



**Letter to PCP Chairs:**

**17 DEC 2015**

**PUBLIC CONSULTATION ON PROPOSALS FOR POLICE AND CRIME COMMISSIONERS COMPLAINTS**

As you will be aware the Government has identified the need to expand PCCs' role within the police complaints system and intends to bring forward legislation to enable PCCs to take on responsibility for key parts of that system. I am writing today to let you know that, in tandem with these changes, the Government has today published a public consultation setting out proposals for changes to the system for complaints made against a PCC, which will achieve a more transparent and easily understood complaints system.

The Government is proposing changes to the system for non-serious complaints (i.e. non-criminal), which are handled by your Panels (PCPs) through the process for "informal resolution", as set out in the Police Reform and Social Responsibility (PRSR) Act 2011 and the Elected Local Policing Bodies (Complaints and Misconduct) Regulations 2012.

The PCC role continues to develop within the criminal justice system, which has included taking on responsibility for key functions such as the commissioning of local victim's services. Further, the Government has set out proposals to enable PCCs to take on the governance of fire and rescue services and, as mentioned above, key parts of the police complaints system. With PCC responsibilities increasing, we need to ensure that the system governing PCC complaints is effective and transparent, and your Panels play a fundamental role in that process. The proposed changes to the complaints system ensure the fundamental principle of the PCC policy, that of accountability to the electorate is not undermined.

The Government proposes changes in three broad areas:

1. Clarifying, through non-statutory guidance, what constitutes a complaint, ensuring PCPs take forward complaints about a PCC's conduct rather than their policy decisions.

2. Providing PCPs with greater investigatory powers to seek evidence pertinent to a complaint.
3. Clarifying, through non-statutory guidance, the parameters of “informal resolution” and setting out that, where agreement cannot be reached, it is open to PCPs to make recommendations on the expected level of behaviour of a PCC, and that they have powers to require the PCC to respond.

The PRSR Act 2011 makes provision for the Home Secretary to appoint members of Police and Crime Panels in Wales directly. If panels in Wales decide to use powers to investigate a complaint, the Home Secretary is likely to be responsible for appointing the independent investigator. Further details of how this will work will be confirmed in light of responses to the consultation.

I welcome your views on the proposed changes through your experiences as a Chair of a Police and Crime Panel. I am aware that, in particular, there has been dissatisfaction regarding limitations placed on your Panels regarding investigation of complaints, and how to resolve complaints where agreement cannot be reached between the complainant and the PCC. I would, therefore, be particularly interested in your views on the proposed changes to the investigation of complaints, and the clarification regarding your powers to make recommendations.

Further details on the consultation can be found in the consultation document and I look forward to your responses. If you require further details about the consultation proposals please do not hesitate to contact David Livesey or Palvi Makwana at [PCCComplaintsConsultation@homeoffice.gsi.gov.uk](mailto:PCCComplaintsConsultation@homeoffice.gsi.gov.uk).

I have written in similar terms to all PCCs and Chief Executives of PCC offices.

*Kind regards*

*MP*

**The Rt Hon Mike Penning MP**