

Policing and Crime Bill

Policing super-complaints

Background

1. The Government launched a public consultation in December 2014 on reforming the police complaints and disciplinary systems¹. Following that consultation, the Government committed to introducing a system of policing super-complaints.
2. A policing super-complaints system will provide an avenue for organisations such as charities and advocacy groups to raise issues on behalf of the public about patterns or trends that could undermine legitimacy and support for policing. The new system will capture national or cross-force issues that would not be addressed elsewhere. Providing a further avenue for the public to seek redress of their concerns about policing will help ensure that the public have greater confidence in their ability to hold the police to account – and that police officers will continue to uphold the highest standards of integrity.

'Which?'s research has indicated that consumers can be reticent in coming forward when they experience a problem in public services. This means that the opportunity for providers to learn from mistakes and drive improvements in services and the market are not being captured. This makes it even more important that bodies representing the interests of service users have the power to raise issues on their behalf.'

Super-complaints deliver high quality evidence, which is invaluable to the regulator, often bring to their attention issues which are significantly harming consumers' interests, and helping regulators to justify an intervention that brings about significant positive change for the consumers.' Which? January 2015

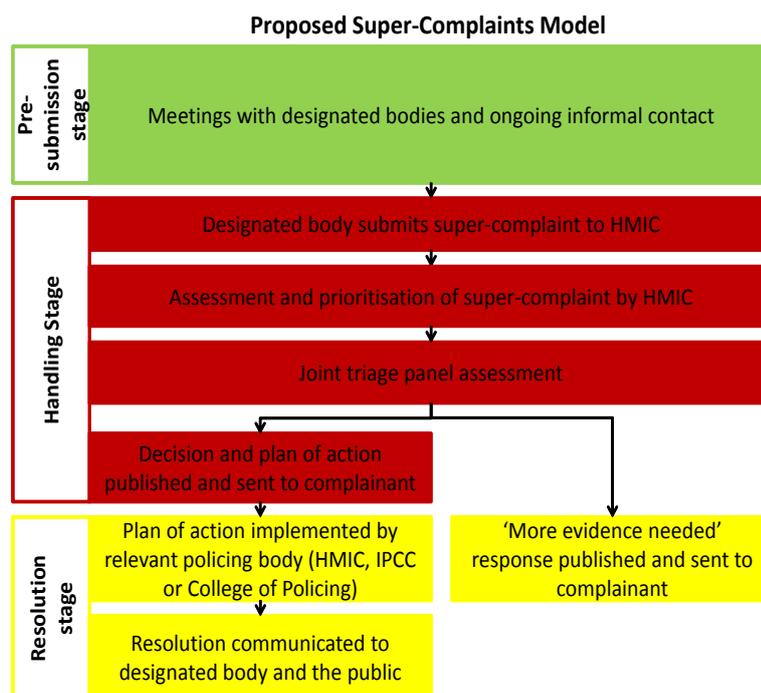
3. There are three systems of super-complaints already in operation - in the UK commercial and financial sectors. The most established of these is the original super-complaints system created by the Enterprise Act 2002 to address consumer issues in the commercial sector. The others, for the finance sector and payment regulation, were introduced in the Financial Services Act 2012, and the Financial Services (Banking reform) Act 2013.

Process

4. A policing super-complaint may demonstrate that any feature, or combination of features, of policing in England and Wales appears to be significantly harming the interests of the public.
5. Only designated organisations may submit a super complaint. These organisations will be designated by the Home Secretary or a person or body to whom the Home Secretary has delegated the power of designation.

¹ *Improving police integrity: reforming the police complaints and disciplinary systems* (Published 11 December 2014) www.gov.uk/government/consultations/improving-police-integrity-reforming-the-police-complaints-and-disciplinary-systems

6. The criteria for designation will be consulted upon and set out in secondary legislation. The Home Secretary (or delegated body) will designate those bodies that meet the criteria and again they will be specified in secondary legislation. This will ensure that the process is both transparent and subject to Parliamentary scrutiny.
7. Police staff organisations and unions will be excluded from the system given the established relationships that already exist between these organisations and the Independent Police Complaints Commission (IPCC), Her Majesty's Inspectorate of Constabulary (HMIC) and the College of Policing.
8. The new system will be managed by HMIC in line with their purpose to 'ask the questions which citizens would ask'. HMIC is responsible for the police inspection process, which would be the most likely means of addressing a system-wide issue identified by a super-complaint.
9. The process for handling and resolving super-complaints will be set out in secondary legislation. We anticipate a three stage process:



STAGE 1: Pre-Submission – Regular dialogue between the HMIC, the IPCC, the College of Policing and the designated bodies to allow for exploration of potential issues. This could in some cases lead to no super-complaint being submitted.

STAGE 2: Handling – Once submitted, the super-complaint will be considered by a panel comprising HMIC, IPCC, the College of Policing and an independent representative. The panel will consider the super-

complaint and agree appropriate action. HMIC will respond to the designated body setting out next steps within an agreed timescale.

STAGE 3: Resolution – The organisation who ultimately takes responsibility for addressing the super-complaint will be responsible for providing updates to the designated body.

EXAMPLE: Charity X is designated by the Home Secretary to enable it to submit a super-complaint. Charity X receives information from a number of local community groups detailing poor service by the police. The groups are based in seven different police force areas. Charity X compiles a super-complaint detailing the evidence gathered, providing data and specific examples. The charity draws on their expertise to test and challenge the evidence provided before submission.

Charity X contacts HMIC ahead of submitting the super-complaint to discuss their findings. HMIC agree with Charity X that they should submit a formal super-complaint.

The Joint Triage Panel (HMIC, IPCC, College of Policing and an independent member) meet to consider the super-complaint received from Charity X. After consideration it is agreed that HMIC are best placed to address the issues raised in the super-complaint via a thematic inspection. HMIC write to Charity X within an agreed timeframe detailing how the super-complaint will be handled. HMIC will assume responsibility for the super-complaint and keep Charity X informed as necessary.

HMIC deal with the super-complaint by carrying out a thematic inspection making recommendations to improve the level of service in the specific area of concern. Responding to the recommendations, the College of Policing will introduce additional training and amend guidance to improve the service provided. HMIC will then inform Charity X of the changes being made to improve the service.

**Home Office
July 2016**