

Approved By:	Classification of Paper: FOR PUBLICATION
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Report to PCC	Report reference number PCC/0105/2015
Date of Report 7 th September 2015	Area of County/Stakeholders affected Countywide
Title of report: Police and Crime Panel response to complaint against the PCC	
Report by Susannah Hancock	
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1. Purpose of report

1.1 To advise the PCC on his response to the Police and Crime Panel in respect of a complaint made against the PCC.

2. Recommendations

2.1 It is proposed that:

- The PCC make a further, additional apology to the complainant in respect of the initial error made by the OPCC in handling the original correspondence.
- The PCC decline the specific suggestion made by the Panel to use Autism Anglia to provide independent advocacy should a similar case occur. Instead, the PCC proposes to use an alternative approach, drawing on the support and expertise of a wider range of support agencies. The details of this are set out in this report.

3. Background and proposal

[NOT PROTECTIVELY MARKED]

- 3.1 The complainant made a complaint against the PCC to the Police Crime Panel in March 2015. The complaint concerned the PCC's handling of a complaint against the Chief Constable.
- 3.2 A Sub-Committee of the Police and Crime Panel met to consider the complaint. No finding(s) of fact, of fault, of misconduct regarding the PCC's conduct were made.
- 3.3 Whilst no findings of fact or fault were made, the Sub-Committee of the Police and Crime Panel made some recommendations:
 - The sub-committee suggested that a further apology be made by the PCC to the complainant. This report recommends that the PCC makes that apology.
 - The sub-committee suggested that the OPCC seek written advice from Autism Anglia in relation to the case and, if a similar case occurs again, to use Autism Anglia (or a similar body) to provide independent support / advocacy for the complainant. However, the PCC has some concerns that this approach may not be seen as independent if it is set up by the OPCC. As a result, the PCC proposes to use an alternative approach, linked to a wider national initiative. This involves a member of the OPCC working closely with a Home Office working group who are reviewing police complaints legislation. The group is exploring the use of a wide range of charities and support agencies, to support complainants. It is felt that this approach would provide valuable support to vulnerable complainants and remove any suggestion that OPCCs or forces could attempt to influence outcomes. The PCC proposes to pursue this approach

4. Police and Crime Plan

- 4.1 The PCC has responsibility for holding the Chief Constable to account, as set out in the Police and Crime Plan. Robust arrangements are in place for monitoring Essex Police's performance related to the delivery of the Police and Crime Plan and these include regular reports on Police Professional Standards Department (PSD) cases, issues that concern complaints and discipline, as well as IPCC recommendations to Essex Police.

5. Police Operational Implications

- 5.1 The Chief Constable is responsible for the operational control of those under his direction and control. Where any related matters occur in respect of this case, the OPCC will use existing arrangements to ensure that the PCC's office is kept informed of progress in order that the PCC can continue to hold the Chief Constable to account.

[NOT PROTECTIVELY MARKED]

7. Financial Implications

7.1 None

8. Legal Implications

8.1 None

9. Staffing and other resource implications

9.1 None

10. Equality and Diversity implications

10.1 In seeking to help the complainant with further complaints raised against the Chief Constable, a number of efforts were made, in order to accommodate the needs of the complainant. These efforts were made in recognition of relevant duties under the public sector equality duty (PSED), which is a continuing duty under the Equality Act 2010¹ to give due regard to the needs of people with disabilities. This includes the consideration of reasonable adjustments and in this case, included adjustments that have not been made for others without access needs.

10.2 The OPCC, PCC, and DPCC have received training from Autism Anglia. The PSED is a continuing duty and as such, the OPCC, PCC, and DPCC continue to ensure that their relevant functions are discharged in accordance with responsibilities under the Equality Act 2010.

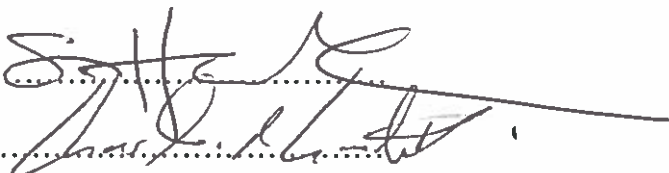
11. Background papers

11.1 The Sub-Committee of the Police and Crime Panel holds minutes of related meetings, which are published on their website.

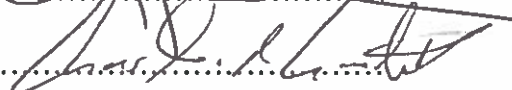
Report Approval

The report will be signed off by the Chief Executive and CFO and the PCC Solicitor where legal implications arise.

Chief Executive/M.O



Chief Financial Officer



PCC Legal Advisor

..... (As necessary)

¹ <http://www.legislation.gov.uk/ukpga/2010/15/contents>

[NOT PROTECTIVELY MARKED]

If the report is not for publication, the Chief Executive will decide if and how the public can be informed of the decision.

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