

LEICESTERSHIRE POLICE AUTHORITY

PAPER MARKED

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Meeting **POLICE AUTHORITY**

Date **THURSDAY 3 SEPTEMBER 2009, 2.00 p.m.**

Report of **CHIEF EXECUTIVE**

Subject **CONSULTATION ON IPCC GUIDANCE**

Purpose of Report

1. This report deals with a consultation document issued by the Independent Police Complaints Commission entitled "Consultation on the IPCC's Proposed Statutory Guidance for the Police Service 2009".

Commentary

2. On 16 July 2009 the IPCC issued this consultation document which runs to 201 pages. Replies are sought by the IPCC by 7 October 2009. The Association of Police Authorities has asked for any views so that it can compile a corporate response by 23 September 2009 and take this to its People Policy Network meeting.
3. The consultation paper is available on the IPCC website at www.ipcc.gov.uk/index/resources/consultation.htm . It is not practicable to discuss the entire content of the consultation document at the Committee meeting. Much of the content recites guidance that has evolved over time, and will come as no surprise to practitioners. This report therefore gives an overview of the consultation document and focuses on one chapter that members may feel is the most poignant to their role. Naturally, if members have any comments to make on other parts of the consultation document, they can forward their views to the Chief Executive for inclusion in the final response.
4. The consultation document is split into five main chapters. The first chapter is about access and deals with the definition of what the complaint system can deal with – complaints, conduct matters and death or serious injury matters. It discusses providing effective access to the complaint system for members of the public. It provides the following principles governing this element of its work.
 - Positively promote the complaints system, especially to groups and communities known to feel less confident about using it.
 - Support and protect employees reporting concerns or misconduct.
 - Provide quality information on how to use the system and local procedures.
 - Identify and accommodate individual needs.
5. Chapter two deals with initial handling of matters. It covers the initial actions that need to be or can be taken when a complaint or other matter first arises. It includes recording (and recording decision appeals), referral to the IPCC and the method of seeking

dispensation. The principles the consultation paper sets out at the head of this chapter are as follows.

- Complaints help the police organisation to improve.
- During initial handling, take a complaint at face value.
- Local, and rapid, handling is best for many complaints.
- After initial handling and assessment, it should be clear what happens next.
- Referral to the IPCC should comply with the European Convention of Human Rights, IPCC Statutory Guidance and IPCC Operational Advice Obligations.

6. Chapter three concerns resolving. This chapter looks at how a complaint or other matter is dealt with and move towards resolution once it has been recorded. Local resolution (and local resolution appeals) investigation and seeking contingencies are covered. The chapter includes a section on communication in the course of dealing with a complaint or other matter.

7. The principles at the head of chapter three are as follows

- Deal with the reason for someone to be satisfaction, not just who may be to blame.
- Try where possible to be restorative in approach.
- Be and be seen to be fair and impartial when dealing with a complaint and the person complained against.
- Be proportionate in handling and when reaching conclusions and recommendations.
- When a complaint is upheld identify the responsibility and where justified hold to account.
- Respond to a complaint efficiently and in a timely manner.
- Be as open and transparent as possible.
- Identify and disseminate learning for national and local policing.

8. Chapter four is headed outcomes. It deals with the outcomes that a complaint system can delivery, from explanations and apologies through to referral to the CPS and the start of misconduct proceedings. It includes a section on communicating the outcomes of a complaint or other matter. The principles at the head of chapter four are

- Invest time and care in ensuring a good quality outcome.
- Uphold a complaint that is meritorious, even where no misconduct or unsatisfactory performance can be substantiated.
- A death or serious injury matter enquiry is primarily a fact finding investigation but questions and concerns of interested persons must be answered.
- Identify and disseminate organisational learning at every opportunity, following the IPCC model approach where this is an investigation.

9. Chapter five involves monitoring and development. It covers how the IPCC and its policing partners will monitor and develop practices and systems that support increasing confidence in the police complaints system. A copy of chapter five is found as Appendix 1 to this report. Members' views are particularly requested in relation to this chapter.

10. Performance Indicators are set out in Tables 2 – 5 in this chapter, and make a useful benchmark against the measures contained in Paper A on this agenda.

11. Discussions will continue in respect of responses to the issues raised in this extensive paper and it is suggested that the final response is left to the Chief Executive in consultation with the Chairman of this Committee.

Recommendations

12. The response of Leicestershire Police Authority to this consultation paper be settled by the Chief Executive in consultation with the Chairman of Professional Standards Committee.

Implications

Financial – none. Legal – none. Diversity – none. Risk management – none.

Background Papers

None.

Officers to Contact

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