

<b>Title:</b> End-to-end review of the police complaints system and the Independent Police Complaints Commission (IPCC) <b>IA No:</b> HO0157  <b>Lead department or agency:</b> Home Office  <b>Other departments or agencies:</b> None	<b>Impact Assessment (IA)</b>			
	<b>Date:</b> 28/11/2014			
	<b>Stage:</b> Consultation			
	<b>Source of intervention:</b> Domestic			
	<b>Type of measure:</b> Primary Legislation			
<b>Contact for enquiries:</b> Police Integrity Consultation Team policeintegrityconsultation@homeoffice.gsi.gov.uk				

<b>Summary: Intervention and Options</b>	<b>RPC Opinion:</b>
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Cost of Preferred (or more likely) Option				
Total Net Present Value	Business Net Present Value	Net cost to business per year (EANCB on 2009)	In scope of One-In, Two-Out?	Measure qualifies as
Not Known (NK)	None	None	No	N/A

**What is the problem under consideration? Why is government intervention necessary?**

Public satisfaction with the police complaints system remains consistently low. The 2012/13 crime survey for England and Wales reveals that whilst 19% of respondents have experienced annoyance with the police in the last 5 years, 89% of those did not complain. Of those who did complain, 78% were dissatisfied, including 62% who were very dissatisfied, with the way their complaint was handled. We consider that a lack of independence from the police, an overly complex structure and excessively bureaucratic processes are all relevant factors. The majority of the complaints system is prescribed by law; as a result, primary legislation will be required to reform it.

**What are the policy objectives and the intended effects?**

The Home Secretary announced that reforms to the police complaints system, aimed at improving public satisfaction, would focus on four key policy objectives. First, the police complaints system should be more independent of the police. Secondly, the police complaints system should be easier for the public to follow. Thirdly, the police complaints system should be more focused on resolving complaints locally. Finally, the police complaints system should have a simpler system of appeals.

**What policy options have been considered, including any alternatives to regulation? Please justify preferred option (further details in Evidence Base)**

An initial analysis of options for reform revealed that little would be possible in the absence of primary legislation. Option 0 is to do nothing, making no changes to the complaints system other than the reforms already initiated.

Following a period of desk research and stakeholder engagement we have developed the following proposed reforms:

- Option 1: Reform A – all complaints against the police will be recorded within a reformed complaints system (including a revised definition of complaints; ending the practice of disapplication and discontinuation; and making it easier to deal with vexatious or persistent complainants);
- Option 1: Reform B – designated organisations will be able to raise a complaint relating to a perceived systemic failing in policing directly with the Independent Police Complaints Commission (IPCC);
- Option 1: Reform C – the appeal functions currently exercised by a Chief Constable in relation to complaints will be simplified and transferred to the relevant Police and Crime Commissioner (PCC);
- Option 1: Reform D – empowering PCCs to play a central role in deciding how the complaints system is run at a local level, including receiving, assessing and allocating complaints, and resolving those complaints suitable for local resolution. In addition, PCCs would gain the power to scrutinise the local police complaints system and HMIC will have its remit extended to those staff working for the PCC who are engaged in supporting police forces and discharging policing functions to enable it to continue to scrutinise the efficiency and effectiveness of the complaints system;
- Option 1: Reform E – there will be no further managed or supervised investigations. The IPCC will have the power to require the police to assist them with their investigations.

<b>Will the policy be reviewed?</b> It will be reviewed. <b>If applicable, set review date:</b> /						
Does implementation go beyond minimum EU requirements?				N/A		
Are any of these organisations in scope? If Micros not exempted set out reason in Evidence Base.		Micro	< 20	Small	Medium	Large
What is the CO <sub>2</sub> equivalent change in greenhouse gas emissions? (Million tonnes CO <sub>2</sub> equivalent)				Traded:		Non-traded:

*I have read the Impact Assessment and I am satisfied that, given the available evidence, it represents a reasonable view of the likely costs, benefits and impact of the leading options.*

Signed by the responsible : .....

Date: .....

# Summary: Analysis & Evidence

# Option 1: Reform A

**Description:** All complaints against the police will be recorded within a reformed complaints system (including a revised definition of complaints; ending the practice of disapplication and discontinuation; and making it easier to deal with vexatious or persistent complainants).

## FULL ECONOMIC ASSESSMENT

Price Base Year	PV Base Year	Time Period Years	Net Benefit (Present Value (PV)) (£m)		
			Low: NK	High: NK	Best Estimate: NK

COSTS (£m)	Total Transition (Constant Price) Years	Average Annual (excl. Transition) (Constant Price)	Total Cost (Present Value)
Low	NK	NK	NK
High	NK	NK	NK
Best Estimate	NK	NK	NK

### Description and scale of key monetised costs by 'main affected groups'

Paragraph 5.13 to 5.16 of the evidence base considers these potential costs further. Ending the non-recording of complaints will also increase the number of complaints entering the system. Based on estimated current levels of demand, the estimated proportion of complaints which are valid and current rates of local resolution and investigation, a minimum of 1,000 additional complaints will need to be dealt with each year, 550 by local investigations and 350 by local resolution. This is estimated to cost £820,000 to £1.22m annually, with these costs falling on the police and PCCs. The share of costs shouldered by each body depends on how PCCs choose to structure the local complaints system.

### Other key non-monetised costs by 'main affected groups'

There are no non-monetised costs.

BENEFITS (£m)	Total Transition (Constant Price) Years	Average Annual (excl. Transition) (Constant Price)	Total Benefit (Present Value)
Low	NK	N/A	NK
High	NK	N/A	NK
Best Estimate	NK	N/A	NK

### Description and scale of key monetised benefits by 'main affected groups'

There are no monetised benefits.

### Other key non-monetised benefits by 'main affected groups'

Eliminating the non-recording of complaints will save time in the initial processing of a complaint, as time will no longer need to be spent considering whether or not to record a complaint. These benefits will accrue to either the PCC or police, depending on how PCCs structure the system at a local level. Resources will also be saved as it will no longer be necessary to provide for appeals to the IPCC against non-recording decisions.

### Key assumptions/sensitivities/risks

Discount rate (%)

N/A

There are two key risks for these reforms. The first is that more people than anticipated will feel empowered to complain, leading to additional costs. The second is that the ending of non-recording will also result in higher than expected increases in the number of complaints dealt with by the system.

## BUSINESS ASSESSMENT (Option 1A)

Direct impact on business (Equivalent Annual) £m:				In scope of OITO?	Measure qualifies as
Costs:	None	Benefits: None	Net: None	No.	N/A

## Summary: Analysis & Evidence

## Option 1: Reform B

**Description:** Designated organisations will be able to raise a complaint relating to a perceived systemic failing in policing directly with the Independent Police Complaints Commission.

### FULL ECONOMIC ASSESSMENT

Price Base Year	PV Base Year	Time Period Years	Net Benefit (Present Value (PV)) (£m)		
			Low: NK	High: NK	Best Estimate: NK

COSTS (£m)	Total Transition (Constant Price) Years	Average Annual (excl. Transition) (Constant Price)	Total Cost (Present Value)
Low	NK	N/A	NK
High	NK		NK
Best Estimate	NK		NK

#### Description and scale of key monetised costs by 'main affected groups'

There are no monetised costs for this option.

#### Other key non-monetised costs by 'main affected groups'

The IPCC will face additional demand for investigations; however we would not expect IPCC to pursue all these investigations, but to make prioritisation decisions on these new investigations versus existing investigations.

BENEFITS (£m)	Total Transition (Constant Price) Years	Average Annual (excl. Transition) (Constant Price)	Total Benefit (Present Value)
Low	NK	N/A	NK
High	NK		NK
Best Estimate	NK		NK

#### Description and scale of key monetised benefits by 'main affected groups'

There are no monetised benefits for this option.

#### Other key non-monetised benefits by 'main affected groups'

The reform should benefit the public through more effective targeting of investigations on the areas that are the most serious and urgent from the public's perspective. Additionally, an independent organisation has the potential to put forward complaints on behalf of those who do not typically complain or engage with the police complaints system. As a result the police will gain a means of understanding and responding to the needs of those unwilling or unable to complain.

The police, IPCC and PCCs may also benefit, as the reform could enable proactive resolution of systematic problems in the police service. This may reduce future demand on the complaints system by resolving common issues before they result in a complaint.

#### Key assumptions/sensitivities/risks

It will be important that the IPCC has in place a sound process to prioritise its work so that the investigations into systemic issues that are pursued can add value.

Discount Rate

N/A

### BUSINESS ASSESSMENT (Option 1B)

Direct impact on business (Equivalent Annual) £m:			In scope of OIOO?	Measure qualifies as
Costs: None	Benefits: None	Net: None	No.	N/A

# Summary: Analysis & Evidence

# Option 1: Reform C

**Description:** The appeal functions currently exercised by a Chief Constable in relation to complaints will be simplified and transferred to the relevant PCC.

## FULL ECONOMIC ASSESSMENT

Price Base Year	PV Base Year	Time Period Years	Net Benefit (Present Value (PV)) (£m)		
			Low: NK	High: NK	Best Estimate: NK

COSTS (£m)	Total Transition (Constant Price) Years	Average Annual (excl. Transition) (Constant Price)	Total Cost (Present Value)
Low	NK	N/A	NK
High	NK		NK
Best Estimate	NK		NK

### Description and scale of key monetised costs by 'main affected groups'

There are no monetised costs.

### Other key non-monetised costs by 'main affected groups'

PCCs would require additional resources in order to receive the appeals related to complaints that are currently received by police forces. In 2013/14 police forces received approximately 1,600 appeals resulting from a local investigation and approximately 1,100 appeals resulting from a local resolution. The exact costs associated with reviewing these appeals are not known.

BENEFITS (£m)	Total Transition (Constant Price) Years	Average Annual (excl. Transition) (Constant Price)	Total Benefit (Present Value)
Low	NK	N/A	NK
High	NK		NK
Best Estimate	NK		NK

### Description and scale of key monetised benefits by 'main affected groups'

There are no monetised benefits.

### Other key non-monetised benefits by 'main affected groups'

The police would benefit from no longer having to fulfil this function, saving senior police time. Appeals would no longer be reviewed by the police, but instead would be overseen by democratically elected PCCs. As a result, the complaint system would become more independent of the police and more accountable to local residents, which should benefit the public.

### Key assumptions/sensitivities/risks

Discount rate (%)

N/A

We assume the resource required for PCCs to manage appeals under a reformed system would be roughly equal to the resource used by Chief Constables under the current system. If PCCs are more or less productive then the overall cost of appeals would be lower or higher respectively.

## BUSINESS ASSESSMENT (Option 1C)

Direct impact on business (Equivalent Annual) £m:			In scope of OIOO?	Measure qualifies as
Costs: None	Benefits: None	Net: None	No	N/A

## Summary: Analysis & Evidence

## Option 1: Reform D

**Description:** Empowering PCCs to play a central role in deciding how the complaints system is run at a local level, including receiving, assessing and allocating complaints, and resolving those complaints suitable for local resolution. In addition, PCCs would gain the power to scrutinise the local police complaints system and HMIC will have its remit extended to those staff working for the PCC who are both engaged in supporting police forces and discharging policing functions to enable it to continue to scrutinise the efficiency and effectiveness of the complaints system.

### FULL ECONOMIC ASSESSMENT

Price Base Year	PV Base Year	Time Period Years	Net Benefit (Present Value (PV)) (£m)		
			Low: NK	High: NK	Best Estimate: NK

COSTS (£m)	Total Transition (Constant Price) Years		Average Annual (excl. Transition) (Constant Price)	Total Cost (Present Value)
Low	NK	N/A	NK	NK
High	NK		NK	NK
Best Estimate	NK		NK	NK

#### Description and scale of key monetised costs by 'main affected groups'

Improvements in the complaint system may lead to an increase in the number of members of the public who feel able to come forward with a complaint. Using the percentage increase in complaints following the creation of the IPCC in 2004, we estimate an additional cost of further local resolutions and investigations of between £5.1m and £34.8m annually to be reasonable.

#### Other key non-monetised costs by 'main affected groups'

It is not possible accurately to estimate what impact transferring control of contact and local resolution to PCCs could have on costs, as they will depend on the service delivery format selected by the relevant PCC. These delivery formats will vary across England and Wales.

PCCs will require additional resources to perform the scrutiny function, although again this will depend on what role PCCs choose to play.

Her Majesty's Inspectorate of Constabulary (HMIC) will be continuing to perform the role it currently performs in inspecting the efficiency and effectiveness of forces. This may include inspecting forces on how effectively they handle complaints under the new system as part of their new all-force inspection programme. We do not expect any resource implications for HMIC as a result of extending its remit to be able to inspect staff in the office of the PCC supporting the delivery of policing functions.

An increase in the number of complaints will likely lead to an increase in the number of appeals that PCCs and the IPCC will have to review. We estimate an additional 1700 to 3400 investigation appeals annually, and 550 to 1,050 additional local resolution appeals annually. An increase in complaints will also mean that non-complaints team officers will have to spend more time on complaints related activities.

BENEFITS (£m)	Total Transition (Constant Price) Years		Average Annual (excl. Transition) (Constant Price)	Total Benefit (Present Value)
Low	NK	N/A	NK	NK
High	NK		NK	NK
Best Estimate	NK		NK	NK

#### Description and scale of key monetised benefits by 'main affected groups'

While exact monetised benefits cannot be identified, it is possible that a shift from dealing with complaints through investigations towards local resolution could result in lower costs. This is due to the relatively lower cost of a local resolution compared to a local investigation. Currently, the best performing police force in terms of the rate of local resolution and investigation is Lancashire, with a local resolution rate of 73% and a local investigation rate of 7%. If on average, all PCCs achieved this level of local resolution, it would save approximately £12.6m to £18.9m annually.

#### Other key non-monetised benefits by 'main affected groups'

By empowering PCCs to play a central role in deciding how the complaints system is run at a local level this creates the opportunity for improvements in customer service and accountability, although the realisation of these benefits will depend on PCCs. Enabling PCCs to scrutinise local police complaints handling will result in greater accountability and transparency.

Encouraging complainants to come forward will both allow more members of the public to have their complaint dealt with, increasing public satisfaction, and enable the police to capture learning from complaints to improve organisational and individual effectiveness.

<b>Key assumptions/sensitivities/risks</b>	<b>Discount Rate</b>	<b>N/A</b>
It will be important that PCCs develop local processes that are efficient and effective for their local areas and share best practice on what works to continue to refine their approach.		

### BUSINESS ASSESSMENT (Option 1D)

<b>Direct impact on business (Equivalent Annual) £m:</b>			<b>In scope of OIOO?</b>	<b>Measure qualifies as</b>
<b>Costs:</b> None	<b>Benefits:</b> None	<b>Net:</b> None	No	N/A

## Summary: Analysis & Evidence

## Option 1: Reform E

**Description:** There will be no further managed or supervised investigations; the IPCC will have the power to require the police to assist its investigations.

### FULL ECONOMIC ASSESSMENT

Price Base Year	PV Base Year	Time Period Years	Net Benefit (Present Value (PV)) (£m)		
			Low: NK	High: NK	Best Estimate: NK

COSTS (£m)	Total Transition (Constant Price) Years	Average Annual (excl. Transition) (Constant Price)	Total Cost (Present Value)
Low	NK	N/A	NK
High	NK		NK
Best Estimate	NK		NK

#### Description and scale of key monetised costs by 'main affected groups'

There are no monetised costs.

#### Other key non-monetised costs by 'main affected groups'

In 2013/14 there were 22 managed investigations and 282 supervised investigations led by the IPCC. We anticipate that, as part of the existing IPCC transition programme that is underway, many of these investigations will in future be conducted independently by the IPCC, with any additional costs funded by the IPCC transition programme. Alternatively, should the police be responsible for these investigations there may be an additional workload for the police, as they would have to provide management and leadership for these investigations. We do not have an exact monetised cost for the police to be solely responsible for investigations that are currently managed or supervised by the IPCC.

Giving the IPCC the power to request police assistance will represent a demand on police resources; the size of this demand is unclear.

BENEFITS (£m)	Total Transition (Constant Price) Years	Average Annual (excl. Transition) (Constant Price)	Total Benefit (Present Value)
Low	NK	N/A	NK
High	NK		NK
Best Estimate	NK		NK

#### Description and scale of key monetised benefits by 'main affected groups'

There are no monetised benefits.

#### Other key non-monetised benefits by 'main affected groups'

The public should benefit from greater clarity regarding the independence of investigations, which should boost confidence in the complaints system.

The workload of the IPCC may be reduced, as they will no longer need to use the complex models of managed or supervised investigations. Due to the reasons outlined above it is not clear exactly how many investigations this will apply to. The reform will further benefit the IPCC by enabling them to use their resources and capabilities in a more efficient manner, which could make investigations shorter and more effective.

#### Key assumptions/sensitivities/risks

Discount rate (%)

N/A

The key risks associated with Option 1: Reform E relate to possible cost increases resulting from the end of managed and supervised investigations and granting the IPCC the power to request assistance from the police.

### BUSINESS ASSESSMENT (Option 5)

Direct impact on business (Equivalent Annual) £m:			In scope of OIOO?	Measure qualifies as
Costs: None	Benefits: None	Net: None	No	N/A

# Evidence Base (for summary sheets)

## A. Strategic Overview

### A.1 Background

1.1. In July 2014, the Government announced a review of the entire police complaints system, including the role, powers and funding of the Independent Police Complaints Commission (IPCC) and the local role played by Police & Crime Commissioners (PCC).

1.2. The review identified a number of issues that need to be addressed to improve the complaints system. The public lack confidence in the police complaints system. Only 1 in 10 of those annoyed with the police complain, and of those who do, most are dissatisfied by the way their complaint is handled. The complaint system is ineffective, inefficient and difficult to follow. Statutory guidance extends to 136 pages to describe a highly complex and bureaucratic process. Finally, the system, in which the majority of complaints are handled internally by the police, is perceived to be insufficiently independent.

1.3. Reform of the complaints system has not kept pace with reforms to the rest of the policing landscape. In particular, the police complaints system does not reflect changes brought about through the introduction of PCCs. Although PCCs hold Chief Constables to account, they currently have no formal role within the police complaints system, with the exception of complaints made against Chief Constables. The Government is interested in views about empowering PCCs to play a central role in deciding how the complaints system is run at a local level

### A.2 Groups Affected

1.4. The policy will affect: all those who wish to make a complaint against the police; PCCs; Chief Constables; police complaints teams; the IPCC; HMIC; designated organisations determined by Government but likely to be organisations such as the Citizens Advice Bureau.

### A.3 Consultation

#### **Within Government**

1.5. The Home Secretary announced the review of the police complaints system, having first secured Home Affairs Committee clearance, in July 2014.

#### **Public Consultation**

1.6. The review has already, prior to public consultation, sought views from a wide variety of groups, including the police, PCCs, the IPCC, solicitors, community-based organisations as well as members of the public who have made complaints about the police.

1.7. Through public consultation we will be seeking views on this impact assessment and attempting to gather further evidence to strengthen the analysis for a final stage impact assessment.

## B. Rationale

2.1. Public satisfaction with the police complaints system remains consistently low. The 2012/13 Crime Survey for England and Wales (CSEW) reveals that whilst 19% of respondents have experienced annoyance with the police in the last 5 years, 89% of those did not complain. Despite this, the number of complaints against the police has increased by more than 50% since 2004/05 to 34,863 complaints<sup>1</sup> in 2013/14. Of those who did make

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<sup>1</sup> A complaint here refers to an overall problem a member of the public has had with police performance or conduct, there can be multiple allegations of failure or misconduct within a complaint; allegations are investigated or resolved separately.

a complaint, 78% were dissatisfied, including 62% who reported being very dissatisfied with the way their complaint was handled.

2.2. According to the CSEW 2012/13, reasons for not complaining differ, but suggest a dysfunctional complaints system. Of those who had an issue with police conduct, 66% did not complain because they could see no benefit in doing so and 8% did not know how to make a complaint. Furthermore, according to the IPCC Public Confidence in the Complaints System survey 2014, only 58% of people are confident that the police deal fairly with complaints made against them.

2.3. Following engagement with a variety of stakeholders, including complainants, we have concluded that the key factors hampering the complaints system are a lack of independence, an overly complex structure and excessively bureaucratic processes. In 2013/14 there were a total of 52,643 allegations dealt with by the police complaints system. All but approximately 160 were dealt with internally by the police force that was the subject of complaint. The Independent Police Complaints Commission were involved in resolving the remaining 160 allegations, of which only 49 were finalised following an independent investigation. Those complaints dealt with by local forces took a considerable amount of time to be resolved, with local resolutions taking on average 57 days and investigations 135 days. Finally, the large number of members of the public with an issue but who were unaware of how to complain (8%) points to a system in need of simplification.

## **C. Objectives**

3.1. The overall objective is to boost public confidence in the police complaints system, ensuring they can have faith in the integrity and competence of the police. To achieve this, the outlined reforms aim to make the complaints system:

- more independent of the police;
- more efficient, straightforward and transparent; and
- more focused on the swift local resolution of complaints where appropriate.

## **D. Options**

### **Overview**

4.1. This impact assessment considers a preferred package of measures on which the Home Secretary proposes to consult, in addition to a “do nothing” option.

### **Option 0 - Do Nothing**

4.2. In the majority of cases, the current police complaints system is triggered when an individual makes a complaint to their local police force about the conduct of an officer. The police must then determine whether the complaint needs to be recorded and addressed, in accordance with statutory guidance which extends to some 136 pages. If not recorded, the complaints process ends, although the complainant has the option of appealing the non-recording decision, to either the respective Chief Constable or the IPCC.



4.3. Once a recording decision has been made, there are a total of five potential modes of complaint determination:

- Local resolution,
- Local investigation,
- Managed investigation,
- Supervised investigation, and
- Independent investigation.

In addition to the above the police can disapply<sup>2</sup> or discontinue<sup>3</sup> a complaint at any point during the process. Complainants can appeal either of these decisions to Chief Constables or the IPCC.

4.4. The most common forms of complaint resolution are local resolution and local investigation, with both being handled by the police force in question. **Local resolution** involves the respective police force apologising or making other amends. **Local investigations** are also conducted by the local police force that the complaint was made against: police officers look into the issue, potentially resulting in disciplinary actions being taken. If complainants are dissatisfied with the outcomes of both resolutions and investigations then they can appeal to Chief Constables and the IPCC.

4.5. The most serious and sensitive complaints are referred to the IPCC. In 2013/14 police forces referred 3,176 matters to the IPCC<sup>4</sup>. The vast majority were referred back to the police to be determined locally, due to the IPCC lacking the resources to investigate every referred complaint. Of the remainder, some (approximately 300 in 2013/14) are dealt with through a managed or supervised investigation. In these investigations, the actual investigative work is conducted by the police themselves, with the IPCC providing management and direction in a managed investigation and merely a degree of oversight in a supervised investigation. If complainants are dissatisfied with the outcomes of managed or supervised investigations then they can appeal to the IPCC itself.

4.6. A minority of complaints (49 were completed in 2013/14) are independently investigated by the IPCC. In this case the IPCC handle all elements of the investigation, with complaints typically taking longer and being more expensive to finalise.

4.7. The current complaints system includes five rights of appeal, namely against non-recording of a complaint, disapplication, discontinuance, local resolution and investigation, to two different bodies (the Chief Constable of the force that is the subject of the complaint, and the IPCC).

4.8. There is currently no ability for an organisation, such as the Citizens Advice Bureau, to raise a complaint about a perceived systemic failing in relation to policing.

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<sup>2</sup> Police forces can decide not to deal with a complaint in accordance with the provisions of the Police Reform Act 2002 where (i) more than 12 months have elapsed between the incident, or the latest incident, giving rise to the complaint and the making of the complaint and either that no good reason for the delay has been shown or that injustice would be likely to be caused by the delay; (ii) the matter is already the subject of a complaint made by or on behalf of the same complainant; (iii) the complaint discloses neither the name and address of the complainant nor that of any other interested person and it is not reasonably practicable to ascertain such a name or address; (iv) the complaint is vexatious, oppressive or otherwise an abuse of the procedures for dealing with complaints; (v) the complaint is repetitious; or (vi) it is not reasonably practicable to complete the investigation of the complaint or any other procedures under Schedule 3 to the Police Reform Act 2002.

<sup>3</sup> Police forces can, under the Police (Complaints and Misconduct) Regulations 2012, end the investigation of a complaint where (i) the complainant refuses to co-operate to the extent that it is not reasonably practicable to continue the investigation; (ii) where the appropriate authority has determined the complaint is suitable for local resolution; (iii) the complaint or matter is vexatious, oppressive or otherwise an abuse of procedures for dealing with complaints, conduct matters or DSI matters; (iv) the complaint or conduct matter is repetitious; or (v) it is not reasonably practicable to proceed with the investigation.

<sup>4</sup> IPCC Annual Report, 2013/14

## **Option 1 – Proposed Reforms**

4.9. This option is comprised of a number of reforms intended to introduce a more independent police complaints system that provides effective customer service. This option includes the following elements:

- Option 1: Reform A - all complaints against the police will be recorded within a reformed complaints system (including a revised definition of complaints; ending the practice of disapplication and discontinuation; and making it easier to deal with vexatious or persistent complainants);
- Option 1: Reform B - designated organisations will be able to raise a complaint relating to a perceived systemic failing in policing directly with the Independent Police Complaints Commission;
- Option 1: Reform C – the appeal functions currently exercised by a Chief Constable in relation to complaints will be simplified and transferred to the relevant PCC;
- Option 1: Reform D – empowering PCCs to play a central role in deciding how the complaints system is run at a local level, including receiving, assessing and allocating complaints, and resolving those complaints suitable for local resolution. In addition, PCCs would gain the power to scrutinise the local police complaints system and HMIC will have its remit extended to those staff working for the PCC who are engaged in supporting police forces and discharging policing functions to enable it to continue to scrutinise the efficiency and effectiveness of the complaints system; and
- Option 1: Reform E – There will be no further managed or supervised investigations, the IPCC will have the power to require the police to assist its investigations.

## **E. Appraisal (Costs and Benefits)**

### **GENERAL ASSUMPTIONS & DATA**

5.1. There are both gaps in the information available on the complaints system and some questions regarding the validity of the information that is available. Evidence collected during this consultation will fill some of these gaps. Given this we have not provided full cost-benefit calculations. Instead, we have identified the potential costs and benefits for each proposed reform, providing some indicative calculations where this is possible. These calculations should be treated with caution, as there are uncertainties surrounding them. We will attempt to gather more information during the consultation period, enabling these uncertainties to be addressed.

5.2. In this impact assessment we make repeated use of our estimates of the average costs of a local resolution (approximately £450-£700) and local investigation (approximately £1,200-£1,800) to police forces. This is based on an estimated weighted average cost per man hour of £35. This cost per hour is calculated using two elements:

- Standard costs per hour for police staff, police officers of rank Sergeant and below and senior police officers, which are £20.94, £36.51 and £58.79 respectively.<sup>5</sup>
- The estimated share of these ranks within police complaints functions. We have used Police Workforce data to estimate the average split between police staff and police officers, which we estimate to be 43% police staff and 57% police officers.<sup>6</sup> We have then had to

<sup>5</sup> These are hourly costs in 2013 prices and take into account standard data on pay, hours, expenses, pensions, National Insurance contributions and police workforce statistics.

<sup>6</sup> Police Workforce, England and Wales 31<sup>st</sup> March 2014, tables at: <https://www.gov.uk/government/statistics/tables-for-police-workforce-england-and-wales-31-march-2014>. There are 637 staff and 828 officers in 'Complaints and Discipline' functions.

make a further assumption regarding the proportions of police officers in complaints functions who are Sergeant and below and who are senior officers (i.e. Inspector and above). Police complaints teams regularly deal with serious allegations of misconduct and corruption and there can be a need to manage difficult and complex investigations, including some covert operations. These investigations will necessarily require involvement and oversight by senior officers. In addition, where investigations involve senior officers it is likely that other senior officers will need to carry out part or all of those investigations. Although every police complaints team is likely to vary in the make up of its staff, it is reasonable to assume therefore that there will be a significant presence at senior officer level in these teams. We estimate, for the sake of identifying costs, that the proportion of police officers that are Inspector or above could therefore be around 40%, with the remaining 60% of officers Sergeant or below. The result is an assumed split of police complaints teams as follows: 43% police staff; 34% police officers of rank Sergeant and below; and 23% police officers of rank Inspector and above. Multiplying these percentages by the individual costs per hour above gives a weighted average hourly cost of just under £35.

5.3. We use data on the estimated number of man hours that went into completing the two different activities, obtained from a Home Office survey of police forces. This data gives an average length of a local resolution as 16.5 hours and an average length of a local investigation as 43.6 hours. Multiplying these figures by our weighted hourly cost allows us to come to an estimated cost of these as:

- £573 for a local resolution
- £1,516 for a local investigation

5.4. We apply an uncertainty range of 20% either side of these central estimates to give an approximate range of £450-£700 for a local resolution and £1,200-£1,800 for a local investigation. The figures should be treated as indicative for two reasons. Firstly it is based on the estimated composition of police force complaints teams, for which we do not know the actual figures. Secondly, the survey which provided the man hours information was only completed by 18 out of 43 forces, and many respondents emphasised that their figures were only indicative estimates, as they did not regularly record this information. As a result these estimates should be treated with care.

5.5. While the above are the best currently available figures, they may not reflect future costs. The proposed reforms are intended to enable greater recourse to effective local resolution. It currently takes on average 57 calendar days for a local resolution to be finalised, suggesting there is considerable room for improvement. As a result the current estimate of the cost of a local resolution may be too high for the purposes of costing the future complaints system.

## **COSTS AND BENEFITS OF OPTIONS**

### **OPTION 0 – Current system**

#### **Costs**

5.6. There are currently approximately 35,000 police complaints recorded each year. In addition, there are an unknown number of non-recorded complaints, which are currently excluded because they failed to meet certain statutory standards, or because they were vexatious or fanciful.

5.7. The cost of this system consists of three elements:

- The Independent Police Complaints Commission;
- Officers and police staff within police forces specifically working on police complaints; and
- The time of officers and police staff within the general police population that is taken up with dealing with complaints.

5.8. Of these three elements, we possess the most reliable information for the first item, the cost of the IPCC, and partial information for the second item, the cost of officers and police staff within the police working on complaints.

5.9. The IPCC's budget for 2013/14 was approximately £33.2m, with an additional £900k of capital spending. There is also an additional £11.5m grant for the investigation into Hillsborough.

5.10. The total cost of police complaints teams is estimated to be £27.3m to £40.9m per year. This is based on the following:

- There are approximately 35,000 complaints made to the police each year, of which all but a handful are dealt with by police officers and staff tasked with handling police complaints. Of these 35,000 complaints, approximately 18,000 are locally investigated by police forces and 12,000 dealt with through local resolution by police forces, with the remainder disappplied or discontinued.
- Using the estimated cost ranges of a local resolution and investigation discussed above, we generate a ranged estimate of the cost of the police complaints team element of the system of £27.3m to £40.9m.
- These figures, however, provide only a partial estimate. They do not take into account the cost of receiving and recording complaints, nor the cost to the police of managed or supervised investigations or any other co-operation with the IPCC.
- Finally as discussed above, the estimate is based on the costs of local resolution and investigation which are themselves estimates. These figures should therefore be treated as indicative only. Regardless, we hope to gather additional information on the resources of police force complaint handling during the consultation period.

5.11. While police forces typically have specialist units with overall responsibility for collecting and investigating complaints against the police, other police officers are also involved in dealing with public complaints. Senior police officers are frequently tasked with conducting the initial inquiry into a complaint. In some cases, they can also lead or oversee a particularly sensitive investigation, for example into a complaint against a senior officer. Additionally, the time of regular police officers who are involved in a complaint is also taken up participating in investigations and resolutions. No data is currently recorded on the amount of time that either of these groups spend on complaint related issues. Gathering any information is likely to be difficult due to the ad-hoc nature of the participation of personnel from these two groups. Despite the difficulty, we will enquire with police during the consultation period about the possibility of collecting this information.

5.12. In summary, the known cost of the police complaints system is estimated to be £72.9m to £86.5m. This includes the full cost of the IPCC and a partial estimate of police complaint teams costs. However it excludes the costs of the police receiving and referring complaints, handling appeals, participating in managed or supervised investigations and generally co-operating with the IPCC. Finally it also doesn't include the cost of non-complaints team officers' involvement in the complaints system. It has not been possible to monetise these costs due to a lack of information on the size, budget and nature of police complaint teams, as well as the amount of time non-complaints team officers spend on complaints.

### **OPTION 1 - Proposed reforms**

5.13. The intention of our proposed reforms is to shift the current police complaints system so that it is more independent of the police, and is focused on efficient and effective customer service. The

full list of reforms on which we are consulting is set out below, together with a separate analysis of the costs and benefits of each.

OPTION 1: Reform A - all complaints against the police will be recorded within a reformed complaints system (including a revised definition of complaints; ending the practice of disapplication and discontinuation; and making it easier to deal with vexatious or persistent complainants)

## **Costs**

### Ending the non-recording of complaints:

5.19. Ending the non-recording of complaints will also lead to an increase in complaints dealt with by the system, as those previously not recorded will enter the system. We estimate the cost of this to be £0.82m to £1.22m per year.

- It is difficult reliably to estimate how large an increase would occur. A survey of police forces, taking into account those who failed to respond, estimated that 2,000 complaints were non-recorded each year. This figure should be treated with caution however because the survey had a limited response rate and the monitoring of non-recorded complaints is very inconsistent across different police forces. Additionally, the IPCC currently receives approximately 1,500 appeals a year against non-recording decisions, implying an exceptionally appeal rate of 75%. This suggests that our 2,000 non recorded complaints figure is too low, however lacking any better estimate we make use of this figure, bearing in mind that the actual figure is likely to be higher.
- As well as the volume of the increase in complaints, the nature of the non-recorded complaints is important as well. Currently, many complaints are not recorded because they are vexatious, repetitious or anonymous, suggesting that once recorded, these complaints might not occupy a great deal of resources. While we lack reliable data on the number of complaints of this nature, IPCC data reveals that approximately 50% of all appeals on non-recording are upheld. If we assume that 2,000 complaints are non-recorded, we might expect an increase in the number of complaints requiring local resolution or investigation of 1,000 a year. Using the current ratio of local resolution and investigation, and our estimated cost ranges for local resolutions and local investigations, we estimate a cost of at least £0.82m to £1.22m a year for this reform.

### Summary:

5.20. The total known cost of this reform is £0.82m to £1.22m; this is believed to be an underestimate however as the current number of non-recorded complaints is not clear.

## **Benefits**

### Reforming the complaints system:

5.22. Reforming the complaints system is also likely to reduce the demand on staff, as processing each complaint will involve fewer steps and the routes of resolution will be clearer. This will have a financial benefit. However, we currently do not have information on the exact impact of the reforms on workload and we will attempt to gather information during the consultation to enable us to come to an estimate of this.

5.23. Ending the non-recording of complaints would mean that police forces' complaints teams would no longer have to spend time determining, in accordance with statutory guidance, whether a complaint needs to be recorded. Currently, on average it takes 10 days for a complaint to be recorded, with approximately 7,000 cases a year not receiving a recording decision within 10 days. These are system process figures which will comprise both waste (in the form of delay from inaction) and actual human effort in determining a recording decision. It is not an estimate solely of the amount of hours it takes to decide whether to record a complaint, so it does not show the benefit to police forces of eliminating non-recording. While the initial processing of cases will still take some time for police force complaints teams, this should be significantly reduced by eliminating the decision around whether to formally record a complaint. A pilot conducted by Northumbria PCC and police transferred the contact and the responsibility for the majority of local resolutions from the police to a team of seconded police staff working within PCCs. The pilot found that this team found it possible to deal with most complaints within 1-2 days although we lack exact information on workloads and waiting times, suggesting there is significant potential for improvement.

5.24. Additionally, the IPCC would no longer have to review appeals on the issue of non-recording, saving resources. It is difficult to determine the financial value of either of these benefits. There is insufficient information on the budget, size and time usage of police forces' complaints teams in order to determine how much will be saved from ending non-recording. The benefit to the IPCC is also difficult to estimate, as we lack information on how much time they spend dealing with this kind of appeal. However, IPCC statistics show that the IPCC takes on average 35 days to complete an appeal on non-recording, suggesting a potential saving of 52,500 days given approximately 1,500 appeals a year. This is a system process figure which will comprise both waste (in the form of delay) and actual human effort in determining an appeal. It is not an estimate solely of the amount of man-days it takes to complete an appeal, so it does not show us the resource benefit to the IPCC of eliminating non-recording. As well as a benefit to the IPCC, there will be a benefit to complainants who will face less delay in getting their complaint resolved.

5.25. Because we do not have information on the amount of effort that will be saved from ending non-recording of complaints, we have been unable to monetise the benefits of this. This is something that we will attempt to gather information on through consultation.

#### Summary:

5.26. Ending the non-recording of complaints should save the police time, as well as ensuring all complaints are dealt with properly. It has not been possible to monetise these benefits due to a lack of information on the staffing and budget of police complaints teams as well as the amount of time police complaints teams spend on different activities.

OPTION 1: Reform B - designated organisations will be able to raise an issue relating to a perceived systemic failing in policing directly with the Independent Police Complaints Commission.

#### **Costs**

5.27. The IPCC already conducts investigations into systematic problems within the police, with the designated organisations expected to simply provide better targeting of these kinds of investigations. As a result, this reform is not expected to lead to additional investigations, but to strengthen the IPCC's ability to target investigations in those areas where they will generate the greatest benefit. This will displace those investigations that would have been initiated by the IPCC, in favour of those recommended by the designated organisations. There is however a risk that this will not be the case and that the IPCC will need to conduct additional investigations. We will engage with the IPCC to gather further information on these types of investigation during the consultation.

5.28. In summary, this reform is not expected to result in significant costs as no additional investigations should take place.

## **Benefits**

5.29. This reform will lead to a more proactive and effective targeting of investigations on the areas that are the most serious and urgent from the public's perspective, thereby contributing to enhancing public confidence. Additionally, an independent organisation has the potential to put forward complaints on behalf of those who do not typically complain or engage with the police complaints system. As a result the police will gain a means of understanding and responding to the needs of those unwilling or unable to complain. Finally, by enabling proactive resolution of systematic problems in the police service, this reform has the potential to reduce demand on future complaints services, by heading off problems before they result in a complaint.

5.30. In summary, it is hoped this reform will result in more effective targeting of IPCC investigations into systematic issues.

OPTION 1: Reform C – the appeal functions currently exercised by a Chief Constable in relation to complaints will be streamlined within a reformed system and will fall to the relevant PCC.

## **Costs**

5.31. In 2013/14 approximately 2200 appeals resulting from investigations and local resolutions were reviewed by Chief Constables. Under this proposal, these appeals would now go directly to the PCC. To fulfil this function, PCCs would require additional resources. How much additional resource is uncertain, as there is not exact information on how much resource the police currently expend dealing with appeals. We will attempt to gather further information on this during the consultation.

5.32. In summary, PCCs will require additional resources in order to process appeals. It has not estimate the size of these resources, as we lack information on how much resource the police currently expend processing appeals.

5.33. Whilst we also considered making the IPCC responsible for all appeals, we consider that this function sits best with the democratic responsibility of locally elected PCCs in relation to customer service matters and are consulting on that basis.

## **Benefits**

5.34. Making PCCs responsible for those appeals currently considered by the Chief Constable would improve the independence of the complaints system and remove a workload burden from Chief Constables. As mentioned above, it is not possible to know the value of this removal exactly as we lack data on the amount of time Chief Constables and senior police officers spend handling appeals.

5.35. In summary, transferring responsibility for appeals from Chief Constables to PCCs should improve the complaints system's independence and accountability. It will also reduce resource demands on the police. The size of this reduction cannot be estimated due to a lack of information on how much resource the police currently expend on appeals.

OPTION 1: Reform D - Empowering PCCs to play a central role in deciding how the complaints system is run at a local level, including receiving, assessing and allocating complaints, and resolving those complaints suitable for local resolution. In addition, PCCs would gain the power to scrutinise the local police complaints system and HMIC will have its remit extended to those staff working for the PCC who are engaged in supporting police forces and discharging policing functions to enable it to continue to scrutinise the efficiency and effectiveness of the complaints system.

## **Costs**

5.36. It is not possible accurately to calculate what impact PCCs playing a central role in the complaints system could have on costs, as they will depend on the service delivery format selected by the relevant PCC. These delivery formats will vary across England and Wales, with higher, similar and lower costs possible.

5.37. While it is not known exactly what service delivery structure PCCs will opt for, one potential structure currently being piloted by Northumbria involves police staff being seconded into PCCs in order to fulfil the 'triage' and local resolution functions. Whether or not this will increase costs depends on a number of factors:

- Firstly whether or not PCC overheads are comparable to those of a police force;
- Secondly, whether or not PCCs have available office space to accommodate the additional personnel. There are reports that some PCCs are co-located within police stations, meaning that additional office space can likely be obtained at minimal cost; and
- Finally, whether or not police staff will be able to easily relocate to work at PCCs. This depends primarily on whether or not it is possible to access the PCC offices from their current address and whether or not the difference in commuting times between their previous place of employment and the PCC office is excessive.

5.38. We will endeavour to obtain additional information on both police overheads and complaint staff locations during the consultation.

5.39. Whilst we also considered making the IPCC responsible for discharging this function, that has not been put forward as an option for reform. Many PCCs are already exploring what role they can play, within existing resources, in resolving complaints against the police. In contrast, enabling the IPCC to discharge this function in relation to the 35,000 complaints currently made each year would likely require a significant increase in resources for that organisation.

### Enabling PCCs to scrutinise local police complaints handling:

5.40. Enabling PCCs to scrutinise local police complaints handling will require additional resources. It is not possible to calculate exactly how much additional resource would be required, partly because the exact nature of this reform will differ from one PCC to another as it is intended that PCCs will have the flexibility to adapt to local circumstances. For example, one possibility is the introduction of civilian review boards, staffed by volunteers, which is not likely to demand significant resource.



5.41. Whilst we also considered creating a new independent local investigative function with the required skills, or increasing the resource of the IPCC, neither of these alternatives have been put forward as options for consultation. They would require a significant increase in trained investigative staff, either locally or nationally. Such staff would not be able to be drawn from existing police complaints teams, who would be required to continue to investigate internal disciplinary and misconduct matters. It is not clear that such staff are available.

#### Extending HMIC's remit to cover police staff based in PCCs working on complaints:

5.42. HMIC's current statutory role is to inspect, and report on the efficiency and effectiveness, of police forces. This includes the power to inspect how effectively forces are handling complaints. We do not expect any resource implications for HMIC as a result of extending its remit to be able to inspect staff in the office of the PCC working on complaints.

#### Additional Complaints:

5.14. These reforms are expected to improve the quality of complaints system, this has the potential to lead to an increase in the number of members of the public coming forward with a complaint if the public start to believe that the system can deliver better outcomes. While it is unclear exactly how large an increase will occur, we therefore anticipate that recording all complaints will result in an increase in complaint volumes.

5.15. We believe the most reliable approach to estimate this potential increase is to use information on the increase in complaints volumes that occurred following previous reforms:

- The IPCC was created in April 2004. We assume that the introduction of the IPCC, a major and well publicized change in the police complaints system, could have encouraged those previously reluctant to complain to come forward. Examination of the complaint number statistics supports this idea, showing a 44% increase in 2004/05. It is however possible that not all of the increase in complaint numbers was felt immediately. Complaint numbers continued to increase until 2007/08, where they peaked at 85% higher than the figure in 2003/04. It is not certain that either of these increases can be entirely attributed to the introduction of the IPCC, however it is not clear what other factors could have caused such a significant increase. As a result, we use a ranged estimate of 44-85% for the potential increase in complaint numbers as a result of these proposed reforms.
- To provide a broader view of potential costs, we vary our assumption in relation to the share of complaints which are locally resolved (a relatively inexpensive process in which an apology or other low level response is provided without a full investigation) or locally investigated. Currently the average figures for police forces in England and Wales are a local resolution rate of 33% and a local investigation rate of 52%. Due to the lower cost of a local resolution, increasing this response at the expense of investigations minimizes the use of resources, while also arguably providing a better experience to the complainant. As a result, it is hoped that PCCs will push for most complaints to be resolved through local resolutions, with investigations reserved for cases assessed or judged to be appropriate for local investigation. To simulate the impact this might have, we use the highest rates of local resolution currently achieved in England and Wales as a proxy, to show how costs can change in response to improvements. Lancashire currently has the highest rate of local resolution at 73%, with only 7% of complaints resulting in a local investigation. Note that this is the best currently achieved rate, and we assume that it is the minimum possible under a reformed system, at least on average.
- We use estimated cost ranges of local resolutions (approximately £450-700) and local investigations (£1,200-1,800) within the current complaint system. As stated above, we rec-

ognise that the stated cost range of local resolution may be too high in respect of a reformed future complaints process.

5.16. Using the above ranged estimate of the increase in the number of complaints (44-85%), we estimate an increase of 15,500 to 29,500 complaints. This translates to an estimated additional cost of £12m to £34.8m per year under current ratio of local resolution to investigation, or under the potential local resolution rates: £5.1m to £18.7m per year.

5.17. As well as dealing with the complaint itself, the subsequent impact of any appeal must also be considered. It is reasonable to assume that an increasing number of complaints will lead to an increasing number of appeals. There are currently 0.11 appeals for every local resolution and 0.22 appeals for every local investigation, we use these ratios to create our forecasts. We therefore estimate 550-1,050 additional resolution appeals annually, and 1750-3,400 additional local investigation appeals annually. We are unable to monetise this impact due to a lack of information on the cost of processing an appeal for either police forces or the IPCC. We aim to gather more information on the costs of appeals during the consultation.

5.18. Finally, as noted above it is not just the IPCC or police complaint teams who spend time dealing with complaints. Both senior and regular police officers also spend time leading, working or participating in complaints investigations, something which will presumably increase with the number of complaints. It is not possible to estimate the cost of this, as we lack information on how much time is currently spent by non-complaints team officers on complaints. We will attempt to locate better information during the consultation.

### Summary:

5.43. In summary, it is very difficult to estimate the cost of transferring control of complaints contact and local resolution to PCCs, as each PCC will respond differently. PCCs will likely require additional resources to scrutinise the local complaints system, although how much additional resource is unknown, as each PCC will likely interpret this role differently. HMIC may require additional resource to fulfil its role under the proposed changes; this is unclear due to uncertainty regarding how HMIC will perform this function. Finally, overall improvements in the complaints system may lead to additional members of the public coming forward with complaints, with cost implications. We estimate the additional cost of an increase in complaint numbers to be between £5.1m to £34.8m. This figure excludes the costs of additional appeals and non-complaints team time spent on complaints as a result of the increase in complaint numbers. It has not been possible to monetise these costs as we lack information on the costs of appeals, and the amount of non-complaints team police time spent on complaints.

### **Benefits**

5.44. As explained above, identifying the exact benefits from this reform is not possible due to the diversity of possible PCCs responses. It is however hoped that giving the locally elected PCCs control over how the contact and local resolutions functions are delivered will encourage a more efficient and customer focused complaints system. In particular it is hoped that they will succeed in increasing the number of local resolutions and reducing the number of expensive investigations.

5.45. The assumption that PCCs will be able to improve their services is supported by the high degree of variance in the rates of local resolutions and investigations currently achieved by police forces in England and Wales. The national average is for 33% of complaints to be locally resolved and 52% locally investigated. Lancashire constabulary is the best performing police force in terms of the percentage of complaints resolved locally; Lancashire resolves 73% of complaints locally, investigating only 7%. Given the other improvements in the complaints system, as well as the direct

accountability of PCCs to the public, we don't believe it's unreasonable to assume that other police forces will be able to achieve Lancashire's rates of local resolution and investigation. This would produce significant savings as well as a quicker and more efficient complaints system. The table below shows the potential savings based on current numbers of complaints. As discussed above, the number of complaints could increase, but the impact of this is considered separately in this IA. The saving estimates here are based on the estimated cost ranges of a local resolution (£450-700) and a local investigation (£1200-1800). As stated above, we recognise that the stated cost of local resolution may be too high in the context of a reformed future complaints process.

Cost of a local resolution and investigation	Number of complaints	Current Estimated Resolution and Investigation Rate Cost	Potential Estimated Resolution and Investigation Rate Cost	Estimated Potential Savings
Upper Bound	35,000	£40,900,000	£22,000,000	£18,900,000
Lower Bound	35,000	£27,300,000	£14,600,000	£12,600,000

All figures are approximate and have been rounded.

#### Enabling PCCs to scrutinise local police complaints handling:

5.46. Enabling PCCs to scrutinise local police complaints handling will result in an increase in accountability and transparency, as the democratically elected PCCs will be able to scrutinise investigations, which may improve public confidence in the complaints system.

#### Additional Complaints:

5.21. Improvement in the complaints system may encourage more members of the public to complain. While this would impose additional resource demands, it would also provide the police with opportunities to improve their services, increase the public's confidence in the complaints system and provide satisfaction to the complainants.

#### Summary:

5.47. In summary, increasing the rate of local resolution at the expense of local investigations has the potential to deliver estimated benefits of £12.6m-£18.9m.

OPTION 1: Reform E - There will be no further managed or supervised investigations. The consultation is seeking views on what circumstances could warrant the IPCC seeking police assistance with their investigations.

#### **Costs**

5.37. It is unclear what the exact impact on costs of this reform would be. In 2013/14 22 managed and 282 supervised investigations were conducted by the IPCC, with the majority of the resources being provided by police forces. Under the IPCC transition programme there will be an expansion of the number of independent investigations conducted by the IPCC. With these additional resources, we expect the IPCC to be able to take on many of the investigations currently supervised or managed. A small number of managed and supervised investigations will remain, either due to

the scale of the investigation, or because the IPCC needs certain specialised resources the police possess. These changes and the transition programme itself are separate from the policy being considered here, and so form part of the 'do nothing' baseline.

5.38. Eliminating managed and supervised investigations would mean that these investigations would either have to be undertaken by the IPCC or the police. If these investigations fall to the police, this is unlikely to imply additional resource demands, as in practice the police already provide the majority of the resource and are not likely to need additional management resources to replace those withdrawn by the IPCC. If the IPCC take on these investigations, then this will imply additional workload, however the IPCC will be able to request certain specialist police assistance. The extent of this assistance and the circumstances under which it can be requested, are not yet clear, however providing this assistance is likely in most cases to be less resource intensive for the police than participating in a managed or supervised investigation.

5.40. In summary, while this policy likely implies some additional cost for the IPCC, it is not possible to exactly estimate the costs due to uncertainty regarding both the number of managed and supervised investigations the IPCC will have to take on and the extent to which the IPCC will be able to rely on police support.

### **Benefits**

5.41. There would be greater clarity regarding the independence of investigations, with investigations directed by the IPCC only having police input in prescribed circumstances. Reports from stakeholders suggest that the public do not regard IPCC managed or supervised investigations as properly independent (38% of the public believe that the IPCC is a part of the police); as a result these types of investigations just add complexity to the system.

5.42. The workload of the police will be marginally reduced, as where the IPCC take on a case that would previously been managed or supervised, they will no longer need to contribute resources unless assistance is requested under prescribed circumstances. The resources required for this are expected to be lower than those currently directed towards managed and supervised investigations. The size of this benefit is unknown due to uncertainty surrounding the number of managed and supervised investigations the IPCC will take responsibility for and the extent of the IPCC's request for additional police support.

## **F. Risks**

6.1. We have identified a number of risks in relation to this package of proposed reforms:

- Option 1: Reform A faces two key risks, that increases in the number of complaints will lead to additional costs and that the ending of non-recording will also result in higher than expected increases in the number of complaints dealt with by the system.
- The key risk for Option 1: Reform B is that the investigations prompted by designated organisations will mean additional workload for the IPCC.
- The primary risk for Option 1: Reform C is that PCCs require more resources to fulfil the role of reviewing appeals.
- There are two key risks for Option 1: Reform D, firstly that PCCs do not develop efficient and effective alternative systems for local areas. Secondly, that improving the police complaints system could increase the number of aggrieved members of the public who choose to complain. Above we have provided a forecast of complaint numbers based on past increases following a reform. We believe this to be the most accurate forecast;

however it is possible that the actual figure will exceed our expectations. In 2013/14 only 10% of people who had an issue with the police actually complained, suggesting a total complaint pool of 350,000 people. Of those who failed to complain, 8% didn't know how to and 66% didn't see the point. This suggests that there is the potential for a significant increase, as the public are still deterred by problems with the current system, something our reforms aim to remedy. As this is potential rather than actual demand, our current estimate based on past complaint numbers are a better guide to future numbers. We should however be aware of the risk of a larger than expected increase and aim to gather further information in order to minimise this risk.

- The key risks associated with Option 1: Reform E relate to possible cost increases resulting from the end of managed and supervised investigations and granting the IPCC the power to request assistance from the police.

## H. Summary and Recommendations

7.1. Public satisfaction levels with the police complaints system are far too low, with only 1 in 10 of those annoyed with the police going on to make a complaint, and fewer than a quarter of those who complain satisfied with the outcome. The number of complaints being handled independently is still far too low. To address this we have focused on four key policy objectives, as announced by the Home Secretary in July 2014. First, the police complaints system should be more independent of the police. Secondly, the police complaints system should be easier for the public to follow. Thirdly, the police complaints system should be more focused on resolving complaints locally. Finally, the police complaints system should have a simpler system of appeals. Consequently, whilst a "do nothing" option was considered, it is not recommended.

7.2. Our analysis and stakeholder engagement has revealed a proposed set of policy reforms which we recommend as important to address the policy objectives articulated above. These reforms include ending the non-recording of complaints, creating an ability for certain organisations to make a complaint about a perceived systemic failing in policing, and ensuring greater independence (both locally by empowering PCCs to play a greater role, and nationally by ensuring that investigations by the IPCC into the most serious or sensitive complaints are truly independent). We have recognised that making the system more user friendly will likely result in an increase in complaint volumes, increasing costs. However, we are mindful that these are not, in effect, new complaints. Rather, they are complaints that are not currently being addressed, resulting in poor public satisfaction and a loss of information that may be useful in terms of organisational development and improvement. We also recognise that a complaints system focused on local resolution where appropriate, will be considerably more efficient than the current process.

7.3. Currently, while there are many avenues of making a complaint, the overwhelming majority of complaints are dealt with internally by police forces. We propose to empower PCCs to play a central role in deciding how the complaints system is run at a local level, including receiving, assessing and allocating complaints, and resolving those complaints suitable for local resolution.

7.4. Currently, the majority of complaints are investigated by the police themselves and we do not propose to change this, but rather to enable PCCs to have a scrutiny role to ensure independent oversight.

7.5. Finally we have the issue of appeals. Currently, appeals are handled by both the police forces themselves and the IPCC. We propose that the appeal functions currently exercised by a Chief Constable in relation to complaints will be streamlined within a reformed system and will fall to the relevant PCC.

## **I. Implementation**

8.1.The Government plans to implement these changes, subject to public consultation, as soon as parliamentary time allows. The changes will require primary legislation.

## **J. Monitoring and Evaluation**

9.1.Whichever option is taken forward a monitoring and evaluation plan will be drawn up.

## **K. Feedback**

10.1.This impact assessment is in support of a public consultation.