

DMPC Decision – PCD 741**Title: Complaint Reviews Delegation****Executive Summary:**

Decision *PCD 626 Oversight of Public Complaints in the MPS* confirmed that the Mayor's Office for Policing and Crime (MOPAC) has adopted 'Model One' (the mandated level) for the future governance of police complaints under the Policing and Crime Act 2017. PCD 741 builds on PCD 626 and explicitly delegates the responsibility of conducting reviews to the Complaints Reviews Manager. This delegation will formally be recognised within MOPAC's Scheme of Delegation and Consent at the next formal review.

The Policing and Crime Act 2017 amends the relevant sections of the Police Reform Act 2002 and allows local policing bodies to choose to go beyond the mandated level of direct responsibility for various statutory responsibilities in the management of public complaints currently performed by police forces.

Recommendation:

The Deputy Mayor for Policing and Crime is recommended to approve the delegation of power to conduct Complaint reviews and note this change will be reflected in the MOPAC Scheme of Delegation and Consent at the next formal review.

Deputy Mayor for Policing and Crime

I confirm I have considered whether or not I have any personal or prejudicial interest in this matter and take the proposed decision in compliance with the Code of Conduct. Any such interests are recorded below.

The above request has my approval.

Signature**Date**

1/4/20



PART I - NON-CONFIDENTIAL FACTS AND ADVICE TO THE DMPC

1. Introduction and background

- 1.1. The Policing and Crime Act 2017 (the Act) included several provisions which changed the way that police complaints and disciplinary systems operate. The Mayor's Office for Policing and Crime (MOPAC) fully support these reforms and recognise the need to improve public confidence in the police complaints process.
- 1.2. The reforms are designed to develop a complaints system characterised by more independence, transparency and accountability.
- 1.3. PCD 626 set out the model of governance for the oversight of complaints that MOPAC has adopted, including the subsequent growth in staff to manage reviews. It also set out how the new powers will be delegated.

2. Issues for consideration

- 2.1 Regulation 50 of the Police (Complaints and Misconduct) Regulations 2020 sets out the provision to delegate the exercise or performance of powers and duties by local policing bodies.
- 2.2 The Local policing body (MOPAC) may delegate their responsibilities, but may not delegate them to:
 - a police constable
 - another local policing body or the Mayor of London
 - any other person who maintains a police force
 - a member of staff of a person who falls into any of the above criteria
 - any person whose involvement in that role could reasonably give rise to a concern as to whether they could act impartially
- 2.2 The appointment of MOPAC's Complaints Review manager (a member of MOPAC staff) has provided the opportunity to delegate the handling of reviews to the most appropriate role holder. This role will quality assure the reviews completed by the Review Caseworkers to ensure a compliant and appropriate response is provided to the appellant.
- 2.3 In the absence of the Complaints Review manager, the delegation will pass to the Complaint Review Officer (Designated Deputy to the Complaint Review Manager).
- 2.4 The reviews will be conducted in line with the Police Regulations and the Independent Office for Police Conduct (IOPC) Statutory Guidance. This change will be reflected in MOPAC's Scheme of Delegation and Consent at the next formal review.

3. Financial Comments

- 3.1 There are no financial implications of this delegation and as such no changes to the existing budgetary provision for the MOPAC Complaints Review Team

4. Legal Comments

- 4.1 MOPAC is to hold the Commissioner to account for the exercise of the Commissioner's functions under Part 2 of the Police Reform Act 2002 in relation to the handling of complaints. The Policing and Crime Act 2017 amended Part 2 and Schedule 3 - Handling of Complaints and Conduct matter etc. of the Police Reform Act 2002.
- 4.2 Regulation 50 of the Police (Complaints and Misconduct) Regulations 2020 sets out the provision to delegate the exercise or performance of powers and duties by local policing bodies. It sets out restrictions on who the powers can be delegated to. The proposed delegation to the Complaints Review Manager is compliant with Regulation 50.
- 4.3 The necessary changes to the MOPAC Scheme of Delegation and Consent to reflect these changes will be made at the next formal review.

5. Commercial Issues

- 5.1 Commercial issues are not applicable.

6. GDPR and Data Privacy

- 6.1 MOPAC is subject to the requirements and conditions placed on it as a 'State' body to comply with the European Convention of Human Rights and the Data Protection Act (DPA) 2018. Both legislative requirements place an obligation on MOPAC to process personal data fairly and lawfully in order to safeguard the rights and freedoms of individuals.
- 6.1. Under Article 35 of the General Data Protection Regulation (GDPR) and Section 57 of the DPA 2018, Data Protection Impact Assessments (DPIA) become mandatory for organisations with technologies and processes that are likely to result in a high risk to the rights of the data subjects.
- 6.2 Access to personally identifiable data of members of the public are a consideration for reviews under the Policing and Crime Act 2017. MOPAC has a data sharing agreement in place with the MPS in relation to complaints reviews to ensure all data privacy considerations are made. A DPIA is also being completed.

7. Equality Comments

- 7.1. MOPAC is required to comply with the public sector equality duty set out in section 149(1) of the Equality Act 2010. This requires MOPAC to have due regard to the need to eliminate discrimination, advance equality of opportunity and foster good relations by reference to people with protected characteristics. The protected characteristics are: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.
- 7.2. The Police and Crime Plan 2017-2021 contains within it a focus on: *'Reducing inequalities in communities.'* *At the heart of our mission is a focus on setting an agreed standard and addressing the disparities we see across the city, making sure that a basic quality of service is there for everyone in London.*

- 7.3. The effective handling of complaint reviews is an important issue for all London's communities. When conducting a review in line with the Independent Office for Police Conduct (IOPC) Statutory Guidance, the following principles will be followed: A customer service focus; A case by case approach; A consideration of the wider context and Fair and Effective decisions.

8. Background/supporting papers

None.

Public access to information

Information in this form (Part 1) is subject to the Freedom of Information Act 2000 (FOIA) and will be made available on the MOPAC website following approval.

If immediate publication risks compromising the implementation of the decision it can be deferred until a specific date. Deferral periods should be kept to the shortest length strictly necessary.

Part 1 Deferral:

Is the publication of Part 1 of this approval to be deferred? No

Part 2 Confidentiality: Only the facts or advice considered as likely to be exempt from disclosure under the FOIA should be in the separate Part 2 form, together with the legal rationale for non-publication.

Is there a **Part 2** form – No

ORIGINATING OFFICER DECLARATION

Tick to confirm statement (✓)

Financial Advice

The Strategic Finance and Resource Management Team has been consulted on this proposal.

✓

Legal Advice

TfL Legal advice has been incorporated.

✓

Equalities Advice:

The Workforce Development Officer has been consulted on the equalities and diversity issues within this report.

✓

Public Health Approach

Due diligence has been given to determine whether the programme sits within the Violence Reduction Unit's public approach to reducing violence.

✓

Commercial Issues

Commercial issues are not applicable.

✓

GDPR/Data Privacy

- GDPR compliance issues are covered in the body of the report.
- A DPIA is in development.

✓

Director/Head of Service

The Head of Workforce and Professional Standards has reviewed the request and is satisfied it is correct and consistent with the MOPAC's plans and priorities.

✓

Interim Chief Executive Officer

I have been consulted about the proposal and confirm that financial, legal and equalities advice has been taken into account in the preparation of this report. I am satisfied that this is an appropriate request to be submitted to the Deputy Mayor for Policing and Crime.



Signature

Date 27/03/20