

<b>MEETING</b>	<b>Decision Making Meeting</b>
<b>DATE</b>	18 March 2021
<b>TITLE OF REPORT</b>	<b>Delayed complaints against police</b>
<b>SUBMITTED BY</b>	Deputy Chief Executive
<b>PURPOSE OF REPORT</b>	To consider how to handle reports made under Regulation 13 of the Police (Misconduct and Complaints) Regulations 2020 and the Police (Conduct) Regulations 2020.
<b>DECISION(S) REQUIRED</b>	As above
<b>FINANCIAL IMPLICATIONS</b>	None
<b>LEGAL IMPLICATIONS</b>	Included in report
<b>EQUALITIES IMPACTS</b>	None
<b>FREEDOM OF INFORMATION EXEMPTION SECTION IF APPLICABLE</b>	None

## 1 INTRODUCTION

The Police (Complaints and Misconduct) Regulations 2020 and the Police (Conduct) Regulations 2020 provide that if an investigation of a complaint or conduct matter is not completed within 12 months by the Chief Constable or Director General of the IOPC as appropriate, they must report certain information about the investigation to the PCC. The Regulations and statutory guidance do not put any requirements on what the PCC is to do following receipt of the report. Therefore it appears that the purpose of the report is to allow the normal holding to account function to take place where appropriate.

## 2 INFORMATION TO BE PROVIDED TO THE PCC

The Regulations set out the information to be provided and is intended to be sufficient to allow all parties (the report has to be sent to the complainant of other interested parties as well as the PCC) to understand the reason why the matter has not been concluded within 12 months, what the next steps are and clear and reasonable timescales for future completion of the matter. Names of complainants, interested parties and the subject of the complaint or conduct matter are not required to be included and data protection principles suggest that it is not appropriate to include these unless their exclusion would hinder

the purpose of the Regulations. The reference will have the complaint reference number so that if required the matter can be suitably taken up with the Chief Constable if necessary without sharing (often sensitive) personal data.

### **3 HANDLING OF REPORTS**

The purpose of the requirement is to give effect to the principle that complaints and conduct matters should be concluded promptly to secure confidence in the complaints system and minimise the impact of an investigation on those involved, complainants, witnesses and those subject to complaints. The statutory guidance though makes clear that timeliness does not require any compromise of necessary diligence in carrying out the investigation. Hence there is no statutory time limit on investigations. The role of the PCC is, therefore, to be in a position to raise any undue delay with the Chief Constable or IOPC when necessary because the reasons for lack of completion of the matter or proposed future steps and timescales do not appear to be justified. They may also give an indication of resource requirement for those reports arising from PSD led investigations. The Home Office guidance also points out that the making of the report acts to prompt a case review within PSD or the IOPC to make the report and ensure appropriate action and mitigations are in place.

The first 2 reports received both relate to cases where the matter cannot be concluded because there are criminal investigations involved which need to conclude before the complaint or misconduct matter can be progressed. In these types of cases there is a safeguard that the reporting requirement arises again every 6 months so if the criminal process has concluded it can be seen if proposed timescales following that have been met or adequately explained.

It is not considered that individual reports need to be assessed by the PCC personally but that individual cases should be raised if delay appears to be unjustified by the explanation given or is otherwise of concern so that action can be taken by way of holding to account or meeting with the IOPC.

### **4 RECOMMENDATION**

That the Chief Executive makes arrangements to receive and consider these reports under the Regulations and report them to the PCC where any undue delay appears to have occurred or there is other cause for concern.

### **5 BACKGROUND PAPERS**

Police Conduct Regulations 2020 and Statutory Guidance of the Home Office and IOPC.