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SUMMARY DECISION SHEET

Purpose: Commissioner Decision – Ref: Complaint Review Tender 2022

Timing: ASAP

Title: Complaint Review Tender 2022 – Sancus Solutions Ltd Procurement Appointment

Category of Decision / Business Area Impact: Quality of Service

Executive Summary:

As part of the Improving Police Integrity programme, the three local policing bodies (i.e. Police and Crime Commissioners [PCCs]) for Dyfed Powys, Gwent and North Wales, implemented Model 1 – this decision requires review, alongside consideration regarding how the preferred model will continue to be managed, from a practical perspective.

Recommendation:

Background

On Friday 10th January 2020, the Home Office introduced legislation in relation to how complaints made against the police are handled and to improve the discipline system for officers. The changes, which came into effect on 1st February 2020, ensure that complaints can be dealt with quickly, effectively and proportionately, not just for the benefit of the public, but also for the police.

As well as simplifying the complaints system, the changes mean that Police and Crime Commissioners' have a greater role to increase independence and improve complaints handling. Since 1st February 2020, if a complaint has been recorded under Schedule 3 of the Police Reform Act 2002 and an individual is unhappy with the outcome or handling of their complaint, they can submit an application for a review to the relevant Police and Crime Commissioner. The review will consider whether the outcome of the handling of their complaint is reasonable and proportionate.

Importantly, the reforms aim to make the discipline system more proportionate and encourage a much greater emphasis on learning from mistakes. The Home Office has worked closely with the National Police Chiefs' Council (NPCC), the Independent Office for Police Conduct (IOPC), the Association of Police and Crime Commissioners (APCC), staff associations and others to develop a comprehensive package of improvements. These include:

- Enhanced role for Police and Crime Commissioners will strengthen independence.
- Further measures to increase the IOPC's effectiveness and independence in investigating all serious and sensitive matters involving the police.

Recommendation (cont):

- Focusing the formal discipline system on breaches of professional standards that would result in formal disciplinary action, enabling line managers to focus on improving individual learning and behaviours in response to lower level conduct matters – based on a Reflective Practice Review Process.
- There are new provisions to improve the efficiency and transparency of misconduct investigations.
- Increasing the transparency of appeals against misconduct findings, by replacing the current retired police officer as a member of the panel with an independent layperson and introducing new provisions to improve the timeliness and efficiency of proceedings.

The three local policing bodies (i.e. PCCs) for Dyfed Powys, Gwent and North Wales made the decision to implement Option 1 i.e. for those complaints recorded under Schedule 3 of the Police Reform Act 2002, the relevant Office of the Police and Crime Commissioner (OPCC) is responsible for the Complaint Reviews.

The three local policing bodies (i.e. PCCs) for Dyfed Powys, Gwent and North Wales, considered that in order to support their Police and Crime Commissioners (PCCs) to fulfil this role, an advisory post would be required. This role would consider each complaint review received by the relevant OPCC, preparing a suggested response and accompanying rationale to present to the relevant PCC; in order for the relevant PCC to make a final decision on the outcome. Consideration was given to various options, including:

1. A member of OPCC staff absorb this advisory role as part of their role responsibilities
2. Employing a new member of staff
3. Outsource this work to an independent provider

Since the 1st February 2020, the three local policing bodies (i.e. PCCs) for Dyfed Powys, Gwent and North Wales have worked across Options 1 and 3 i.e. the reviews have been outsourced to an independent provider who have provided a rationale and suggested decision to the relevant OPCC; and then a member of OPCC staff from each of the local policing bodies have absorbed into their role the final decision and preparation of the review outcome, including the follow-up work in response to any lessons learnt/recommendations identified.

Options 1 and 3 are considered to be the most financially viable option. The use of both options allows for the relevant OPCC to be in receipt of an independent provider recommendation, whilst ensuring that the responsibility for the final decision remains with the relevant OPCC.

Collaboration Work

As a result, a further joint tender process in respect of Option 3 was agreed - the Office of the Police and Crime Commissioner for Dyfed Powys led this process.

Recommendation (cont):

Procurement Overview

The procurement process was advertised through 'Sell2Wales' with procurement documents available on 'Etenderwales' electronic sourcing platform. A total of ten suppliers accessed the tender exercise, with two suppliers providing a response. The evaluation was undertaken through the Award Tool and the panel consisted of representation from all three Welsh OPCC's with oversight from the Dyfed Powys Police Procurement Department.

Each supplier was scored on the same set of questions, with each score awarded accompanied by a rationale, completed by each OPCC representative. At the conclusion, the Procurement Department considered the scores and the recommendation is to award a contract to Sancus Solutions Limited.

The contract will be for a period of 36 months with the option of extending it for a further period of 2 x 12 months. The Contract will commence on 03/04/2022. This Agreement shall be reviewed annually and may be amended if all parties agree.

Key Performance Indicators (KPI's)

The Provider will be expected to work with the Commissioner throughout the duration of the contract to develop the framework of measurable outcomes for the Services. The Provider shall ensure that it has appropriate systems and procedures in place in order to capture and report on compliance with KPIs as required.

On agreed dates, the Provider shall deliver to the Commissioner a management report detailing performance in respect of each KPI. Reports shall be in the format proposed by the Provider and approved by the Commissioner and shall include narrative to highlight any performance issues, along with steps that the Provider proposes to take to avoid any recurrence of the problems. The report should also contain other relevant performance information and any pertinent issues or areas requiring further discussion.

Monitoring

Monitoring will be undertaken via agreed meetings/visits. The reports submitted by the Provider will form the basis for discussion at these meetings. The meeting will afford both parties the opportunity to raise any issues for discussion or clarification. Monitoring visits will allow the Commissioner to experience the service being delivered and to review service user experiences and satisfaction levels.

Police and Crime Plan

Police and Crime Commissioners (PCCs) act as the voice of the public on policing and crime matters. They are responsible for setting the strategic direction for policing within their respective force areas.

Recommendation (cont):

It is the responsibility of the Office of the Police and Crime Commissioner to carry out independent reviews of police complaints where the Commissioner has been assessed as the relevant review body and the complainant formally requests a review in respect of the Force's handling of their complaint.

This forms part of the Commissioners' priorities i.e. Victims are supported and Harm is prevented.

Proposal

Model 1 is still considered the preferred approach. This means that the management of complaints will remain with the respective Police Force. As per the legislation, the Police and Crime Commissioner will be responsible for impartially considering the following:

- Whether the request for a review was valid
- Whether the outcome of the complaint was reasonable and proportionate
- Any recommendations that should be made to the Force as a result of the handling and/or outcome of the complaint

The rationale for this decision remains based on the Police and Crime Commissioner's statutory responsibilities, as contained within the Policing Protocol Order 2011. Section 17 states that the PCC has the legal power and duty to scrutinise, support and challenge the overall performance of the Force, including against the priorities agreed within the Plan.

When considering this responsibility, there is a requirement for impartiality and independence from the initial recording of a complaint. In order to undertake an independent review of a complaint, it is considered that Option 1 is the only model that provides the necessary transparency and independence, to enable the relevant PCC to effectively comply with their statutory duty to scrutinise and challenge complaints handled by their respective Police Force.

Further to the above, the Police and Crime Commissioner's Office suggest that the contract is awarded to Sancus Solutions Limited for a period of 36 months with the option of extending it for a further period of 2 x 12 months, with the contract commencing on 03/04/2022. This Agreement shall be reviewed annually and may be amended if all parties agree.

Police and Crime Commissioner for Dyfed Powys

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 Nolan Principles for Conduct in Public Life. The above request has my approval.

Signature:



Date: 02/03/22