasonable complainant behaviour, were applied once during the period 23 June 2021 and 22 June 2022. The restrictions were later reviewed by the Sub-Committee, at the specified review date, and lifted. This review meeting was held during the period June 2021-22.

REQUIRED LEGAL INFORMATION:

Significant Links

Links to previous decisions:	
<u>Title</u>	<u>Date</u>
Direct links to specific legislation or Government Directives	
<u>Title</u> Police Reform and Social Responsibility Act 2011 (legislation.gov.uk)	<u>Date</u> September 2011
The Elected Local Policing Bodies (Complaints and Misconduct) Regulations 2012 (legislation.gov.uk)	January 2012

Section 100 D - Local Government Act 1972 - background documents

The following documents discuss facts or matters on which this report, or an important part of it, is based and have been relied upon to a material extent in the preparation of this report. (NB: the list excludes published works and any documents which disclose exempt or confidential information as defined in the Act.)

Document

Location