

Subject: Proposed Changes to GLA Guidance on Complaints and Conduct Matters About the Mayor's Office for Policing and Crime and the Deputy Mayor for Policing and Crime

Report to:	Police and Crime Committee
Report of:	Monitoring Officer
Date:	29 September 2022
Public Access:	This report will be considered in public

1. Summary

- 1.1 The Greater London Authority (GLA) Guidance on complaints and conduct matters about the Mayor's Office for Policing and Crime and the Deputy Mayor for Policing and Crime¹ (the GLA Guidance) forms part of the GLA's Code of Conduct (see **Appendix 1**). It refers to the Independent Office for Police Conduct (IOPC) guidance published in November 2020.
- 1.2 In March 2022, the IOPC published an updated operational advice note to police and crime panels on the handling of complaints or conduct matters recorded against police and crime commissioners. This operational advice note is published [online](#).² The amendments cover further guidance on making a referral to the IOPC (see section 5 of the IOPC guidance).
- 1.3 A series of changes are proposed to bring the GLA guidance in line with the latest IOPC guidance. None of these changes are significant.

¹ https://www.london.gov.uk/sites/default/files/appendix_4_-_gla_mopac_dpmc_guidance_-_8sep2021.pdf

² [https://www.policeconduct.gov.uk/sites/default/files/Documents/statutoryguidance/Operational advice note to police and crime panels.pdf](https://www.policeconduct.gov.uk/sites/default/files/Documents/statutoryguidance/Operational%20advice%20note%20to%20police%20and%20crime%20panels.pdf)

2. Recommendation

- 2.1 **That the Committee agrees the amended GLA Guidance for the handling of complaints and conduct matters, to take effect immediately.**

3. Background

- 3.1 The GLA Guidance forms part of the GLA's Code of Conduct³. It refers to the IOPC's guidance issued in November 2020⁴.
- 3.2 In March 2022, the IOPC published an updated operational advice note to police and crime panels (PCPs) on the handling of complaints or conduct matters recorded against police and crime commissioners. The amendments cover further guidance on making a referral to the IOPC (see section 5 of the IOPC guidance).

4. Issues for Consideration

- 4.1 Paragraph 5 of the GLA Guidance specifies that the GLA Guidance should be read in conjunction with the 'statutory guidance issued by the IOPC from time to time'. Therefore, the GLA Guidance does not replicate in full the previous content in the version of the IOPC Guidance from 2020 as the GLA Guidance already specifies that it should be read in conjunction with the IOPC guidance.
- 4.2 There are some suggested amendments to the GLA Guidance in light of the revised IOPC guidance issued in March 2022.
- 4.3 Paragraph 5.2 of the revised IOPC Guidance states:

'In terms of complaints, the panel should make an initial assessment of the complaint (before making a referral to the IOPC). It may be appropriate for the PCP to contact the complainant to fully understand the complaint before an assessment can be carried out. The panel should look at the conduct which is alleged in the complaint and consider whether that conduct, if proven, would constitute a serious complaint (Regulation 2 of the 2012 Regulations). If it would, then the criteria for mandatory referral is met. The panel is not at that stage able to consider the merits of the complaint, but instead should focus on the nature of what is being alleged. It will not be sufficient for a complainant to simply say that a serious complaint or criminal offence is alleged. However, once the complainant goes beyond that and alleges particular conduct, then the assessment should be whether such conduct, if proven, would amount to a criminal offence.'

- 4.4 It is recommended that this revised part of the IOPC guidance should be reflected in the GLA Guidance given it provides important detail for consideration by the Monitoring Officer as to whether a complaint is a serious complaint – see amendments to paragraphs 24 and 25.

³ https://www.london.gov.uk/sites/default/files/code_of_conduct_march_2018_with_appendices_2021.pdf

⁴ https://www.policeconduct.gov.uk/sites/default/files/Documents/statutoryguidance/complaints_guidance_for_police_and_crime_panels.pdf

4.5 Paragraph 5.5 of the revised IOPC Guidance states:

'The fact that a serious complaint or recordable conduct matter is sensitive or urgent does not override the requirement for the panel or a person with delegated decision-making authority to make the determinations above, before making a referral. PCPs should be adequately sighted on the detail of the matter in order to come to an informed decision and decide which criminal offence is alleged. PCPs should consider what arrangements they have in place to avoid delay in referring urgent or sensitive matters. The need to provide information should be balanced against the timeliness of making the referral.'

4.6 It is recommended that this revised part of the IOPC guidance should be reflected in the GLA Guidance given it emphasises the importance of the Monitoring Officer making the initial assessment of the complaint before making a referral – see amendments to paragraph 27.

4.7 Similar amendments to the GLA Guidance will be required for conduct matters – see paragraph 78.

4.8 In addition to the above, a small number of administrative updates are proposed to refer to the new guidance and to correct some referencing in the GLA Guidance.

4.9 All of these changes can be seen in Appendix 1.

4.10 A clean version of the GLA Guidance incorporating these proposed changes can be seen in **Appendix 2**.

5. Legal Implications

5.1 The advice sought on this matter is contained within the body of this report.

6. Financial Implications

6.1 There are no finance implications arising from this report

List of appendices to this report:

Appendix 1 – GLA Guidance on complaints and conduct matters about the Mayor's Office for Policing and Crime and the Deputy Mayor for Policing and Crime (November 2020 version with amendments in track changes)

Appendix 2 – New version of the GLA Guidance on complaints and conduct matters about the Mayor's Office for Policing and Crime and the Deputy Mayor for Policing and Crime (September 2022)

Local Government (Access to Information) Act 1985

List of Background Papers: None

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