

DORSET POLICE AND CRIME PANEL COMPLAINTS PROTOCOL

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1. Introduction

The purpose of a complaints system is to put right what has gone wrong and to learn from it (Local Government Ombudsman)

These arrangements set out the process for dealing with complaints about the conduct of the Dorset Police and Crime Commissioner (PCC).

The arrangements are made under the Police Reform and Social Responsibility Act 2011, the Elected Local Policing Bodies (Complaints and Misconduct) Regulations 2012 and the Police and Crime Panels (Application of Local Authority Enactments) Regulations 2012.

The Dorset Police and Crime Panel (PCP) has statutory responsibilities under the Elected Local Policing Bodies (Complaints and Misconduct) Regulations 2012 relating to the recording and determination of complaints.

One of the main functions of the PCP is to act as a central point for collation and recording of all complaints, and to provide a 'gateway' to the procedures for dealing with both non-criminal and criminal complaints about the PCC or the deputy PCC.

In accordance with Police and Crime Panels (Application of Local Authority Enactments) Regulations 2012, Dorset Police and Crime Panel has delegated authority for managing complaints to:

- Corporate Complaints Officer, Dorset County Council;
- Monitoring Officer, Dorset County Council;
- Chief Executive of the Office of the Police and Crime Commissioner for Dorset;
- A Complaints Sub-Committee of the PCP.

In accordance with Regulations, the Complaints Sub-Committee will not conduct an investigation. The Complaints Sub-Committee may exercise its delegated powers to require the person complained against to provide information or documents or attend before it to answer questions or give evidence, as this will not be regarded as an investigation.

However, any other step intended to gather information about the complaint, other than inviting the comments of the complainant and the person complained against, will not be permitted.

Members of the PCP will undertake periodic dip-sampling of complaints files held by the Chief Executive and Corporate Complaints Officer to provide assurance with regard to the delegated complaints handling process.

A flow chart providing an overview of the complaints process is attached at Annex 1

2. Complaints Procedure

2.1 What is covered by the complaints procedure?

The only complaints that fall within the remit of the Dorset Police and Crime Panel are those which involve the personal conduct of the PCC.

The Panel will consider:

- Complaints relating to rudeness by the PCC,
- Complaints relating to inappropriate references to people, places or issues by the PCC;
- Very minor or spent convictions by the PCC.

The Panel will not consider:

- Criminal complaints about the Commissioner (which must be referred to the Independent Police Complaints Commission (IPCC) although the panel has the discretion to suspend the Commissioner in the mean time as set out in paragraph 2.7);
- Complaints about the Dorset police force (which must be referred to the Constabulary Professional Standards Department, Police and Crime Commissioner or IPCC as appropriate); and
- Complaints relating to other organisations for example the probation service, voluntary sector organisations, the Community Safety Partnership (which must be referred to the relevant complaints procedures of those organisations).

It is important to distinguish the Panel's scrutiny role from their complaints role. Even if a policy decision taken by the PCC generates complaints, if the policy decision in question was correctly agreed, the complaint would not fall within the remit of the Panel's role in complaints handling even though it may inform the Panel in their scrutiny role.

2.2 Disapplication of the Regulations

The panel can decide not to apply the Regulations in certain circumstances. In summary these are where the complaint is:

- an employment issue;
- more than 12 months old;
- already the subject of a complaint;
- vexatious, oppressive or an abuse of the procedures or repetitious.

2.3 Withdrawal of a complaint

A complaint can be withdrawn or discontinued by a complainant. The relevant parties have to be notified and the fact recorded. If the complaint relates to a conduct matter then the matter may still be investigated under the Regulations if it is in the public interest to do so. Again the parties have to be notified of any decision.

2.4 Ensuring fairness and equality for all

This complaints protocol is open for any member of the public to use. The panel will seek to make reasonable adjustments to communicate and deliver key messages in a way that best addresses your needs. Key information can be provided in a range of alternative formats to meet your communication needs.

It is recognised that complaints relating to police and crime issues can be sensitive. Whilst every effort will always be made to resolve complaints informally to the satisfaction of those who complain, people who do choose to make a formal complaint against the Commissioner according to this protocol will be treated with dignity, fairness and respect regardless of their characteristics in terms of:

- age;
- disability;
- gender reassignment;
- marriage and civil partnership;
- pregnancy and maternity;
- race, including ethnicity, colour and nationality;
- religion or belief;
- sex; and sexual orientation.

Members of the Dorset Police and Crime Panel, staff at the Office of the Police and Crime Commissioner for Dorset, and Dorset County Council are expected to treat others with fairness, dignity and respect. Equally, complainants are expected to treat them according to the same principles.

2.5 Making a Complaint

If you wish to make a complaint please complete a complaints form available online:

<http://www.dorset.pcc.police.uk/information-hub/publication-scheme/our-policies-and-procedures/>

and post it to: Corporate Complaints Officer
Dorset County Council
Colliton Park
Dorchester
Dorset
DT1 1XJ.

2.6 Acknowledgement of a complaint

The PCC or other relevant officer will not deal with complaints about themselves.

The PCC will notify the Panel if a complaint about their own conduct is made directly to them.

The PCC will notify the Panel of any allegation, investigation or proceedings in relation to their conduct outside England and Wales. In such circumstances the Panel can handle the matter in whatever manner they think fit.

If the Chief Executive of the PCC consults with the PCC about a complaint relating to the PCC's personal conduct, and then does not refer such a complaint to the Panel, they would be contravening the PCC's duty to notify the Panel.

The Dorset Police and Crime Panel has delegated the initial handling of the complaints process to the Corporate Complaints Officer in Dorset County Council.

The Corporate Complaints Officer is the main point of contact for complaints under these Regulations and is responsible for recording such complaints and any formal decisions.

Receipt of a complaint shall be acknowledged in writing within 3 working days.

2.7 Resolution of serious complaints

It is the duty of a Police and Crime Panel to refer a complaint to the IPCC if it is determined that the complaint is a serious complaint, or the IPCC notifies the Panel that it requires the complaint to be referred.

According to Schedule 7 of the Police Reform and Social Responsibility Act 2011, a 'serious complaint' means a qualifying complaint made about conduct which constitutes or involves, or appears to constitute or involve, the commission of a criminal offence.

If the complaint is 'serious' the County Council's Monitoring Officer will refer the complaint to the Independent Police Complaints Commission (IPCC).

The referral will be made as soon as practicable and, in any event, not later than the end of the day following the day when it first becomes clear that it is a serious complaint.

The Panel will provide the IPCC with any information, documents or evidence that it requires, in the format and time specified.

The Panel will also allow the IPCC access to premises either in relation to an investigation or so that the IPCC can examine the efficiency and effectiveness of the arrangements for handling complaints.

Section 30 of the Police Reform and Social Responsibility Act 2011 gives the

panel the ability to suspend the Police and Crime Commissioner if it appears to the Panel that:

- (a) the Commissioner has been charged in the UK, Channel Islands or the Isle of Man with an offence; and
- (b) the offence is one that carries a maximum term of imprisonment exceeding two years.

If the panel does ever need to consider suspension under section 30 then this will be a whole Panel rather than a sub-committee decision.

2.8 Informal resolution of non-criminal complaints by the Chief Executive of the Office of the Police and Crime Commissioner for Dorset

If, at any stage, the IPCC informs the PCP that it requires the complaint is to be referred to it, or if the Complaints Sub-Committee decides that the matter has a criminal element and therefore needs to be referred to the IPCC, the informal resolution process will be discontinued.

The Corporate Complaints Officer shall refer non-criminal complaints to the Chief Executive of the Office of the Police and Crime Commissioner for Dorset for informal resolution.

The Panel's decision to delegate responsibility to the Chief Executive is intended to ensure that 'triage' arrangements are in place to undertake an initial assessment on the appropriate course of action so that issues are dealt with swiftly and effectively to the satisfaction of the complainant.

The triage work may involve an element of investigation to gather sufficient information to be able to decide which is the appropriate body to deal with a complaint. This may involve contacting the complainant to request more information or clarification of the complaint.

The Chief Executive shall consider a complaint and consider it in relation to the criteria set out in section 1.2 above. If the Chief Executive does not resolve the complaint informally or refer it to another body, he will refer it to the Dorset Police and Crime Panel.

When the Chief Executive has decided he needs to refer a complaint to the Police and Crime panel he will:

- Send a record of the complaint to the complainant and to the person complained about. In the latter case, the Chief Executive may decide not to supply a copy of the complaint, or may provide the complaint in a form which protects the identity of the complainant or any other person. The Chief Executive will also provide the complainant and the person complained about the contact details of the Corporate Complaints Officer, Dorset County Council;
- Refer the record, and copies of all the associated paperwork, to the Corporate Complaints Officer, Dorset County Council. This will be no later than two working days after the complaint has been recorded.

The Chief Executive will keep a record of all complaints, purported complaints and conduct matters they receive.

The Panel will receive regular monitoring reports from the Chief Executive to provide summary information in relation to complaints against the Police and Crime Commissioner and how they have been dealt with.

Members of the Panel will undertake periodic dip-sampling of complaints files held by the Chief Executive and Corporate Complaints Officer to provide assurance with regard to the delegated complaints handling process.

2.9 Informal resolution of complaints by the Dorset Police and Crime Panel Complaints Sub-Committee

On receipt of a recorded complaint and associated paperwork from the Chief Executive OPCC, the Corporate Complaints Officer shall:

- ensure that the panel administrator convenes a meeting of the Complaints Sub-Committee, normally to be held within four weeks of the referral of the complaint;
- write to the complainant, setting out timescales and details about the informal resolution procedure, and giving the complainant two weeks to make further comments in support of his/her complaint.

Where the Corporate Complaints Officer believes that the circumstances of the case are such that the Complaints Sub-Committee may decide to treat the complaint as having been resolved, the complainant shall be asked to provide his/her representations in this regard for the Complaints Sub-Committee to take into account;

- write to the person complained about, setting out timescales and providing details about the informal resolution procedure; and giving him/her two weeks to make comments in response to the complaint;
- compile a brief report for the Complaints Sub-Committee, setting out the relevant details of the complaint, recording any failure by the person complained about to comment on the complaint and making suggestions for the next steps.

2.10 What can the Complaints Sub-Committee do to resolve a complaint?

The Complaints Sub-Committee shall consider:

- how the complaint has been managed and responded to through the complaints protocol, including written communication to the complainant and PCC;
- any written evidence of an informal resolution;
- any further written comments from the complainant and the PCC submitted to the Sub-Committee;

- any reasons for the IPCC referring a complaint back to the Dorset Police and Crime Panel, so that these can be challenged if required;
- whether to invite the PCC to attend a subsequent meeting to answer questions about the complaint.

2.11 Making a Decision

If the Complaints Sub-Committee decide that a complaint has already been resolved, the reasons for such a decision will be recorded in the meeting notes and communicated to the complainant and PCC in writing.

If the Complaints Sub-Committee decide that a complaint has not been resolved, it will determine the most suitable course of action. This may include, but not be limited to:

- an explanatory letter to the complainant;
- Suggesting a change to the OPCC policy;
- Requesting that an apology be tendered by the person complained about (no apology may be tendered on behalf of the person complained against unless that person has admitted the alleged conduct and agreed to the apology).
- referral of a serious complaint to the IPCC for investigation, or back to the IPCC if the Committee wishes to challenge the IPCC's decision.

2.12 Records Management

All records have to be kept by the Panel as required by the Regulations. The Panel will keep records of every complaint and purported complaint that is made to it, every conduct matter recorded by it and every exercise of a power or performance of a duty under the Regulations.

The Corporate Complaints Officer will make a record of any informal resolution and will, usually within 5 working days, provide copies to the complainant and the person complained about.

The copy of the record provided to the complainant and person complained against may be anonymised, or may not be provided, if to do so might prejudice a criminal investigation or proceedings, or would be contrary to the public interest. Any such decision will be kept under review by the PCP.

Details of the record can be published, but only after the parties have been given an opportunity to make representations, they have been considered and the Panel is of the opinion that they are in the public interest.

The Corporate Complaints Officer will provide a report to each quarterly meeting of the PCP, summarising any complaints that have been considered since the last meeting, including the outcome.

2.13 Role of the Local Government Ombudsman

If at any stage a complainant is dissatisfied about the way in which the Dorset Police and Crime Panel has carried out or delegated the above functions, he/she can raise their concerns with the Local Government Ombudsman (LGO), provided that the matter has been subject to local complaint procedures which have been exhausted.

If the LGO decide to seek further information from the Panel about a complaint or to pursue an investigation, they shall liaise with the Corporate Complaints Officer who is also the local authority's LGO Link Officer. If a complaint relates directly to the Corporate Complaints Officer's role and responsibility this matter shall be escalated to their line manager to liaise with the LGO.

The Panel will allow the LGO access to premises either in relation to an investigation or so that the LGO can examine the efficiency and effectiveness of the arrangements for handling complaints.

Contact details for the LGO are included in the useful contacts section of this complaints protocol.

3. Frequently asked questions

3.1 Will PCCs be held to account for non-criminal behaviour?

The Regulations provide for the PCP to secure the informal resolution of a complaint concerning non-criminal behaviour. Although PCPs will not have sanctions available to them, they will be able to use their powers to require the PCC to attend a hearing to answer questions, request information and documents from the PCC, and publish a report or recommendation. Ultimately, PCCs will be held accountable by the ballot box.

3.2 What does 'informal resolution' mean?

Informal resolution is a way of dealing with a complaint by solving, explaining, clearing up or settling the matter directly with the complainant, without an investigation or formal proceedings. It is not a disciplinary process, and does not involve the imposition of any sanction. It is a flexible process that may be adapted to the needs of the complainant and the individual complaint. It may involve the person complained against explaining their conduct and, if appropriate, apologising for it. This could be done by correspondence or in a face to face meeting. The method of informal resolution is left up to the individual PCP, provided that it is in accordance with the Regulations and guidance issued by the Secretary of State.

3.3 Is there a conflict of interest in the PCC's Chief Executive having a role with the complaints made against their employer?

No. The PCP can choose to delegate the initial handling of complaints to the PCC's chief executive but does not have to do this. Ultimate responsibility for handling any complaint remains with the PCP, and it will wish to satisfy itself that the chief executive can deal with any complaint impartially. Similarly, the PCP is able to appoint the chief executive to carry out the informal resolution of a non-criminal complaint, but has a specific power to take back the informal resolution of the complaint if necessary. In many ways, this arrangement reflects current police authority practice where police authority staff may handle complaints against members. The Chief Executive will already have the function of assessing the lawfulness and propriety of the PCC's actions as monitoring officer, and it is not suggested that they cannot carry out that role effectively and impartially.

Useful Contacts

If you wish to make a complaint about the Police and Crime Commissioner for Dorset, please complete a complaints form available online at: [and](#) send this to the Corporate Complaints Officer at Dorset County Council

Or write to: Corporate Complaints Officer
Dorset County Council
Colliton Park
Dorchester
Dorset
DT1 1XJ

Any enquiries about the complaints protocol can be made in writing or by email to: j.french@dorsetcc.gov.uk

Information about the role and responsibilities of the Dorset Police and Crime Commissioner; and the Dorset Police and Crime Panel, can be found on the Office of the Police and Crime Commissioner's website: www.dorset.pcc.police.uk/

Office of the Police and Crime Commissioner
Force Headquarters
Winfrith
Dorchester
Dorset
DT2 8DZ
Telephone: (01202 or 01305) 223966
Email: pcc@dorset.pnn.police.uk

The Local Government Ombudsman

PO Box 4771
Coventry CV4 0EH

LGO Advice Lines:

0300 061 0614

Fax: 024 7682 0001

An online contact form is available on the LGO website: www.lgo.org.uk

References

Home Office Police and Crime Panel Regulations

<https://www.gov.uk/government/publications/police-and-crime-panel-handling-of-complaints-and-conduct-matters-about-the-pcc>

Police Reform and Social Responsibility Act 2011.

<http://www.legislation.gov.uk/ukpga/2011/13/contents/enacted>

The Elected Local Policing Bodies (Complaints and Misconduct) Regulations 2012.

<http://www.legislation.gov.uk/uksi/2012/62/made>

The Police and Crime Panels (Application of Local Authority Enactments) Regulations 2012.

Police and Crime Panels, Handling Complaints about the Police and Crime Commissioner and their Deputy (Local Government Association, December 2012)

http://www.local.gov.uk/c/document_library/get_file?uuid=d464664f-90e9-442a-ad0f-e1fe8827e573&groupId=10180

Annex 1. Complaints Flowchart



