

Public Document Pack

Sussex Police and Crime Panel

Members are hereby requested to attend the meeting of the Sussex Police and Crime Panel, to be held at **10.30 am** on **Friday, 22 March 2024** at **County Hall, Lewes**.

Tony Kershaw

Clerk to the Police and Crime Panel

14 March 2024

Webcasting Notice

Please note: This meeting will be filmed for live or subsequent broadcast via East Sussex County Council's website on the internet – at the start of the meeting the Chairman will confirm that the meeting is to be filmed. Generally the public gallery is not filmed. However, by entering the meeting room and using the public seating area you are consenting to being filmed and to the possible use of those images and sound recordings for webcasting and/or training purposes. The webcast will be available via the link below: <http://www.eastsussex.public-i.tv/core/>.

Agenda

10.30 am 1. **Declarations of Interest** (Pages 5 - 6)

Members and officers must declare any pecuniary or personal interest in any business on the agenda. They should also make declarations at any stage such an interest becomes apparent during the meeting. Consideration should be given to leaving the meeting if the nature of the interest warrants it. If in doubt contact Democratic Services, West Sussex County Council, before the meeting.

2. **Urgent Matters**

3. **Minutes of the Previous Meeting** (Pages 7 - 18)

To confirm the minutes of the previous meeting on 26 January 2024.

10.35 am 4. **Panel Questions to the Commissioner**

The Panel is asked to raise any strategic issues or queries concerning crime and policing in Sussex with the Commissioner.

Written questions may be submitted by members of the public up to two weeks in advance of a meeting. The Commissioner or the Chairman (as appropriate) will be invited to provide a response by noon of the day before the meeting. Questions, together with as many responses as possible, will be published on the Panel's website (www.sussexpcp.gov.uk).

No questions were received from members of the public.

11.05 am 5. **The Commissioner's Role as the Review Body for Schedule 3 Policing Complaints, and from the Commissioner's Oversight Duties over Sussex Police's Complaints System More Generally** (Pages 19 - 26)

Report by the Police and Crime Commissioner.

This report sets out the role of the Sussex Police and Crime Commissioner (PCC) since becoming the review and appeal body for Sussex Police complaints in February 2020, including a focus on the PCC's oversight of the Force's complaints system in general.

That the Panel considers:

- The proportion of appeals which are upheld
- The action taken in respect of those reviews
- The organisational learning captured and reported to Sussex Police
- How the PCC is assured that the learning points have been addressed/implemented by Sussex Police.

The Panel is asked to consider the report, put questions to the Commissioner, and make recommendations.

12.05 pm 6. **Quarterly Report of Complaints** (Pages 27 - 28)

Report by the Clerk to the Police and Crime Panel.

The report provides details of the correspondence received and the action taken, and any updates on complaints previously reported to the Panel.

The Panel is asked to consider the report and raise any issues or concerns.

12.15 pm 7. **Date of Next Meeting and Future Meeting Dates**

The next meeting of the Panel will take place on 28 June 2024 at 10.30 a.m. at County Hall, Lewes.

Future meeting dates are set out below:

- 20 September 2024
- 31 January 2025
- 17 February 2025 (if required)

- 14 March 2025.

To all members of the Sussex Police and Crime Panel

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Table of standing personal interests

22 March 2024

The Panel is asked to agree the table of personal interests below.

Any interests not listed which members of the Panel feel are appropriate for declaration must be declared under agenda Item 1, Declaration of Interests, or at any stage such an interest becomes apparent during the meeting.

Table of standing personal interests

Panel Member	Personal Interest
Cllr Bannister	Cabinet Member for Tourism, Leisure, Accessibility and Community Safety at Eastbourne Borough Council.
Cllr Baynham	Cabinet Member for Finance and Resources at Horsham District Council.
Cllr Bangert	Cabinet Member for Communities and Wellbeing at Chichester District Council.
Cllr Bennett	Deputy Leader and Cabinet Member for Communities and Communications at Mid Sussex District Council.
Cllr Hilton	Leader of Hastings Borough Council.
Cllr Rogers	Chair of Safer Hastings Partnership. Co-Chair of Hastings and Rother Community Safety Partnership.
Mrs Scholefield	Senior Independent Director of Surrey and Borders Partnership NHS Mental Health Foundation Trust. A serving magistrate.
Cllr Whorlow	Cabinet Member for Community Wellbeing at Worthing Borough Council.
Cllr Williams	Cabinet Lead for Public Health and Asset Management.

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Sussex Police and Crime Panel

26 January 2024 – At a meeting of the Committee held at 10.30 am at County Hall, Lewes.

Present:

Cllr Judy Rogers	Hastings Borough Council	Cllr James Walsh	Arun District Council
Cllr Samer Bagaeen	Brighton and Hove City Council	Cllr Andrei Czolak	Brighton & Hove City Council
Cllr Kevin Boram	Adur District Council	Cllr Tracie Bangert	Chichester District Council
Cllr Yasmin Khan	Crawley Borough Council	Cllr Bob Standley	East Sussex County Council
Cllr Mark Baynham	Horsham District Council	Cllr Paul Keene	Lewes District Council
Cllr Alison Bennett	Mid Sussex District Council	Cllr Brian Drayson	Rother District Council
Cllr Kelvin Williams	Wealden District Council	Cllr Rosie Whorlow	Worthing Borough Council
Mrs Susan Scholefield	Independent member	Mrs Sarah Peacock	Independent member
Cllr Duncan Crow	West Sussex County Council		

Substitutes:

Mrs Sarah Peacock, Independent member
Cllr Duncan Crow, West Sussex County Council

Apologies were received from Cllr Margaret Bannister (Eastbourne Borough Council), Cllr Christian Mitchell (West Sussex County Council) and Mr Keith Naphine (Independent Co-Opted Member).

Also in attendance: Katy Bourne OBE (Sussex Police and Crime Commissioner), Mark Streater (OSPCC Chief Executive and Monitoring Officer), Iain McCulloch (OSPCC Chief Finance Officer) and Mervin Dadd (OSPCC Chief Communications and Insights Officer).

Part I**13. Declarations of Interest**

13.1 In accordance with the Code of Conduct, members of the Panel declared the personal interests contained in the table below.

Panel Member	Personal Interest
Mrs Susan Schofield	A serving magistrate
Cllr Tracie Bangert	Cabinet Member for Communities and Wellbeing at Chichester District Council
Cllr Alison Bennett	Deputy Leader and Cabinet Member for Communities and Communications at Mid Sussex District Council
Cllr Duncan Crow	Cabinet Member for Community Support, Fire and Rescue at West Sussex County Council
Cllr Zack Ali	Member of Crawley Borough Council
Cllr Julia Hilton	Leader of Hastings Borough Council

14. Minutes of the Previous Meeting

- 14.1 A follow-up to a question raised at the previous meeting was asked regarding the Force’s Rural Crime Unit and whether the Commissioner has plans to introduce SMART performance indicators to monitor its success in tackling crime.
- 14.2 The Commissioner referred to page 13, para 7.4 of the minutes of the previous meeting and noted that the action was completed in respect of the Panel’s support officers having shared the monthly Rural Crime Team email update with Panel members.
- 14.3 Resolved – that the minutes of the previous meeting held on 30 June 2023 be approved as a correct record and that they be signed by the Chair.

15. Responses to Recommendations

- 15.1 In reference to actions arising from the previous meeting, the Chair asked the Panel to note that Artificial Intelligence (AI) was discussed at the Commissioner’s Performance and Accountability Meeting (PAM) with the Chief Constable in October 2023.

- 15.2 The Chair added that the work of the South-East Regional Organised Crime Unit (SEROUCU) was mentioned in the Commissioner's final annual report.
- 15.3 The Panel noted the responses to the two recommendations agreed at the previous meeting on 30 June 2023.

16. Review of Membership and Proportionality

- 16.1 Cllr Standley called for an amendment to Recommendation 3 and proposed that a Conservative second councillor should be appointed from East Sussex County Council, instead of a Green second councillor. Cllr Crow seconded the amendment.
- 16.2 A vote was held and the amendment was rejected by a majority of votes.
- 16.3 Resolved – that the Panel:
1. Agreed, at this time, not to invite an authority with a Liberal Democrat appointee to replace that appointee with a Conservative.
 2. Agreed that both East and West Sussex County Councils appoint an additional local authority member, for a one-year period of office; and
 3. Agreed the appointment of a Green councillor from East Sussex County Council, Cllr Julia Hilton, and a Conservative councillor from West Sussex County Council, Cllr Zack Ali, effective immediately.

17. Public and Panel Questions to the Commissioner

- 17.1 The Panel noted a published version of written public and Panel questions with answers from the Commissioner (copy appended to the signed minutes).
- 17.2 The Chair invited questions from the Panel to the Commissioner. A summary of the main questions and responses were as follows:

Question 1: Following the Home Secretary's recent comments about screening minor crimes such as burglaries and retail crime – have you given consideration to the implications on Sussex Police and held conversations with the Chief Constable?

Answer: The Home Secretary's comments were particularly relevant to the national Retail Crime Plan. Sussex Police will follow through with the investigate reports of minor crime where there are actionable lines of evidence on CCTV cameras and forensics for example. The Chief Constable has given commitment that household burglaries will be attended by the Force. It was explained that a large amount of evidence is not actionable due to internal processes preventing the Force's access to it.

Question 2: The latest Police Complaints Information Bulletin showed that the total number of complaints received by the Force

has risen by 18% in comparison to this time last year. What oversight does the Commissioner have in the public complaints process other than to review complaint outcomes which are assessed and categorised as Schedule 3 complaints?

Answer: The Commissioner explained the different types of complaints, the process for handling them and the appeal process. There is ongoing work at national level with the Home Office to review the process and make improvements.

Supplementary: Do you agree that the trend is concerning and what oversight do you have?

Answer: Governance and Integrity Meetings are held monthly to monitor this with the Professional Standards Department and dip samples can also be conducted to scrutinise individual complaints. The increase in complaints is in part due to new internal channels becoming available for Force officers and staff to report incidents of inappropriate behaviour committed by colleagues. The Chief Constable was praised for creating a culture where employees feel supported to come forwards.

Question 3: Can the Commissioner provide an update on the mass screening programme and the results from it?

Answer: A historic data wash has been completed and it produced no major concerns, aside from a couple of minor compliance queries.

Supplementary: Are more crimes being screened and what is the implication on resources?

Answer: Yes. Reports of shoplifting in 24 Co-Op stores Sussex-wide accounted for 17% of all retail crime and there has been a 6% increase in overall reported crimes since last year. The Force has received a crime data integrity rating of 'Good' by His Majesty's Inspectorate of Constabulary and Fire & Rescue Services. (HMICFRS) and the Force's solved rate has improved by 21%.

Question 4: If more effort and resources are being put into it - are other areas suffering as a result?

Answer: The Commissioner gave reassurance that the increased precept investment in recent years has helped to support this work but it is not without its challenges.

Question 5: In reference to page 120, how are the top five financial and non-financial risks flagged to you?

Answer: There is a reliance on Iain McCulloch to draw attention to these as Chief Finance Officer. The independent Joint Audit Committee is responsible for all internal auditing and the Force also has Boards which have their own risk registers that are monitored and reviewed.

Question 6: Following reports of recent delays - what is the current situation on the turnaround for Disclosure and Barring Service (DBS) checks and is the Force's 60-day target still valid?

Answer: The Chief Constable was questioned about this at a recent PAM. The challenges around internal and external vetting were explained as a partial reason for the delay. This area is well-

scrutinised with the Chief Constable to ensure that these times don't slip.

Question 7: How is crime being monitored and managed in new isolated housing developments?

Answer: Developers pay contributions towards the development of which come under the remit of the district or borough council as the local planning authority. Other organisations can bid into those developer contributions via the Section 106 agreement and Community Infrastructure Levy. However, the emergency services are secondary receivers and not statutory bodies. The Force has a mixed relationship with planning authorities in terms of not receiving developer contributions. The Commissioner encouraged Panel members to lobby their local planning authorities so that housing developers account for all emergency services within their collected contributions.

Question 8: Following residents' repeated complaints of drug-dealing in Brighton & Hove, what assurances can you give in terms of the Force's proactive work to clamp down on drug-dealing and restore public confidence?

Answer: It was advised that Brighton & Hove City Council's Local Strategic Partnership is the appropriate forum to raise local issues with and work through them with partners. The Commissioner encouraged early engagement with the area's Chief Inspector and to support this with evidence where possible.

18. Final Report of the Budget and Precept Working Group

- 18.1 The Panel considered a report by the Chair of the Budget and Precept Working Group, Mrs Susan Scholefield. The Group met remotely twice, on 6 December 2023 and on 11 January 2024.
- 18.2 Further discussions took place at a third remote meeting on 16 January 2024. Mrs Schofield explained that the third meeting was held in part due to the lateness of papers received, yet acknowledged that the Commissioner is bound by the date of the Home Office's announcement regarding the policing funding settlement.
- 18.3 Concern was expressed around the sustainability of the Force's savings programme in order to balance its budget. Members felt that the Force's change programmes in particular should be led at a national level and be more transformational in nature.
- 18.4 The Panel Chair thanked members of the Group and invited Panel members to volunteer for the Working Group ahead of the 2025/26 meeting cycle.
- 18.5 Resolved – that the Panel notes the recommendations of the Budget and Precept Working Group.

19. Proposed Precept 2024/25

- 19.1 The Panel considered a report by the Sussex Police and Crime Commissioner.
- 19.2 Mrs Schofield outlined the Budget and Precept Working Group's recommendations.
- 19.3 The Chair invited the Panel's questions under this item. A summary of the main questions and responses were as follows:

Question 1: It was reported that the public perception of insufficient visible and reactive policing remains an ongoing issue in parts of the County.

Answer: The Force's recruitment campaign is ongoing and an increased visible officer presence is reportedly becoming apparent following public conversations had by the Commissioner.

Question 2: What progress has been made to liberate Sussex Police officers from attending mental health cases, following the Panel's letter to Sussex Partnership NHS Foundation Trust?

Answer: Confirmation was given that the 'Right case, right person' plan will soon be implemented and in place by June 2024, in partnership with Sussex Partnership NHS Foundation Trust.

Question 3: Why does Surrey Police and Kent Police both have a higher level of precept and do they get better results?

Answer: It was clarified that the disparity between precept levels in Surrey and Kent is historical as some forces chose to freeze them in the past.

Supplementary: In reference to para 4.13, the projected total employee headcount in March 2025 is 3,205. This is down by 46 in comparison to the figure quoted for March this year – why is this justified?

Answer: It was explained that this is not a static number and it does fluctuate, while the Force has been allowed to over-recruit.

Question 4: Is the Commissioner currently lobbying for transformation programmes to be delivered at a regional or national level, as opposed to local level, and can she provide an update?

Answer: All Forces look into regional collaboration through procurement where possible. BlueLight Commercial is a company founded by Police and Crime Commissioners to drive better procurement around contracts and licenses to help forces save money. The Police Digital Service is another ongoing programme that was set up in partnership with the Home Office to help drive digital and technology savings for forces.

Question 5: Could a reflection of the overall balance of policing be given at future focus groups, in addition to local policing?

Answer: The Commissioner referred to the detail included within the precept consultation survey and Appendix 4 - 'Day in the Life of Sussex Police'.

Question 6: Could an update be provided about the Force's next Estates Strategy which was due to be published last year?

Answer: The Strategy is in the process of being produced but was delayed due to the service transformation programme taking priority, which is feeding into the strategy. Any savings will need to take both into consideration.

Question 7: In reference to the planning assumptions on page 105, para 18.3, the Home Office grant of £227.8 million will remain the same between 2025/26 and 2027/28 – is there a belief that this could be increased?

Answer: It is an indicative budget forecast for the coming years and the comprehensive spending review is unknown at this time.

Question 8: Sexual offences have risen according to the Medium-Term Financial Strategy, is this due to improved reporting or a high level of violence?

Answer: This is reflected nationally as well and local providers who work with victims have said that they believe it's due to victims feeling more confident in coming forward to report incidents. Mention was also given to the prominence of Violence Against Women and Girls awareness campaigns in recent years. The conviction rate for sexual offences is very low but this issue is wider than Sussex and involves the whole criminal justice system.

Question 9: In relation to the Estates Strategy, there appears to be an absence of a de-carbonisation reduction target or a baseline. Is there a climate strategy in place which arches over this five-year period in line with Government targets?

Answer: A baseline is in the process of being established and a Sustainability Plan is also in development.

Question 10: What level of lobbying is the Commissioner carrying out with Government for a fairer funding formula?

Answer: The Commissioner said that conversations with senior figures at national level can and will be had through the Association of Police and Crime Commissioners.

Question 11: It was asked whether the Commissioner will be supporting Horsham District Council's council tax support scheme in 2024/25?

Answer: Mr McCulloch to check whether a request has been received and report back to the Panel representative.

Question 12: Could budget savings be found by exploring the Force's IT processes and discovering efficiencies?

Answer: A policing productivity review has been carried out nationally by the Home Office which found Sussex Police to be one of the higher-performing forces. The Force has significantly invested in its IT systems and this has contributed to notably improved Contact Centre performance. Digital forensics is high-cost and an area for future investment.

Question 13: Residents of Hastings report that they have not seen an increase in police visibility in the town centre and areas of deprivation in particular, which remains a great concern. Is the Commissioner content that the measures are in place to maintain the required level of officer retention?

Answer: Hastings is at near full capacity in terms of dedicated response officers and PCSOs across all departments and more employees have been recruited than those who have left the Force. A large amount of work is continuing regarding serious and organised crime and gangs who have been operating in Hastings. Reassurance was given that Hastings has its full complement of officers and is receiving the appropriate level of attention and investment. In the last year the increased investment and officers has contributed to an overall 6.3% reduction in serious and violent crime in Hastings.

- 19.4 It was proposed and agreed that the Chair writes on behalf of the Panel to the Secretary of State to campaign for fairer funding for Sussex Police, in support of the Commissioner.
- 19.5 The Chair of the Budget and Precept Working Group expressed the challenges that the Group faced in making recommendations based off the information available prior to the Commissioner offering additional information at the Panel meeting. The Commissioner acknowledged this is due to the timing of the Home Office funding settlement announcement and praised the work of the Group.
- 19.6 Cllr Walsh proposed to support the £13 precept increase and it was seconded by Cllr Boram.
- 19.7 Resolved - The Panel supported, by a majority of votes, that the proposed precept of £252.91 (on a Band D property), an increase of £13 (equivalent to 5.42%).

20. Comfort Break for 10 minutes

21. The Role of the Commissioner in Ensuring Sussex Police use Stop and Search Powers Effectively and Appropriately

- 21.1 The Panel considered a report by the Sussex Police and Crime Commissioner, introduced by Mark Streater (Chief Executive and Monitoring Officer).
- 21.2 The Chair invited the Panel to ask questions. A summary of the main questions and responses were as follows:

Question 1: In reference to section 3, pages 170-172, can you give an indication about how intelligence-led technology is used and whether the data collected is reused for training purposes?

Answer: The storage of data is very tightly controlled, and retention must be rigorously justified. The Force is regularly inspected by the Information Commissioner's Office. Body-worn video is used in

courts as evidence and the primary reason for using it is to main integrity.

Question 2: It's a concerning statistic that black people are 8.8% more likely to be stopped and searched. Is equality training monitored and is officers' behaviour challenged retrospectively in terms of their justification for stop and searches carried out?

Answer: Members of the public sit on the Force's independent Stop and Search Scrutiny Panel and they provide an impartial check and challenge. The application of stop and search powers based on having reasonable grounds are very carefully monitored and the Chief Constable and senior officers keep a watchful eye to help ensure that stop and searches result in positive outcomes. The Force is alert to the statistic, but it is believed that proper use of these powers will continue to deliver measurable positive outcomes if the criteria for carrying out a stop and search is met. The Force has carried out academic studies with ethnic groups in an attempt to understand the disproportionality.

Question 3: In order for the Panel to assess the disproportionality of stop and searches, could a detailed breakdown of the data analysis provided be made available in terms of categorising stop and searches by age and ethnicity.

Answer: It was agreed for the redacted data to be shared for members' information.

Comment: On reading the Stop and Search Scrutiny Panel's review, there appeared to be a lack of evidence in the report to show that the Panel looked at and showed an understanding of the proportionality.

Answer: It was confirmed that the independent Panel and Joint Audit Committee both have access to all the necessary information, but explained that some stop and search data cannot be disclosed in the public domain.

Question 4: It was suggested that, in the Force's Stop and Search Scrutiny Panel's future reports, it is noted that sensitive information unable to be disclosed about stop and searches has been taken into consideration and reflected upon.

Answer: This request will be passed on to the Panel's Clerk for action.

Question 5: In reference to the report's statistic that 27% of individuals stop and searched were aged under 18, does the Commissioner have concerns about the impact of stop and searches on this group and that officer training is sensitive to this?

Answer: A Youth Commission was established in Sussex several years ago and came up with recommendations in this area which the Force then adopted and continue to implement. This led to improved guidance and advice in this area and officers' child-focused approach to this area of policing. Consideration is being given to the formation of another Youth Commission in due course.

Question 6: There is an absence of data relating to gender despite increasing cases of young females being exploited into playing a role in different types of crime – are there any statistics available?
Answer: It was confirmed that the Force does hold this data which is taken into account in its intelligence-led approach. It was explained that that was a prolific rise in the number of incidents involving women becoming carriers of weapons and drugs following the national media publicity around a high-profile case. It was added that officers use less legal terminology and write in plain English when writing out their justification for the stop and search to help individuals understand the reasons why they have been stopped.

Question 7: What is the Force's duty of care towards minors during the stop and search process and what measures are put in place to safeguard them, particularly if they are found not to be carrying weapons or drugs?

Answer: It was explained that governance and scrutiny is judged on the appropriateness of the stop and search and examples were given of the different factors officers taking into consideration in their decision-making. In reference to para 4.6, page 173, reassurance was given that an HMICFRS inspection in 2021/22 judged the Force as being 'good' at treating people fairly and with respect, with good systems in place to monitor and scrutinise the use of force and stop and search powers.

Question 8: Is there confidence that the processes in place are ensuring that stop and search is being applied fairly and proportionately according to operational need?

Answer: The Commissioner is reassured by this following regular scrutiny of the Chief Constable at PAMs.

22. Quarterly Report of Complaints

22.1 In reference to 3.1.4, page 176, the Chair confirmed that during the pre-meeting the following members volunteered to form a Working Group to undertake an informal resolution: Cllr Baynham, Cllr Boram, Cllr Keene, Cllr Rogers, Cllr Standley, Cllr Whorlow and Mrs Peacock. The Group will report its progress at the next formal Panel meeting on 22 March 2024.

22.2 The Panel considered a report by the Clerk to the Sussex Police and Crime Panel.

22.3 Resolved – that the Panel noted the update.

23. Date of Next Meeting and Future Meeting Dates

23.1 The next meeting of the Panel would take place on 22 March 2024 at 10.30am, at County Hall, Lewes.

The meeting ended at 1.57 pm

Chairman

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SUSSEX POLICE & CRIME PANEL

The Outcomes and Learning Arising from the Commissioner's role as the Review Body for Schedule 3 Policing Complaints, and from the Commissioner's Oversight Duties over Sussex Police's Complaints System More Generally.

22 March 2024

Report by The Clerk to Sussex Police and Crime Panel

Focus for Scrutiny

The Panel may wish to consider:

- The proportion of appeals which are upheld
- The action taken in respect of those reviews
- The organisational learning captured and reported to Sussex Police
- How the PCC is assured that the learning points have been addressed/implemented by Sussex Police

1. Background

- 1.1 Legislation implemented in February 2020 introduced significant changes to the arrangements around police complaints, giving Police and Crime Commissioner's (PCCs) enhanced roles in the complaints and conduct systems.
- 1.2 In particular, Sussex PCC became the review and appeal body for Sussex Police complaints.
- 1.3 The Panel last scrutinised this matter in March 2021, and the report can be found on page 37 of the papers (<https://bit.ly/3v9tbcC>).

For ease, the summary of statistics for the period 1 February 2020 and 31 January 2021, as set out in the above referenced report, is given below:

Total Reviews Received	Valid Reviews	Invalid Reviews	Reviews Not Upheld	Reviews Upheld	Reviews yet to be completed
155	146	9	126	14 (= 9.6%)	6

2. Focus for Scrutiny

- 2.1 The Panel may wish to consider:

- The proportion of appeals which are upheld
- The action taken in respect of those reviews
- The organisational learning captured and reported to Sussex Police
- How the PCC is assured that the learning points have been addressed/implemented by Sussex Police

Tony Kershaw

Clerk to Sussex Police and Crime Panel

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Appendices:

Appendix 1 - The outcomes and organisational learning arising from the Sussex Police and Crime Commissioner's role as the review body for Schedule 3 complaints.



To:	The Sussex Police & Crime Panel.
From:	The Sussex Police & Crime Commissioner.
Subject:	The outcomes and organisational learning arising from the Sussex Police & Crime Commissioner's role as the review body for Schedule 3 complaints.
Date:	22 March 2024.
Recommendation:	That the Police & Crime Panel note the report.

1.0 Introduction

- 1.1 This report provides the Panel with a further update about the outcomes, recommendations and organisational learning arising from the police complaint reforms and the oversight and monitoring arrangements in place for reviewing police complaints.
- 1.2 This report seeks to build on the two previous reports provided to the Sussex Police & Crime Panel about the planned reforms to police complaints [5 October 2018] and an update on the police complaint reforms [21 March 2021]. Both reports are available to view on the Panel website through the following link: <https://sussexpcp.gov.uk/meetings/previous-meetings/>

2.0 Policing and Crime Act 2017

- 2.1 The Policing and Crime Act 2017 was introduced to build capability, improve efficiency, increase public confidence in policing and further enhance local accountability.
- 2.2 The Act introduced a notable change to the police complaints system, building on the previous reforms to both the complaint and conduct systems, and expanding the role of Police & Crime Commissioners (PCCs) in this process to become the review body.
- 2.3 The police complaint reforms only provide the PCC with a responsibility to review complaint outcomes that are assessed and categorised as Schedule 3 complaints by Sussex Police under the Police Reform Act 2002.
- 2.4 These complaints are assessed as 'low-level' because the police officer and/or member of staff involved would not be subject to criminal and/or misconduct proceedings if proven. However, there is a need to determine whether the service provided by Sussex Police was acceptable or not and, as such, a formal response is required. At the conclusion of the complaint, members of the public have a right to review the outcome via the PCC.
- 2.5 The Office of the Sussex Police & Crime Commissioner (OSPCC) undertake these complaint reviews – on behalf of the PCC – in accordance with the Statutory Guidance issued by the Independent Office for Police Conduct. The complaint reviews consider whether the outcome of the handling of the initial complaint by Sussex Police was reasonable and proportionate.

3.0 Summary Statistics

3.1 Between 1 March 2023 and 29 February 2024, the OSPCC received 210 reviews following complaints made about Sussex Police, with 204 of these reviews assessed as valid [97%].

Total Reviews Received	Valid Reviews	Invalid Reviews	Reviews Not Upheld	Reviews Upheld	Reviews yet to be completed
210	204	6	149	24	37

3.2 Each of the reviews received by the OSPCC during the reporting period was acknowledged and progressed with 173 of these reviews completed and the remaining 37 reviews underway. Of the reviews completed, 149 reviews were not upheld by the OSPCC [86%] and 24 reviews were upheld [14%].

4.0 Upheld Reviews – Outcomes and Recommendations

4.1 The legislation permits the PCC to make recommendations to Sussex Police to remedy any dissatisfaction experienced through the complaints review process. This can include one or more of the following examples:

- ✓ a written or oral apology.
- ✓ an explanation about the circumstances and/or operational policing decisions taken/not taken.
- ✓ returning of seized and/or confiscated property.
- ✓ reviewing and removing information held on police records/databases.
- ✓ providing mediation to the complainant.
- ✓ sharing evidence of learning and/or service improvement.
- ✓ holding service improvement meetings between Sussex Police, the complainant, and any other interested parties.
- ✓ reviewing Force policies and procedures to ensure that these remain current, up to date and fit for purpose.

4.2 The PCC upheld 24 reviews in the rolling year period to 29 February 2024, with the following actions taken in respect of those reviews:

- 14 apologies were offered to complainants on behalf of Sussex Police.
- 14 complaints were returned to Sussex Police because they had not been addressed in their entirety and/or required further explanation.
- 13 complaints were returned to the Professional Standards Department (PSD) for reconsideration and/or reinvestigation.
- 9 recommendations were made for further training and learning to be undertaken by officers.

[N.B. Multiple recommendations can be made within each case].

4.3 Each of the recommendations made by the PCC to Sussex Police to date has been accepted in full by PSD and implemented by the Force.

5.0 Oversight, Monitoring and Organisational Learning

5.1 The OSPCC has overall responsibility for overseeing and monitoring the complaint review process. This includes recording any organisational learning and/or development identified throughout the complaint handling process and reporting this back to PSD on a regular basis.

5.2 The following themes and trends of organisational learning and development have been identified in Sussex across 2023/24 to date:

5.2.1 General Administration

- additional information could be provided to complainants within the outcome letters, including 'quality of service' decisions for each of the allegations.
- Sussex Police to provide a formal letter of response to all complaints, rather than sending a response by e-mail.

5.2.2 Investigating Officers

- to contact complainants at start of the process to ensure that they are clear about the allegations being made and the outcomes sought.
- to answer all the complaint points.
- to provide a thorough review of the accounts received from all police officers, staff and Police Community Support Officers (PCSOs) and to ensure that any ambiguity is addressed before the outcome letter is finalised.
- to ensure that an appropriate level of detail and accuracy exists in respect of the outcome letters.
- to ensure that an appropriate level of empathy is demonstrated throughout the process and communicated within the outcome letter.

5.2.3 Operational Policing

- police officers to deploy body worn video (BWV) technology during all relevant incidents and interactions with members of the public.
- call handlers to consider asking about any care plans in place whilst conducting the initial risk assessments and to share these with attending officers.
- any organisational learning and/or development identified as part of the complaint review process to be shared with the wider policing team.

5.3 The themes and trends from the complaint reviews are considered at the quarterly Governance and Integrity meetings attended by the PCC, Chief Executive & Monitoring Officer, Head of Professional Standards Department and People Services Lead.

5.4 The OSPCC also holds regular liaison and oversight meetings with representatives from both PSD and the Independent Office for Police Conduct (IOPC) where these themes and trends are considered further, and additional monitoring activity is undertaken.

- 5.5 An internal audit into the complaints and review system used in Sussex was undertaken by the Southern Internal Audit Partnership in March 2021. The scope of the audit was to consider whether the handling of complaints by Sussex Police and the reviews of the complaint outcomes by the OSPCC, where requested, were dealt with in line with the statutory guidance issued by the IOPC.
- 5.6 The independent auditor issued a substantial assurance opinion and found all areas of the complaint review process – within both the Force and the OSPCC – to be working well with effective control measures in place.

6.0 Accountability

- 6.1 It is a statutory responsibility for the PCC to hold the Chief Constable to account for delivering efficient and effective policing in Sussex that is responsive to the needs of the public. The PCC has continued to use her monthly webcast Performance & Accountability Meetings (PAMs) to provide oversight and to challenge the Chief Constable about the Sussex Police response to police complaints on behalf of members of the public.
- 6.2 As highlighted in 5.3, the PCC uses the Governance & Integrity meetings to consider the complaint types, outcomes and recommendations, timeliness of complaint handling processes and the emergence of any themes and trends to identify whether any further remedial action is required.
- 6.3 Any complaint and/or conduct matter that remains ongoing for more than 12 months is reported to the PCC and IOPC by PSD for information. This includes a detailed explanation about the reason(s) for the delayed response and the plans in place to monitor and address the matter as appropriate. This process is also monitored through the Governance & Integrity meetings.
- 6.4 There is no direct measure of complainant satisfaction, other than the right to submit a review. The number of review requests received by the OSPCC provides the PCC with an indication as to how many complainants are not satisfied with the outcome of their complaints.
- 6.5 According to IOPC data, Sussex Police finalised 971 complaint cases under Schedule 3 between 1 April 2023 and 31 December 2023, with the OSPCC having received 177 reviews across the same period – this means that 18% of all complainants to Sussex Police subsequently requested a review. This figure represents a slight improvement from the 20% of complainants who requested a review of their complaints to Sussex Police across 2022/23. Further information can be viewed through the following link:
<https://www.sussex-pcc.gov.uk/media/8135/police-complaints-information-bulletin-sussex-q3-23-24.pdf>
- 6.6 Alongside the complaint review process, the OSPCC undertakes quarterly 'dip checks' of complaint outcomes, focusing on thematic complaints around the use of force, discrimination and violence against women and girls. Further work is also planned by the OSPCC to dip check police complaints handled outside of Schedule 3 because these complaints do not receive a right of review. This proactive approach will ensure that robust 'checks and balances' are undertaken across all categories of police complaints.

- 6.7 The recent inspection by His Majesty's Inspectorate of Constabulary and Fire & Rescue Services '*An inspection of vetting, misconduct, and misogyny in the police service*' contained several recommendations around the vetting process. This included the specific recommendation that "*Chief Constables should introduce an effective quality assurance process to review vetting decisions, including routine dip sampling of rejections and clearances, where the vetting process revealed concerning adverse information.*"
- 6.8 The OSPCC has agreed to support Sussex Police with this quality assurance process by dip-sampling and reviewing circa. 10% of all vetting decisions that are categorised as either 'rejected' or 'with a trace'. As part of this review of vetting decisions, the OSPCC will also consider whether any disproportionality may exist regarding ethnicity and/or any other protected characteristics. The results of these vetting reviews will be discussed at the quarterly Governance and Integrity meetings before the outcomes are made available on the OSPCC website for further transparency.

7.0 Home Office Review: The Process of Police Officer Dismissals

- 7.1 In January 2023, the Home Office commenced an internal review to assess whether the process in place for police officer dismissals within the police disciplinary system was both fair and effective at removing those officers who fall short of the high standards expected of them and those who should have no place in policing.
- 7.2 The findings from the review were published in September 2023 and introduced a three stage approach to support the implementation of reforms in this area by delivering improvements to misconduct proceedings, vetting and performance. This should ensure that those not fit to serve can be swiftly exited from policing, for the benefit of both the public and the wider workforce.
- 7.3 The three stages of the reform are set to be delivered as follows:
- Stage 1** – Changes to the composition of misconduct panels. This stage is anticipated to take effect by the end of April 2024.
- Stage 2** – Wider changes to police misconduct, vetting and performance. This stage is anticipated to take effect from June 2024.
- Stage 3** – Changes to available appeal mechanisms. This will enable police officers and Chief Constables to challenge disciplinary outcomes and/or sanctions through Police Appeals Tribunals [as well as PCCs when the officer concerned is the Chief Constable]. This stage remains dependent on the recently introduced Criminal Justice Bill being passed.
- 7.4 Further information about the Home Office Review, the three stages of reform and the list of recommendations made can be viewed through the following link:
<https://www.gov.uk/government/publications/police-officer-dismissals-home-office-review/home-office-review-the-process-of-police-officer-dismissals-accessible>

Mark Streater
Chief Executive & Monitoring Officer
Office of the Sussex Police & Crime Commissioner

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Quarterly Report of Complaints

22 March 2024

Report by The Clerk to Sussex Police and Crime Panel

Focus for Scrutiny

That the Panel considers any complaints against the Commissioner, and any action that the Panel might take in respect of these.

1. Background

- 1.1 In accordance with the Elected Local Policing Bodies (Complaints and Misconduct) Regulations 2011, Sussex Police & Crime Panel (PCP) is responsible for the initial handling of complaints against the Sussex Police and Crime Commissioner (PCC).
- 1.2 At its meeting of 26 November 2012, the Panel decided to delegate its initial handling duties to the Clerk to Sussex Police and Crime Panel, and to consider a report of the complaints received, quarterly.
- 1.3 Complaints deemed to be serious (those alleging criminal conduct) are referred to the Independent Office for Police Conduct (IOPC). However, IOPC guidance recommends that a Panel makes an initial assessment of the complaint (before making a referral to the IOPC) to decide whether or not it meets the definition of a "serious complaint".
- 1.4 Regarding non-serious complaints, a sub-committee can meet to consider any of these which in the Panel's view require informal resolution.

2 Correspondence Received from 15 January to 5 March 2024

- 2.1 The Panel takes the view that all correspondence raising issues with policing in Sussex should be recorded, whether or not the issues fall within the Panel's statutory remit.
- 2.2 During the subject period, no one contacted the Panel to raise matters (either directly, referred via the IOPC, or referred by the Office of the Sussex Police and Crime Commissioner (OSPCC)).

3 Complaints

Correspondence Recorded, but not Considered by the Clerk to be a Complaint within the Panel's Remit:

3.1.1 None received.

Correspondence Recorded, and Considered by the Clerk to be a Non-Serious Complaint within the Panel's Remit:

3.1.2 None received.

Serious Complaints (allegations of criminal conduct)

3.1.3 None received.

Updates from Matters Previously Reported.

3.1.4 A meeting of the Complaints Sub-Committee has been scheduled for 11 April, to consider the non-serious complaint first reported to the January Panel meeting.

4 Resource Implications and Value for Money

4.1 The cost of handling complaints is met from the funds provided by the Home Office for the operation and administration of Sussex Police and Crime Panel.

5 Risk Management Implications

5.1 It is important that residents can have confidence in the integrity of the system for handling complaints against the Sussex Police and Crime Commissioner and their Deputy (where one has been appointed).

6 Other Considerations – Equality – Crime Reduction – Human Rights

6.1 Not applicable

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Clerk to Sussex Police and Crime Panel

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