

Report of: The Lead Panel Officer

Date: 14 March 2022

Police and Crime Panel Annual Complaints Monitoring – January 2021 – March 2022

1. Purpose of Report

1.1 The purpose of this report is to provide the West Midlands Police and Crime Panel with an update on the handling of complaints made against the West Midlands Police and Crime Commissioner (PCC). This report covers the period January 2021 – March 2022.

2. Recommendation

That the information contained in the report be noted.

3. Background

3.1 The Panel has a statutory responsibility under the Elected Local Policing Bodies (Complaints and Misconduct) Regulations 2012 for handling complaints for handling complaints regarding the non-criminal behaviour of the PCC and resolving such complaints through an informal resolution process. In addition, the Panel is responsible for recording and referring complaints alleging criminal conduct to the Independent Office for Police Conduct.

3.2 In October 2012 the Panel approved its complaints procedure based on the Regulations and, following further guidance from the Home Office, agreed in January 2013 to delegate all complaint handling, recording of decisions and the brokering of informal resolutions to the Birmingham City Council Monitoring Officer. The Birmingham Scrutiny Office supports the Monitoring Officer in this function.

3.3 In September 2013 the Panel updated its protocols for handling complaints to include the option to establish a Complaints Sub-Committee in cases where the Monitoring Officer deemed it the most appropriate method to resolve a complaint.

3.4 The Panel also agreed to an annual complaint monitoring report to update Members on the complaints that have been dealt with by the Monitoring Officer on its behalf. This report would advise members on the number of complaints received and provide a summary of any actions taken. Details of the complaint, complainant and case files would remain confidential.

4. The Panel's Complaints Procedure and Outcomes

4.1 The Panel's complaints procedure, together with an 'easy-read' guide and an online complaint form is on the Panel website www.westmidlandspcp.co.uk

4.2 The Panel website and guidance makes it clear that the Panel cannot look at police complaints. However, the office continues to receive a number of police complaints and redirect these complainants to the WMP Professional Standards Department.

4.3 Each recorded non-criminal complaint against the PCC is subject to an 'informal resolution' process described in the Panel's complaints procedure. Prior to undertaking this, the Monitoring Officer has the opportunity to 'dis-apply' the informal resolution process, should the complaint fall into a number of categories outlined in the Regulations.

- 4.4 Whilst the PCC must monitor all complaints made about the West Midlands Police, and handles complaints against the Chief Constable, he has no remit or legal authority to act as an advocate for individuals, investigate individual cases or direct the Chief Constable on how to manage or respond to an individual complaint. Therefore, complaints about the PCC's failure to act in police complaints would generally not be recorded.
- 4.5 The Policing and Crime Act 2017 enhanced the role for PCCs in police complaints. There were no changes to the Panel's remit which continues to handle complaints about the conduct of PCC under the existing framework of The Elected Local Policing Bodies (Complaints and Misconduct) Regulations 2012.
- 4.6 It should be noted that the Panel has no remit to consider appeals against the outcome of a police complaint that the PCC handles under these new responsibilities.

5. Complaints about Panel Members

- 5.1 In the absence of any provision or guidance regarding who should handle a complaint made against the Panel itself, it should be noted that each elected Panel Member is subject to their respective appointing Authority's Codes of Conduct and the two independent members of the Panel have adopted the Code of Conduct of the host authority (Birmingham)

6. Summary of Complaints Received January 2021– March 2022

- 6.1 Three complaints were received:

Complaint 1: Recorded then withdrawn by complainant. No further action.

Complaint 2: Recorded and taken forward to informal resolution and concluded without action taken.

Complaint 3: Not recorded as it purported to be about the PCC but related to matters that fell beyond his remit.

List of background papers:

West Midlands Police and Crime Panel Complaints Procedure
Report and Minutes from Police and Crime Panel 30 September 2013
Report and Minutes from Police and Crime Panel 19 January 2015

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