

North Yorkshire Police, Fire and Crime Panel

13 October 2022

Update on Complaints Handling by the Panel

1 Purpose of Report

1.1 To provide the Panel with an annual overview of complaints received.

- 2 This report provides an annual update for the Panel of complaints made to the Panel over the last year. While members will be aware of those complaints where formal reporting in to the full Panel has been required, it is important that Panel is also given an overview of those complaints which have not progressed in this way.
- 3 The purpose of this is to provide an opportunity, annually, to reflect on any potential patterns or trends in the nature of complaints submitted to Panel as well as any 'lessons learned' from the handling of complaints. As there are a number of new Members to the Panel, Appendix B to the update provides a level of detail on process and legal considerations around complaints handling.
- 4 Appendix A provides a high-level summary of the complaints received by the Panel in the last year regarding the Commissioner.
- 5 This period has been exceptional in view of the high volume of complaints received in a relatively short timeframe around a single issue in October 2021, regarding Commissioner Phillip Allott. Members are aware that these complaints were dealt with in the round at the Panel's meeting of 14th October 2021.
- 6 Mechanisms were put in place within NYCC to ensure that each correspondent was acknowledged and subsequently provided with an update on how the complaint had been dealt with through the Panel. In a couple of cases, individuals wrote back to NYCC to advise that they did not wish to formally complain but simply to register their dissatisfaction, and this is accounted for in the attached figures.
- 7 Aside from the above circumstances, Members will note that complaints received in this period have been very low in number and are largely outwith of the Panel's remit. The Panel continues to receive correspondence from individuals wishing to make contact with North Yorkshire Police, for example regarding ongoing issues/crime incidents logged with the police and also to make complaints regarding individual police officers.
- 8 In these cases, the individual is asked if they would like the Panel to re-direct their correspondence to the Complaints and Recognition Team at the

Commissioner's office, and is provided with details in case they wish to do this directly. The Panel's website information, complaints procedure and automated email response have all been updated in the last couple of years to ensure that the Panel role is clarified and that information is provided upfront to direct the public to the Complaints and Recognition Team. The volume of such correspondence to the Panel seeking redress on policing matters is relatively low and as such no further action is recommended around signposting or information provision from the Panel.

9 Recommendation

9.1 That the Panel notes the update complaints report provided.

Report prepared by:
Diane Parsons
Principal Scrutiny Officer
North Yorkshire County Council

4th October 2022

Background Documents:

Appendix A – Summary of complaints received since 1st October 2022;

Appendix B – Complaints handling process for North Yorkshire PFCP.

Summary of complaints received since 1st October 2022

Complaint Ref	Complaint / Referral	Summary of complaint	Referral to IOPC?	Status	Determination
56-21 to 403-21	Direct complaint against PFCC (P Allott)	<p>Significant objections to comments made during a BBC radio interview and subsequent apology by the PFCC</p> <p>High volume (347) of complaints made regarding the Commissioner's conduct in relation to comments made around the Sarah Everard case – complaints had regard to both the initial radio interview and subsequent apology by the PFCC.</p>	N/A	Closed.	Complaints all recorded against the PFCC. The Panel determined that the matters of complaint were unsuitable for informal resolution. A significant loss of public trust and confidence resulted in a vote of no confidence from the Panel Members.
404to 406-22	Direct complaints against North Yorkshire Police (NYP)	<p>3 x complaints regarding North Yorkshire Police matters e.g. ongoing cases or issues regarding individual police officers</p> <p>Complainants in these matters were either seeking the involvement of the Panel in their concerns regarding NYP or were simply under a misapprehension that the Panel might be an appropriate avenue for their concerns.</p>	N/A	Closed.	Not recorded against the PFCC – outwith of the Panel's remit. Complainants were re-directed back to Complaints and Recognition (OPFCC).

Appendix A

<p>407-22</p>	<p>Direct complaint against PFCC (Z Metcalfe)</p>	<p>1 x complaint alleging refusal to correspond and also criminal conduct.</p> <p>Complaint alleging criminal conduct by the PFCC due to perceived inaction over a variety of alleged historic misconduct matters by a series of current and former senior police officers and Commissioners. Complainant (who was subject to a Customer Contact Arrangement under the OPFCC Policy on Unreasonable Complaints and Correspondence) alleged that the PFCC was refusing to correspond on their concerns.</p>	<p>N/A</p>	<p>Closed.</p>	<p>Complaint recorded, as per legal requirements, and substantive response sent to the complainant following legal guidance, but with no further action recommended. Determination made that the criminal conduct aspects of complaint were without basis and as such no referral was made to the IOPC.</p>
---------------	---	---	------------	----------------	---

Complaints handling process

The Panel legally has a role in the handling of (non-criminal) complaints regarding the Commissioner (PFCC). The Panel web site provides information on the Panel's complaints handling protocols at www.nypartnerhips.org.uk/pcp

The Panel is able to formally delegate the initial review and handling of complaints received to a designated Lead Officer. The Panel agreed in November 2018 that this role would be delegated to **Daniel Harry, Democratic Services and Scrutiny Manager** at NYCC.

When complaints are received, an initial decision must be made by the Lead Officer as to whether the complaint should be recorded or not. Under the governing regulations, all complaints regarding the PFCC must be recorded if they pertain to the PFCC or DPCC of that force area. Once a complaint is recorded, the complainant – and the PFCC – is advised of this.

Where a complaint is received which is not within the Panel's remit, for example if it is about operational policing matters, then the complainant is advised of this and it may be re-directed elsewhere, such as to the Complaints and Recognition Team at the PFCC's office.

The next step in this process will generally be that the Lead Officer (via the Secretariat) will request a response to the complaint from the OPFCC, as well as enabling the complainant to clarify or provide further details of complaint if they so wish. Once this has been received, the Lead Officer is able to make an assessment as to whether the complaint:

- a) requires further consideration by a Complaints Sub-Committee;
- b) requires no further action by the Panel.

The only legal recourse that the Sub-Committee has in attempting to resolve complaints is a process known as "informal resolution". Informal resolution is a way of dealing with a complaint by solving, explaining, clearing up or settling the matter directly with the complainant, without investigation or formal proceedings.

The Panel may legally invite the Commissioner to attend a meeting to give representations regarding a complaint matter. The Panel legally has no power to investigate so can only seek clarification on certain points. The Lead Officer, Secretariat and Sub-Committee benefit from the guidance – where required - of the Panel's legal adviser, Barry Khan (Asst CEO and Monitoring Officer, NYCC).

Where a complaint has been taken to a Sub-Committee for further consideration, the Sub-Committee must consider whether it is in the public interest to publish a report of its deliberations. Where these are published, they are provided at <https://nypartnerhips.org.uk/pcppublications>

Further detail of the Panel's complaints handling process, including both a leaflet for members of the public and a more detailed protocol, can be found at <https://nypartnerhips.org.uk/pcpcomplaints>