

Consultation on IOPC statutory guidance on the police complaints system

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New guidance is being produced to support the reformed police complaints system, which is expected to launch next year. The draft guidance is based on regulations produced by the Home Office that are currently in draft form. Any changes to those regulations will be reflected in the final version of the guidance. Please note that the legislative changes themselves are not within the scope of this consultation.

The draft guidance has been developed with input from a range of policing and non-policing stakeholders. However, we now want to seek a wider range of views.

Please use this form to provide your comments on the draft statutory guidance. We would be grateful for your comments on the specific questions asked. There is also a section at the end of the form for general feedback on the consultation document. Please include paragraph numbers in your response where appropriate. You will be able to save and return to your responses if needed.

The consultation begins on Wednesday 14 November 2018 and will **close on Wednesday 23 January 2019**.

All responses will be considered and taken into account in producing the final version of the new guidance. If any comments are published as part of our response to the consultation, these will not be attributable to individuals but we may make reference to your organisation or work sector.

Information provided in response to this consultation, including personal information, may be published or disclosed in accordance with the Freedom of Information Act 2002 (FOIA) and data protection legislation. If you think the information you have provided should be treated as confidential, please clearly mark this in your response.

If you have any questions about this consultation, please contact iopcstatutoryguidance@policeconduct.gov.uk

The IOPC will process your personal data in accordance with our privacy notice www.policeconduct.gov.uk/privacynotice

If you have any concerns about the way we handle information please contact our Data Protection Officer dpo1@policeconduct.gov.uk

About you

1. Is this a personal response or on behalf of an organisation?

- ☐ Personal
- ☒ Organisation

2. Which of the following best describes your role and your organisation?

- ☒ Police stakeholder – those working in police forces or Police and Crime Commissioners' offices
- ☐ Non-police stakeholder – including community representatives, charities, advocacy groups and parliamentarians
- ☐ Stakeholder in the police accountability framework – including the College of Policing, Crown Prosecution Service, HMICFRS, and Coroners
- ☐ Member of the public
- ☐ Other (please specify):
-

Chapter 3 - Principles of reasonable and proportionate handling

3. How far, if at all, do you agree with each of the following principles of reasonable and proportionate handling set out in chapter 3?

	Strongly agree	Tend to agree	Tend to disagree	Strongly disagree	Don't know
Customer service focus	X	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Case by case approach	X	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Consider the wider context	X	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Fair and effective decisions	X	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

4. Are there any principles that you do not agree with?

- ☐ Yes
- ☒ No

If yes, please state which ones and why.

5. Are there any other principles that you think should be added?

- ☒ Yes
- ☐ No

If yes, please state which ones and why.

Many complainants may have been a victim of crime or could identify as vulnerable. Complaints Handlers should consider a complainant's vulnerabilities and the potential to provide additional support outside of the complaints process e.g. signpost to mental health support, referral into Victims First Northumbria etc. This will provide a more holistic customer service approach, where complaints handlers could assist/ facilitate additional support where possible.

Chapter 4 – Learning and improvement

6. Do you think that it would be useful to provide any further guidance on how to use learning from the complaints system?

- ☐ Yes
☒ No, comprehensive and clear.
☐ Don't know

If yes, please tell us what further guidance would be useful.

Chapter 6 – Initial handling and recording of complaints

7. In general, do you think the guidance on the initial handling of complaints is sufficient?

- ☒ Yes
☐ No
☐ Don't know

Please explain your answer.

Comprehensive, clear and in line with expectations.

8. Do you think that the distinction between 'logging' and 'recording' complaints is clear?

- ☒ Yes
☐ No
☐ Don't know

If no, or you are not sure, please tell us what is not clear.

9. Do you think that it would be helpful to have further guidance on what actions can be taken to deal with a complaint outside of Schedule 3 of the Police Reform Act (PRA) 2002?

- ☒ Yes
☐ No
☐ Don't know

Please explain your answer and include any suggestions you may have.

The opportunity to deal with a complaint outside of Schedule 3 will be open to all front facing staff. High level guidance would therefore be beneficial (e.g. current IOPC guidelines re Key Facts - Local Resolution) in order to promote a corporate understanding of what a none schedule 3 complaint outcome is, and what is considered to be an appropriate action.

Chapter 12 – Handling otherwise than by investigation

10. In general, do you think that the guidance on handling otherwise than by investigation is sufficient?

- ☐ Yes
☒ No
☐ Don't know

Please explain your answer.

This section requires further explanation and would benefit from some practical examples or case studies on how to bring this principle to life. It could be considered as an early topic for a Focus issue.

11. If you have any other examples of how to handle matters otherwise than by investigation that you think should be included in chapter 12, please describe here.

N/A

12. Do you think that the guidance on when it may be appropriate to take no further action is sufficient?

- ☒ Yes
☐ No
☐ Don't know

Please explain your answer.

Comprehensive and clear.

13. To what extent do you agree with the examples given at paragraph 12.9 of when it may be reasonable and proportionate for no further action to be taken?

- ☐ Fully agree
☒ Somewhat agree
☐ Somewhat disagree
☐ Fully disagree

Please explain your answer.

The example 'if the complaint is of a nature that no reasonable person could lend any credence to it'. This should be reconsidered as an example. This will be used primarily for those complaints which have been submitted by individuals who may suffer from mental ill health. The description that 'no reasonable person could lend credence to it' will be considered demeaning and could cause further mental anguish.

14. Are there any other circumstances in which you think it would be appropriate to take no further action?

- ☐ Yes
☒ No
☐ Don't know

If yes, please describe.

Chapter 18 - Reviews

15. Do you think that the guidance on the handling of reviews is sufficient?

- ☒ Yes
☐ No
☐ Don't know

Please explain your answer.

General content is comprehensive and clear.

Point 18.32 should be emphasised more as it is a key principle to the effective management of reviews.

General comments

16. Are there any other comments you would like to make in relation to the statutory guidance?

The below statement is taken directly from the Home Office paper entitled "OVERVIEW OF PHASE 3 REFORM TO POLICE INTEGRITY" from August 2018.

'The process under which the IOPC decides whether there is a 'case to answer' after an independent or directed investigation will be simplified and the IOPC will also decide the form any disciplinary proceedings should take'.

There appears to be no reference to the above in the Police (Complaints and Misconduct) Regulations 2019 or in the draft IOPC guidance that explained any change to the existing process.

As we review the consultation responses, it is helpful for us to do so in the context of knowing who has submitted the response. We may also wish to further discuss your comments with you.

If any responses are published, these will not be attributable to individuals but we may make reference to your organisation or work sector.

18. Respondent details

Name:
Role:
Organisation:
Email:
Phone:

17. Would you be happy to be contacted to further discuss your consultation responses if required?

☐ Yes

☐ No

Thank you

Thank you for taking the time to respond to the consultation on IOPC statutory guidance on the police complaints system.

If you have any questions please contact iopcstatutoryguidance@policeconduct.gov.uk