



CAMBRIDGESHIRE POLICE AND CRIME PANEL

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SUPPLEMENTARY DOCUMENTS

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7. **Complaints Procedure**

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CAMBRIDGESHIRE POLICE AND CRIME PANEL	Agenda Item No. 7
6 NOVEMBER 2013	Public Report

Report of the Safer Peterborough Partnership Strategy Manager; Peterborough City Council

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PROCEDURE FOR THE HANDLING OF COMPLAINTS

1. PURPOSE

- 1.1 This report is presented to enable the Panel to agree the procedure for the handling of complaints made against the Police and Crime Commissioner (PCC).

2. RECOMMENDATIONS

- 2.1 The Panel is recommended to:

1. Agree the procedure for the handling of complaints outlined in the report and appendices;
2. Determine whether non-serious complaints should be agreed by a Panel Member;
3. Agree to establish a sub-committee to carry out any informal resolution of complaints;
4. Agree the membership of the sub-committee to be a minimum of 3 members of the Panel.

3. TERMS OF REFERENCE

- 3.1 9) To fulfill functions in relation to complaints about conduct matters, in accordance with the responsibilities accorded to the panel by the Police Reform and Social Responsibility Act 2011.

4. BACKGROUND

- 4.1 At the meeting of the Shadow Police and Crime Panel held on 18 October 2012, a report was submitted with various options of how to handle complaints about conduct matters in accordance with The Elected Local Policing Bodies (Complaints and Misconduct) Regulations 2012.
- 4.2 The Shadow Panel agreed in principle that the initial sifting of any complaints should be undertaken by the Chief Executive of the Commissioner's office. It was further agreed that any informal resolution of complaints would be delegated to a sub-committee of the Panel or a single Panel Member and that the procedures for the handling of complaints would be agreed at the first public meeting.
- 4.3 At the Full Panel meeting of February 2013 a proposed complaints procedure was returned to officers for further work prior to adoption.
- 4.4 Since those meetings revised guidance has now been produced by government together with that from the Local Government Association (attached to this report). Four options for the handling of complaints are given in the LGA guidance and it is suggested that 'option 4' meets the instruction of the Panel (see section 5 below).
- 4.5 It is important to note that the remit of the Panel is to ensure that it is kept informed of all complaints and conduct matters concerning a PCC or a Deputy PCC and their handling; to

ensure that a process is in place for managing such complaints and to deal with the resolution of complaints that do not allege criminality or and that are not considered serious conduct matters. There is no power of investigation available to the Panel. Their role is to resolve complaint issues that fall within their remit.

- 4.6 All complaints that allege criminality or serious misconduct must be referred to the Independent Police Complaints Commission (the IPCC). The IPCC will then determine the mode of investigation.

5. KEY ISSUES

Procedure

- 5.1 Option 4: Delegation of receipt, triage and resolution activity in the LGA guidance states that:

“A panel could also combine options 2 and 3 above, e.g. it could delegate the initial triage role to the chief executive of the PCC, and responsibility for securing the informal resolution of complaints to one of the bodies set out in option 3 above”

- 5.2 This option would therefore consist of delegating the initial receipt of complaints to the Chief Executive of the PCC’s office (in their role as monitoring officer) who will then distribute the complaint(s) to the panel, the IPCC or the Chief Constable (or anyone else as) appropriate.
- 5.3 It is recommended that a sub-committee be established by the Panel rather than appoint a single individual in order to firstly ensure sufficient availability (the single member may not be available when needed and may also find he/she is conflicted depending on the nature/subject of the complaint) and secondly to ensure that a wider scope of opinion is used when considering any resolution.
- 5.4 It is further recommended that a minimum of three panel members form a sub-committee: to be chosen from the Panel Members each time (non-fixed membership). However, a permanent chairman for the sub-committee could be appointed to ensure a level of consistent decision making across all complaint cases. It may also be preferable that an independent co-opted member be appointed to each sub-committee that is formed, maybe as chairman, to re-assure the wider public that the decisions are not politically motivated (whether a positive or negative outcome).
- 5.6 Regular reports from the PCC’s Chief Executive on all complaints received about the Commissioner or Deputy along with a summary of their outcomes should be submitted to the Panel for consideration.
- 5.7 The Panel will need to further consider how any subsequent investigation work would be resourced and funded. Although the initial sifting is delegated to it, the Chief Executive of the PCC’s office is not duty bound to provide funding for this. It may be that each Authority provides support in terms of investigating officers and this duty rotates between them.

6. IMPLICATIONS

- 6.1 **Financial** – consideration to be given to the potential costs of investigation, or otherwise, complaint cases received.

Legal – this report is written in accordance with The Elected Local Policing Bodies (Complaints and Misconduct) Regulations 2012.

7. NEXT STEPS

- 7.1 Subject to the Panel agreeing the procedure to be followed, officers will put in place the relevant systems to affect the procedures agreed.

8. BACKGROUND DOCUMENTS

Used to prepare this report, in accordance with the Local Government (Access to Information) Act 1985

8.1 Local Government Association: Police and Crime Panels, Handling complaints about the Police and Crime Commissioner and their Deputy. Home office guidance on handling complaints about the Police and Crime Commissioner.

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

9. APPENDICES

9.1 Complaints procedure

9.2 Local Government Association: Police and Crime Panels, Handling complaints about the Police and Crime Commissioner and their Deputy.

9.3 Home Office guidance: Police and Crime Panel Regulations – non-criminal complaints and misconduct

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1. Procedure

- 1.1 The Police and Crime Panel (the Panel) has the statutory role of overseeing all complaints against the PCC and DPCC and informally resolving non-criminal complaints, as well as criminal complaints or conduct matters that are referred back to the Panel by the IPCC.
- 1.2 The introduction of a complaints system to be administered by a local government joint committee in relation to the holder of a political post could be confusing for both the public bodies involved and the general public. Therefore, close working between the Panel, its administrators and the Office of the PCC is vital, as is making the process as clear as possible, and accessible, to the public.
- 1.3 The Elected Local Policing Bodies (Complaints and Misconduct) Regulations 2012 (the Regulations) make provision regarding the Panel's powers and duties in regard to complaints made about the conduct of the PCC or DPCC (Complaints). The Regulations are detailed and therefore a summary of them is attached at Appendix 1.
- 1.4 The Regulations are based upon the Police Reform Act 2002 and the Police (Complaints and Misconduct) Regulations 2004. The aim of the complaints system is to deliver resolution as quickly and effectively as possible for the majority of complainants through local resolution.
- 1.5 In accordance with the Regulations, the Panel is required to maintain suitable arrangements for handling Complaints, recording conduct matters where there is an indication that the PCC/DPCC may have committed a criminal offence (Conduct Matters) and prescribing the manner in which any complaints alleging conduct which constitutes or involves, or appears to constitute or involve, the commission of a criminal offence (Serious Complaints) and Conduct Matters are handled.
- 1.6 The IPCC is required to secure that the Panel maintains such arrangements and to secure that:
 - the arrangements comply with the Regulations, are efficient and effective and manifest an appropriate degree of independence;
 - public confidence is established and maintained in the existence, and with the operation, of the arrangements; and
 - such arrangements are conducive to, and facilitate, the reporting of misconduct by the PCC/DPCC.
- 1.7 The Panel may delegate all or any of its powers or duties under the Regulations, with the exception of Part 4 (informal resolution of complaints), to the Chief Executive of the Office of the PCC (the Chief Executive).
- 1.8 In relation to Part 4 and the informal resolution procedure, the Panel may deal with the matter itself or by appointing a sub-committee, a single member of the Panel, or a person who is not a member of the Panel (but not a PCC or DPCC nor the Chief Executive) to secure the informal resolution of the complaint and then report back to the Panel the conclusion of the process.

2. Arrangements for Handling Complaints

Proposed Delegated Authority to the Chief Executive

2.1 Some of the actions required to be taken to fulfil the Panel's duties outlined in Appendix 1 are required to be taken within (more or less) a 24 hour period and there are a number of administrative actions that should also be undertaken promptly. Therefore, these are matters that cannot wait and in any event it would not be efficient for the Panel as a whole to meet to consider.

2.2 Therefore, in accordance with the regulations, the Panel delegates the Chief Executive as the first point of contact for all complaints made against the PCC/DPCC and further delegates the following powers and duties to the Chief Executive to act on the Panel's behalf:

- a) To provide assistance, information and access to premises to the IPCC/its appointed investigator in relation to any investigation of a Serious Complaint or Conduct Matter by the IPCC;
- b) Upon receiving a Complaint, except where the Chief Executive is satisfied that the subject-matter of the Complaint is being/has been dealt with by means of criminal proceedings against the PCC/DPCC or the Complaint has subsequently been withdrawn in accordance with the Regulations, to determine whether the Panel is the appropriate police and crime panel to deal with it and (1) if not, to notify the appropriate panel or (2) if it is, to record the Complaint.
- c) Where the Chief Executive decides not to take action to notify the appropriate panel or record the whole or any part of the Complaint, she must notify the complainant of this decision and the grounds on which it was made;
- d) Where the Chief Executive becomes aware of a Conduct Matter (whether civil proceedings have been brought, are likely to be brought or otherwise), except where the matter has been recorded as a Complaint or is being/has been dealt with by means of criminal proceedings, to determine whether the Panel is the appropriate police and crime panel to deal with it and (1) if not, to notify the appropriate panel or (2) if it is, to record the Conduct Matter;
- e) As soon as possible (and in any event no later than the end of the day after the day when it first became clear that the matter constitutes a Serious Complaint or Conduct Matter), to refer (in such manner as the IPCC specifies) a Serious Complaint or Conduct Matter to the IPCC. Where the IPCC notifies the Panel that it requires a Complaint or matter to be referred to it, the Chief Executive must comply as soon as possible and in any event no later than the end of the day after the day such notification was made.
- f) The Chief Executive must notify the complainant (where applicable), and the person to whose conduct the matter relates (unless a decision has been taken that it might prejudice a possible future investigation) of the referral;
- g) If the Chief Executive considers that either there is an actual, or there could be a perceived, conflict of interest in respect of her taking the decision required, to refer the matter to the complaints sub-committee for it to take the decision, such referral to be made no later than 2 working days after identifying the actual or perceived conflict of interest;
- h) Where the Panel receives from a complainant (or via the IPCC) written notification signed by him (or his solicitor/authorised agent) that he withdraws the Complaint or that he does not wish any further steps to be taken in consequence of the Complaint, to record this and notify the IPCC (after which the Regulations cease to apply to the Complaint). This duty similarly applies in relation to Complaints that have been referred by the Panel to the IPCC who is still handling the Complaint. Where the complainant fails to provide written notification signed accordingly, the Chief Executive must take the steps set out in Regulation 16(8). The Chief Executive must also notify the person complained about (unless a decision has been taken that it might prejudice a possible future investigation);

- i) To comply with the various duties set out in Part 5 of the Regulations regarding the provision of copies of the Complaint to the parties involved (subject to any decision made otherwise than by the Chief Executive not to supply a copy of the complaint to the PCC/DPCC or to provide a copy in a form which keeps anonymous the identity of the complainant or of any other person in accordance with Regulation 31(2) – (3)) and record keeping;
- j) To provide an update report to each quarterly scheduled meeting of the Panel (the frequency of reporting to be reviewed after 12 months) about all Complaints and other matters concerning the conduct of the PCC/DPCC covered by the Regulations, anything which is done under, or for the purposes of, any provision of the Regulations and any obligations to act, or refrain from acting, that have arisen under the Regulations, but have not yet been complied with or have been contravened; and where a complaint is received and recorded and where action is required to be taken that falls within the delegated powers and duties of the complaints sub-committee (or other authorised individual), to refer the matter no later than 2 working days after the complaint has been recorded to the complaints sub-committee (via the Panel's scrutiny officer).

2.3 In terms of factors in favour of such a delegation to the Chief Executive, the Office of the PCC will have experience of dealing, and greater capacity to deal, with complaints made against the Chief Constable and senior officers under the police legislation referred to above. In addition, by including the express power in the Regulations, the Government is clearly proposing that some delegation to the Chief Executive is appropriate. However, the Panel must of course be alive to the risk of a conflict of interest as the Chief Executive is employed by the PCC, hence the specified and, where appropriate, restricted delegations proposed above. The Panel will also be aware of the possible negative public perception of the Chief Executive being involved in handling complaints against her 'boss' (although this is the usual practice in local government). The Panel may choose to adopt a process of regular 'dip sampling' of all records to see which matters are not being recorded or in respect of which Part 4 is being dis-applied, and why.

3. Delegated Authority to a complaints sub-committee

3.1 Some of the actions required to be taken to fulfil the Panel's duties outlined in Appendix 1 may not be delegated to the Chief Executive or are matters that may be so delegated but, to do so, might not manifest an appropriate degree of independence. Therefore the Panel delegates authority to the Panel's scrutiny officer in consultation with the Chair of the Panel to convene a meeting of a complaints sub-committee of three Panel Members who shall have the following powers and duties to act on the Panel's behalf:

- a) Where a Complaint or Conduct Matter comes to the sub-committee's attention, to secure that all appropriate steps are taken, both initially and from time to time after that, for obtaining and preserving evidence relating to the conduct in question and to comply with any directions given to the Panel by the IPCC in this regard. Such steps may include requesting other relevant parties to obtain or preserve evidence and issuing any appropriate directions to the PCC/DPCC to take specified steps for obtaining or preserving evidence;
- b) Where the Chief Executive considers that either there is an actual, or there could be a perceived, conflict of interest in respect of her taking the decision whether to record a Complaint or Conduct Matter, or in respect of her identifying a Serious Complaint for subsequent referral to the IPCC, and refers the matter to the complaints sub-committee for decision, to take that decision in accordance with the Regulations;

- c) To provide assistance, information and access to premises to the IPCC/its appointed investigator in relation to any investigation of a Serious Complaint or Conduct Matter by the IPCC;
- d) To consider whether not to supply a copy of the complaint to the PCC/DPCC (on the grounds that, to do so, might prejudice any criminal investigation or pending proceedings or would otherwise be contrary to the public interest) or to provide a copy in a form which keeps anonymous the identity of the complainant or of any other person in accordance with Regulation 31(2) – (3). Where a decision is made not to supply a copy of the complaint, to keep that decision under regular review;
- e) Where a complainant gives written notification (direct to the Panel or via the IPCC) that he withdraws the Complaint or that he does not wish any further steps to be taken in consequence of the Complaint, and the IPCC is not handling the Complaint (including situations where the IPCC has referred a Serious Complaint back to the Panel to deal with), the determination whether the complaint is one made about conduct which constitutes or involves, or appears to constitute or involve, the commission of a criminal offence and should therefore be treated as a Conduct Matter, in which case it shall be recorded and handled as such by the complaints sub-committee (i.e. the duty to refer the matter to the IPCC must be complied with, unless the IPCC takes the view that the Conduct Matter has, for the purposes of the Regulations, been referred back to the Panel);
- f) The power to decide to dis-apply Part 4 (informal resolution of complaints) i.e. where a complaint falls within the specified description of complaints (see paragraphs 3.16 and 3.17 of Appendix 1), a decision can be made to handle a matter otherwise than in accordance with Part 4 or should take no action in relation to it. Where a decision is made to handle a matter otherwise than in accordance with Part 4, to take the necessary steps to handle the matter accordingly. Where the complaints sub-committee considers it appropriate to do so, it may authorise the Chief Executive to take any action on behalf of the Panel in relation to the matter; and 3.3.7 to provide an update report to each quarterly scheduled meeting of the Panel (the frequency of reporting to be reviewed after 12 months) about all actions taken under the Regulations (including any obligations to act, or refrain from acting, that have arisen under the regulations, but have not yet been complied with or have been contravened) by the complaints subcommittee.

4. Delegated Authority to a complaints sub-committee to conduct the informal resolution process

- 4.1 With regard to the informal resolution procedure, the Regulations provide that the procedure must make provision for, as soon as practicable, giving the complainant and the person complained against an opportunity to comment on the complaint (if the latter chooses not to comment, the procedure must provide that this must be recorded in writing). The procedure should prohibit investigation of the complaint, however the Panel's exercise of its powers to require the person complained against to provide information or documents or attend before it to answer questions or give evidence will not be regarded as an investigation. The informal resolution procedure must provide for, as soon as practicable, the making of a record of the outcome of the procedure which must be sent to the complainant and the person complained about.
- 4.2 The procedure should prohibit the tendering on behalf of the person complained against an apology for his conduct unless that person has admitted the conduct in question and has agreed to the apology. No part of the record may be published by the Panel unless, having given the

parties an opportunity to make representations about the proposed publication and having considered any such representations, the Panel considers that publication is in the public interest.

4.3 In accordance with the Regulations, as already indicated, in relation to Part 4 and the informal resolution procedure, the Panel may deal with the matter itself or by appointing a sub-committee, a single member of the Panel, or a person who is not a member of the Panel (but not a PCC or DPCC nor the Chief Executive) to secure the informal resolution of the complaint.

4.4 Although a single person may be authorised to act on the Panel's behalf in relation to the informal resolution of a complaint, it is proposed that, in its first year of operation, the Panel delegate authority to the Panel's scrutiny officer in consultation with the Chair of the Panel to convene a meeting of a complaints sub-committee of three Panel Members who shall have the following powers and duties to act on the Panel's behalf:

- a) Where a Complaint has been recorded (including a Serious Complaint that has been referred to the IPCC and then referred back to the Panel), to handle the matter in accordance with Part 4 of the Regulations (unless Part 4 has been dis-applied and handled separately or in respect of which no further action is to be taken) and the Protocol attached at Appendix 2 (page 15). Where it appears that the matter has already been satisfactorily dealt with at the time it was brought to its notice, subject to any representations by the Complainant, the sub-committee may treat the matter as having been resolved;
- b) The powers to require the person complained against to provide information or documents or attend before it to answer questions or give evidence (under sections 13(1) and 29(1) of the Police Reform and Social Responsibility Act 2011 respectively);
- c) The power to determine whether, having given the parties an opportunity to make representations about the proposed publication of the record of the outcome of the informal resolution procedure and having considered any such representations, publication is in the public interest and the power to publish accordingly;
- d) The power to decide that a complaint being handled in accordance with the informal resolution procedure should be referred to the IPCC. The complaints sub-committee should only make this decision where matters come to light during the informal resolution process which indicate the commission of a criminal offence, thus leading to the earlier decision as to whether or not the complaint was a serious complaint being reversed;
- e) The power to authorise a single Panel Member or a person who is not a Panel Member (but who is not a PCC, a DPCC nor the Chief Executive) to take any action identified by the complaints sub-committee as part of the informal resolution process;
- f) The IPCC may choose to refer a Serious Complaint (or a Complaint that it required to be referred to it) back to the Panel, in which case the subcommittee must handle it in accordance with Part 4 of the Regulations unless Part 4 has been dis-applied and the matter has been handled separately or in respect of which no further action is to be taken. A Conduct Matter referred back to the Panel may be dealt with by the subcommittee in whatever manner it thinks fit; and
- g) To provide an update report to each quarterly scheduled meeting of the Panel (the frequency of reporting to be reviewed after 12 months) about all complaints considered in the preceding quarter by the complaints subcommittee, the action taken (including any obligations to act, or refrain from acting, that have arisen under the regulations, but have not yet been complied with or have been contravened) and the outcome of the process.

- 4.5 The Regulations provide that procedures that are to be available for dealing with a complaint which is to be subjected to informal resolution are any procedures which are approved by the Secretary of State in guidance. Guidance is expected to be published in the near future. It is therefore proposed that authority be delegated to a complaints sub-committee to amend the Panel's arrangements for handling complaints as required to comply with any such guidance. The Panel may also like to agree a date when the system can be reviewed and revised following a period of operation.
- 4.6 In accordance with the Regulations, the Panel may provide in its informal resolution procedure for the matter to be remitted at any time to the Panel as a whole (whether at the request of the appointed sub-committee or person, the complainant or the person complained against, or otherwise) if the Panel is of the opinion that this will lead to a more satisfactory resolution of the complaint. The Protocol attached at Appendix 2 currently makes provision for a matter being progressed through the informal resolution process to be referred back to the Panel at the discretion of the complaints sub-committee.
- 4.7 It is recommended that the Panel's scrutiny officer be authorised to notify the PCC of the name and address of the person to whom complaints should be directed (which will then be published by the PCC). In addition, in view of the likely frequency of Panel meetings, exceptional circumstances may occasionally arise under which it is necessary, and in the best interests of the Panel, for urgent action to be authorised and taken on its behalf, when such action does not fall within the scope of the delegations set out above. It is therefore recommended that the Panel's scrutiny officer be authorised, in consultation with the Chair of the Panel, to take any necessary urgent action in the best interests of the Panel as part of the complaints handling process, there is potential for additional meetings to be convened and the need for these as well as the costs arising from them will have to be kept under review in the context of the Panel's budget. The proposed delegations to the Chief Executive should assist in this regard.

5. Complaints Made Against the Panel

- 5.1 So far, no provision has been made in legislation or guidance regarding who should handle any complaint made against the Panel. The position on this will be reviewed when such provision is made.

Police and Crime Panels

Handling complaints about the Police and
Crime Commissioner and their Deputy



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Status of the guidance

Every attempt has been made to provide a fair picture of the current state of the law, to present an accurate and comprehensive assessment of our interpretation of the provisions of the legislation, and to suggest ways of working to ensure that panels can be effective, and their work proportionate, relevant and timely. However:

This guidance should not be relied upon as giving legal advice; it will be for officers in individual authorities to come to their own decisions, working with councillors, to decide on the right approach.

This guidance should not be interpreted as setting out the view of the Home Office, and the recommendations, suggestions and advice given should not be interpreted as being endorsed or approved by the Home Office.

Introduction

This guidance is to provide advice on how Police and Crime Panels (referred to in this advice as panels) can carry out their statutory responsibilities and delegate some functions to deal with non-criminal complaints about Police and Crime Commissioners (PCCs) or their deputies.

The role of panels in this area is set out in the Elected Local Policing Bodies (Complaints and Misconduct) Regulations 2012¹ (References in this guidance to particular Regulations refer to this legislation). The Home Office has issued a plain English guide to these Regulations² which helps set out what the Regulations mean and their policy intention.

It is important to understand at the outset that complaints and conduct matters concerning a PCC or a Deputy PCC that allege criminality must be referred to the Independent Police Complaints Commission (the IPCC). The IPCC will then decide whether the matter requires investigation. There will therefore need to be movement and transfer of cases between panels and the IPCC. Readers of this guidance will need to consider the advice produced by the IPCC on arrangements for liaison between panels and the IPCC³.

The LGA has liaised with both the Home Office and the IPCC in the production of this guidance. This guidance should be read alongside:

- The Elected Local Policing Bodies (Complaints and Misconduct) Regulations 2012 (the Regulations).
- The Home Office Plain English (non-criminal complaint) Guide to the Regulations.
- A guide produced by the IPCC on the transfer of cases between the panels and the IPCC.

Synergy with existing local authority procedures

The LGA recognise that the host authority for each panel will already have tried and tested procedures for dealing with complaints about the council or councillors. Many of these will be processed informally, and an authority's arrangements for dealing with complaints in this way are likely to be very similar or at least compatible with the processes to be established for resolution of non-criminal complaints about the PCC under Part 4 of the Regulations.

1 The Elected Local Policing Bodies (Complaints and Misconduct) Regulations 2012 are available on the stationary office website here: <http://www.legislation.gov.uk/ukSI/2012/62/introduction/made>

2 The Home Office Plain English guidance to the Regulations was published on 9 November and is available at <http://www.homeoffice.gov.uk/publications/police/pcc/pcp-complaints-handling-process>

3 The IPCC has issued guidance about the transfer of

cases between the panel and the IPCC; this guidance was circulated by the LGA to host authorities on November 14th 2012 and posted on the LGA K-Hub website on November 16th 2012 at <https://knowledgehub.local.gov.uk/group/policeandcrimepanelsupportandwidernetworkinggroup/activity> Further IPCC advice on dealing with criminal complaints about the PCC, might also follow, but only after they have had some experience of the practical application of the Regulations.

The LGA suggest therefore that where host authorities carry out work on complaints themselves (ie in areas where functions are not delegated) they should if possible use existing in-house systems for dealing with complaints as a model or framework for the creation of PCC complaint procedures.

Existing procedures for the informal resolution of complaints might be used as a consistent basis for establishing compatible procedures, standardised administration arrangements, response times, IT and methods and options for investigation, mediation and resolution.

For the above reasons the following advice is not intended to be prescriptive, and recognises the need to dovetail any new panel complaint procedures with what is already in place and works well locally.

Compatibility with the Local Government Ombudsman (LGO) Advice

The Local Government Ombudsman in England and its equivalent in Wales (the Wales Public Service Ombudsman) has jurisdiction over panels and will deal with complaints about the administrative functions of panels which includes the handling of complaints. Locally established complaints procedures should be drafted or amended in the light of advice from the LGO entitled 'Running a Complaints System'⁴.

Existing local authority complaint procedures should therefore already comply with the LGO advice, and where this is the case, they will provide a good basis for the new

panel procedures for dealing with PCC complaints. However we strongly suggest that panels should also refer to the LGO advice mentioned above when establishing new panel complaint procedures locally.

Key points from the LGO advice have been summarised in the annex to this document for ease of reference. Developing an effective local complaint procedure will be essential to ensure that issues can be resolved quickly and efficiently. Using the LGO guidance as a model will form the foundations of a good complaints procedure and therefore reduce the likelihood of complaints escalating to the level of the Local Government Ombudsman.

Although complainants have a right of appeal to the LGO, it should be noted that local complaints procedures would need to have been followed to their conclusion before there is any possibility of the LGO becoming involved.

The LGO stress that the purpose of a complaints system is to put right what has gone wrong and to learn from it. Clearly in this context dealing with complaints about the PCC can help inform the panel's wider scrutiny work.

Key stages in the development of a complaints procedure

The first stage is to understand the role of the panel and then what options are available for the operation and delegation of its functions (as outlined later in this guidance) and then consider any preferred panel delegation arrangements.

⁴ LGO Guidance on Running a Complaints System see: <http://www.lgo.org.uk/publications/advice-and-guidance#guidance>

Involvement of the chief executive of the PCC and their staff will be important, if the panel wishes to consider delegating certain panel functions to the PCC's monitoring officer. Whilst the panel has powers to delegate, the other organisations potentially affected do not have a legal obligation to accept the delegation.

Discussion and agreement in this area is therefore needed so that all parties agree and understand the arrangements and the scope of what is expected of them and, as far as possible, only notify the panel about matters which relate to the conduct of a relevant office holder (as per Regulation 9(2)).

Having decided and agreed any delegation arrangements, the panel should then identify a contact point for the panel and inform the PCC (as required by Regulation 30) who will then advertise the relevant contact point as specified by the panel. This might be a contact for the chief executive of the PCC if the panel's initial handling function has been delegated to the PCC's monitoring officer.

Such delegation options are discussed later in this guidance, however it is important to note that the panel's key functions will remain with the panel unless they have been delegated.

The IPCC has said it will also need confirmation of the locally determined contact point and arrangements for fulfilling the panel function of recording complaints and conduct matters, so the IPCC can refer any complainants to the relevant point of contact. The IPCC may also need to use this point of contact for liaison about matters of a serious and/or criminal nature which might need to be referred from the panel to them under Regulation 13.

The procedure established locally would then be confirmed in writing to help provide clarity to all concerned.



Functions of the panel

The functions of the panel are set out in several different parts of the Regulations. The general duties of panels are given in part 1 (Regulation 6); recording and receipt is covered in part 2; the key function of 'resolution of other complaints' is detailed in part 4; and requirements in relation to recording of information about complaints are detailed in part 5.

Initial complaint handling: what is involved

One of the main functions of a panel 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.

The panel (or the relevant monitoring officer if this function has been delegated by the panel) must keep a record of all complaints, purported complaints and conduct matters that they receive, (see Regulation 34). In practice this could be a simple spreadsheet which is held securely and kept regularly updated.

Regulation 9 includes certain requirements for complaints to be sent to the panel, but there are a variety of other routes by which complaints or purported complaints about the PCC or their deputy PCC may reach the panel.

Initial sorting of complaints

The 'post bag' of complaints about the PCC will inevitably include a wide range of items, some of which should be re-directed to other recipients. The panel's role in the initial sorting or 'triage' of all complaints is therefore important.

Some of these complaints may require referral to the chief constable where they are about the delivery of operational policing matters. Other matters in the post bag may actually be disagreements about a particular policy of the PCC and not really complaints; such issues might need to be dealt with sensitively when notifying the complainant and referring the matter back to the PCC for their information.

It is envisaged that these kinds of referral will be common, and standard approaches for dealing with them might be shared with the help of the LGA as panels gain experience and develop good practice in this area.

Other matters may be more difficult to categorise where they consist of a number of interrelated issues, including some with a potentially criminal element.

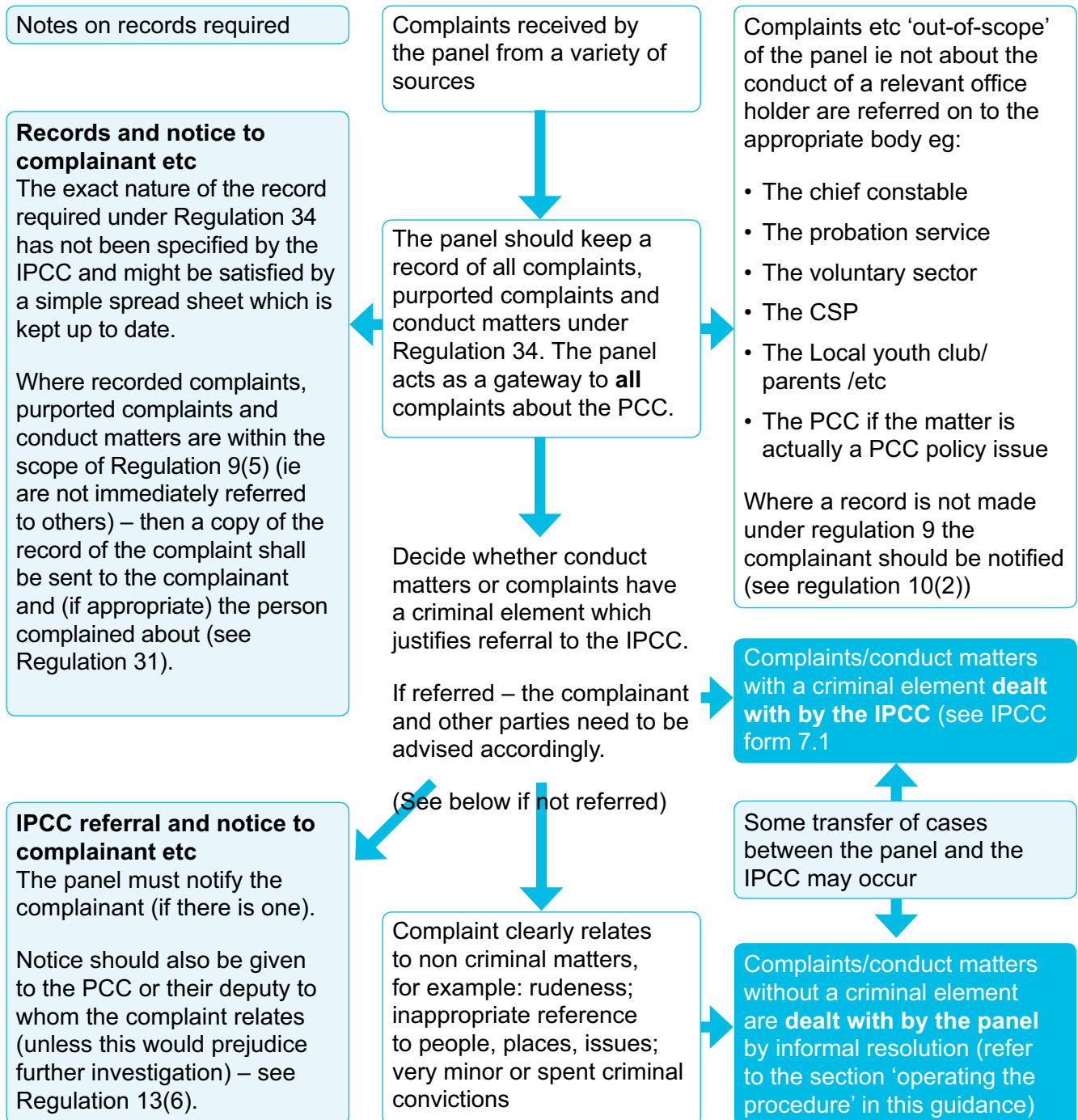
Referral of criminal matters

Complaints or conduct matters that are criminal in nature or have a criminal element must be referred to the IPCC (see later in this guide for details or refer to the Regulations). Complaints or conduct matters that do not meet this threshold should be informally resolved by the panel under part 4 of the Regulations.

It should be noted that the IPCC cannot record conduct matters or complaints. This is the statutory responsibility of the panel. When complaints or conduct matters (with a criminal element) come to the attention of the IPCC, the Commission will refer the matter in the first instance to the panel to be recorded in accordance with the Regulations (Regulation 9(1)).

Flow diagram

The diagram below explains how the initial complaint receipt and triage arrangement would operate in practice.



This key triage/filtration stage can be delegated to the chief executive of the PCC under Regulation 7; or the monitoring officer of the host authority.

Summary of a panel's key functions

The panels' functions for which they are responsible can be summarised as follows:

Initial handling of complaints and conduct matters (part 2 of the Regulations)

When a new complaint is received by the panel, it has to be recorded by the relevant panel unless it is already being dealt with through criminal proceedings. If the panel, relevant office holder, or chief officer of police decides not to record or refer a complaint then they must notify the complainant of the decision to take no action and the grounds for that decision.

A new conduct matter⁵ which comes to the attention of the panel also has to be recorded by the panel. The IPCC can direct the panel to record a conduct matter which has come to its attention.

Where a complaint or conduct matter about the PCC has come to the attention of the panel (or the PCC) they have a duty to obtain and preserve the evidence and comply with any directions from the IPCC.

A serious complaint or a conduct matter must be referred to the IPCC "as soon as is practicable and in any event, not later than the end of the following day when it becomes clear it should be referred" (Regulation 13).

The panel also has to notify the complainant and, if appropriate, the person complained

against that the matter has been referred. The IPCC then has to decide whether or not to investigate or to refer the matter back to the panel to handle. Again the parties, if appropriate, have to be notified of the decision.

If a complaint is being handled by the panel directly and they decide that the complaint should not be dealt with by informal resolution (Part 4) or that the Regulations should not be applied, the panel may handle the complaint in whatever way they see fit. They must notify the complainant of their decision; (the complainant must also be informed of their right to appeal to the Local Government Ombudsman and in Wales the Public Service Ombudsman for Wales).

The panel can decide not to apply the Regulations in certain circumstances. In summary these are where the complaint is an employment issue; it is more than 12 months old; the matter is already the subject of a complaint; is anonymous, vexatious, oppressive or an abuse of the procedures or repetitive. (Regulation 15(2).)

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, if appropriate, have to be notified of any decision.

The PCC must 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.

⁵ The Police Reform and Social Responsibility Act 2011 provides a broad definition of conduct matters in section 31(1)(b). In relation to the police, a conduct matter is defined by the IPCC as "any matter which is not and has not been subject of a complaint where there is an indication that a person serving with the police may have committed a criminal offence or behaved in a manner which would justify bringing criminal proceedings".

The panel must also nominate a point of contact for the panel to whom cases can be referred. This point of contact may or may not be the panel – dependant on the extent to which the panel's functions as above have been delegated.

Whilst the above arrangements are clearly panel functions, their operational delivery can be delegated. This could be to the host authority's monitoring officer or to the chief executive of the PCC. (Different options for delegation are covered later in this guidance.)

Although awareness about all complaints relating to the PCC and policing matters may provide useful information to assist with a panel's wider scrutiny work, the scope of a panel's activity in dealing with non-criminal complaints about the PCC is much more narrowly drawn. The panel's role in complaint handling and dealing with non-criminal complaints therefore needs to be clearly set out and understood locally to avoid confusion and gradual 'mission creep,' particularly on particular complaints which may have several perhaps interrelated elements.

Resolution of non-criminal complaints (part 4 of the Regulations)

If a complaint concerns the non-criminal conduct of the PCC or their deputy then the panel must make arrangements for the complaint to be subject to informal resolution.

Informal resolution may be conducted by the panel itself, a sub-committee of the panel, a single member of the panel or another person (which cannot be the PCC) appointed by the panel (see Regulation 28(3)). If anyone other than the panel is handling the complaint, provision may be made to refer a complaint back to the full panel (see Regulation 28(5)).

According to Regulation 28(7) a complaint cannot be formally investigated, although requiring the relevant office holder to provide information or documents, or summoning him or her to appear before the panel, does not count as investigation for these purposes.

Other steps designed to gather information about or corroborate the complaint such as taking statements from witnesses or seeking documents from other parties are prohibited.

If the person complained against chooses not to comment, this has to be recorded. The panel cannot offer an apology for the PCC's conduct unless the PCC has admitted the conduct in question and agreed to the apology.

The panel has to keep a record of the outcome of the procedure and copy this to those concerned. 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 it is in the public interest.

Provision and recording of Information (part 5 of the Regulations)

The panel has to tell the PCC the name and address where complaints are to be sent and the PCC has to publish the information as required by the panel.

After recording a complaint, a copy of that record should be sent by the panel to the complainant concerned with a further copy to the person complained against. Although the copy 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 must be kept under review.



All records have to be kept by the panel as required by the Regulations. The panel has to 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 panel has a duty to provide the IPCC with any information, documents or evidence that it requires, in the form and time specified. The panel also has to 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. (Equivalent powers exist in relation to the investigation of complaints by the LGO.)

Complainants and any persons complained about should be sent a copy of any resolution (see regulation 28(12)).

Role of the Local Government Ombudsman

If at any stage there is a complaint about the way in which the panel has carried out or delegated the above functions, the matter can be referred to the LGO, provided that the matter has been subject to local complaint procedures which have been exhausted.

Delegation of functions

Although the panel's responsibilities are set out in the Regulations as summarised above, the Regulations also allow panels to delegate some of this work to sub-groups, other bodies or individuals including the host authority monitoring officer and the chief executive of the PCC.

The Regulations need to be read alongside the Home Office Guidance to understand the range of different options for delegation available. To improve clarity these are set out below:

Options for delegation

Option 1: Panel/host authority retains all functions

The panel does not have to delegate anything under parts 2, 4 and 5 of the Regulations. It should be noted that if this is the preferred option, the panel will need to satisfy itself that it is able to record complaints and conduct matters and refer these to the IPCC as required by the Regulations.

Variations on option 1

A: Delegation of initial handling and/or resolution to a sub-committee of the panel or a particular person on the panel.

B: Delegation of initial complaint handling and/or resolution to the monitoring officer of the host authority under local government legislation (the 1972 Act).

Option 2: A 'triage' role for the chief executive of the PCC (delegation of receipt, and initial handling and recording functions of the panel)

Regulation 7 allows the panel to delegate initial receipt of complaints to the chief executive of the PCC (in their role as monitoring officer) who will then distribute the complaints to the panel, the IPCC or the chief constable (or anyone else) as appropriate.

The 'triage' work in question would involve an element of investigation to gather sufficient information to be able to decide under Regulation 13 which is the appropriate body to deal with the complaint. This may involve for example contacting the complainant to request more information or clarification, which might help determine whether or not the complaint was a serious complaint.

Option 3: Making arrangements for securing informal resolution of complaints

Regulation 28 requires a panel to make arrangements to secure the informal resolution of complaints, although responsibility for securing resolution cannot be delegated.

Variations on option 3

The arrangements a panel can make include the ability to appoint a sub-committee of the panel, or an individual from the panel or a person who is not a member of the panel to secure the informal resolution.

This could be for example a private mediation company, social enterprise or voluntary organisation, or the chief executive of the PCC, or a local authority officer.

Option 4: Delegation of receipt, triage and resolution activity

A panel could also combine options 2 and 3 above, eg it could delegate the initial triage role to the chief executive of the PCC, and responsibility for securing the informal resolution of complaints to one of the bodies set out in option 3 above (which could include the chief executive of the PCC).

Delegation – some key points to consider

Funding delegated panel functions

It should be noted that neither the Regulations nor the Home Office guidance state who, in the event of certain panel functions being delegated, should pay for the work involved. This would presumably be a matter of local discussion and determination. In this context it should be noted that the chief executive of the PCC (or anyone else to whom the panel might wish to delegate functions) are not under a duty to accept such delegation.

Perceptions of independence in the complaints process

It should be noted that members of the public might view the complaints process as not sufficiently independent where the panel has delegated certain functions to the chief executive of the PCC in their monitoring officer role.

There are however a number of factors which might provide reassurance on this point, and might mean that delegation to the monitoring officer of the PCC as described above could make a lot of sense from the panel's perspective, given the limited resources it will have available:

- Regulation 13(1-3) requires cases which are actually serious and criminal in nature to be investigated by the IPCC – these must be referred. If later investigation revealed that obviously criminal matters were not referred, the chief executive would have been contravening the Regulations.
- The panel should introduce procedures to monitor any 'triage of complaints' where this aspect of complaint handling has been delegated to check that part 4 complaints are sifted in a fair and transparent way and are not for example lost in the system.
- If a complaint is made to a PCC about their own conduct, the PCC has to inform the panel (under Regulation 9(4)). If the chief executive of the PCC consults with the PCC but then does not refer complaints about the PCC to the panel, they would be contravening the PCC's duty to notify the panel under Regulation 9(4).
- The PCC or other relevant officer cannot deal with complaints about themselves – this is prohibited under Regulation 7(2).
- An additional safeguard is the ability of the IPCC to compel the panel to record and refer a particular matter if it considers it is in the public interest to do so.
- The Home Office does not consider that such a role for the chief executive of the PCC represents a conflict of interest. They point out that many organisations have satisfactory procedures for dealing with complaints on an in-house basis.

Summary tables of pros and cons of delegation

This guidance does not seek to determine what the most appropriate approach is, and to some extent this will only be determined in the light of experience of operating the system for a period of time.

In deciding and reviewing the best approach it is suggested that the following key points summarised in the tables below should be considered:

Option 1: Panel/host authority keeps all functions

Panel handles all complaints including all elements of receipt, 'triage' investigation as necessary and resolution

<p>Advantages</p>	<p>Allows access to all information in the incoming 'complaint postbag', which may be useful in providing the panel with a better overview of issues and could help inform the panel's wider scrutiny work.</p> <p>Makes it easier for the panel to properly supervise the handling of complaints.</p> <p>Generally avoids issues related to the potential conflict of interest if complaints were dealt with by the chief executive of the PCC.</p> <p>Provides reassurance to the public that there is no bias in complaint handling or skewed presentation of data about complaints received about the PCC (who might wish to suppress data which indicates their unpopularity).</p>
<p>Disadvantages</p>	<p>The panel must be able to comply with its obligations to record and effectively refer matters to the IPCC (careful thought might have to be given to whether this can be achieved without undue delay caused by the need to arrange extra formal panel meetings). The IPCC suggest that it would be helpful for arrangements to be in place such that serious incidents can be recorded and referred outside normal office hours.</p> <p>The number and complexity of incoming complaints is an unknown at this stage. As a result it is difficult to gauge how demanding this would be on panel and local authority resources in terms of the staff and associated training which might be necessary.</p> <p>No extra money is available for host authorities if they decided to handle all complaints.</p> <p>Distraction from the main business and purpose of the panel because of the time involved in actually dealing with complaints.</p>

Variations on option 1

A: Delegation of initial complaint handling and/or resolution to a sub-committee of the panel or a particular person on the panel who would in either case report back to the full panel as necessary.

B: Delegation of initial complaint handling and/or resolution to the monitoring officer of the host authority under local government legislation (the 1972 Local Government Act).

Both options A and B would have the advantage of avoiding the need for a formal panel meeting to record and refer matters and the delay this could cause. Other advantages include flexibility, specialisation and avoiding possible concerns about bias and lack of independence which might be associated with involvement of the chief executive of the PCC.

Option 2: A 'triage' role for the chief executive of the PCC in their role as the monitoring officer of the PCC who acts as an initial filter of received complaints (ie delegation of receipt, and the initial handling and recording functions of the panel).

Advantages

The PCC is bound to be an obvious point of contact for complaints from the public about a wide variety of policing matters – even if alternative contact points are advertised. The chief executive of the PCC might therefore be natural focus for collation and sorting of these complaints.

The chief executive of the PCC may be able to draw on relevant legal expertise more easily than the local authority.

This arrangement would strengthen any argument that the costs of carrying out the work should fall on the PCC – rather than the host authority, although getting any agreement on the PCC picking up the cost would have to be agreed locally.

It might also be argued that the PCC chief executive could be more independent than the panel from a political perspective.

Discussion on the complaint handling statistics provided by the PCC could be a useful 'standing item' to promote liaison and discussion when the PCC attends at panel meetings.

Disadvantages

A robust additional procedure would need to be put in place to ensure that complaints about the PCC or their deputy were being properly handled.

Even with robust procedures as above in place, it might be hard to convince the public that there is an independent process in place for dealing with complaints about the PCC.

Option 3: Making arrangements for securing informal resolution

Regulation 28 allows a panel to appoint a sub-committee or an individual from the panel or a person who is not a member of the panel to secure informal resolution of complaints. This table assumes that the **chief executive of the PCC** is appointed under Regulation 28 to secure resolution of non-criminal complaints.

<p>Advantages</p>	<ul style="list-style-type: none"> • This arrangement would help the panel to concentrate on its main role of scrutinising and reviewing the decisions made by the PCC. • The chief executive of the PCC might have more resources available in terms of dedicated staff to investigate such matters. • Complaints about the PCC might arrive in batches which would require considerable input to investigate and resolve. It may be easier for the chief executive of the PCC and their staff to respond and re-direct staff to investigate cases where there are unpredictable fluctuations in workload. • This arrangement would support arguments that the costs of dealing with particularly time consuming cases should not fall to the host authority, but instead should rest with the office of the PCC particularly where the actions of the PCC may have in effect generated some of the complaints. • Discussion on the complaint resolutions carried out by the PCC could be a useful 'standing item' to promote liaison and discussion when the PCC attends at panel meetings.
<p>Disadvantages</p>	<ul style="list-style-type: none"> • A robust additional procedure would need to be put in place for the panel to be satisfied that informal resolution of complaints was being secured in a satisfactory manner, and that where necessary matters would be referred back to the panel. • Providing reassurance to the public that there is an independent process in place for dealing with complaints about the PCC might be difficult.

Variations on option 3

As suggested above, options might include the appointment of a particular person or body outside the panel to secure the informal resolution of complaints. This might include a private company or perhaps a social enterprise or voluntary group specialising in mediation or complaint resolution.

These options would have advantages of avoiding any perception of bias, and they may provide effective routes to resolution. In the case of private companies however they would of course need to be funded to carry out the work.

Option 4: Delegation of receipt, triage and resolution activity

A panel could also combine delegation of options 2 and 3 above by delegation of the initial triage role to the chief executive of the PCC and then appointment of a sub-committee, panel member or other individual to secure informal resolution of a complaint.

Advantages	<ul style="list-style-type: none">• This arrangement would enable the panel to fully concentrate on its main role of scrutinising and reviewing the decisions made by the PCC.• The chief executive of the PCC may be able to draw on relevant legal expertise more easily than the local authority.• This arrangement would strengthen any argument that the costs of carrying out this work might fall on the PCC – rather than the host authority.• If there is a good PCC/panel route for communication – the complaint statistics provided by the PCC could be a useful focus and catalyst for discussions when the PCC attends panel meetings.
Disadvantages	<ul style="list-style-type: none">• Robust additional procedures would be needed for the panel to be satisfied that complaint handling and informal resolution of complaints were being dealt with in a satisfactory manner, and that where necessary matters would be referred to the IPCC rather than being dealt with informally.• Providing reassurance to the public that there is an independent process in place for dealing with complaints about the PCC would be more difficult.

Variable factors affecting a panel's decision

In addition to the above considerations, there are a range of variable factors which might affect the panel's decision to delegate to the PCC's chief executive, including:

Anticipated number of complaints

Clearly the likely number of complaints will be one of the factors which will influence the balance of advantages and disadvantages outlined above. The level of complaints may be difficult to estimate as it will depend on a number of unforeseen variables such as:

- the PCC (and their deputy) and how controversial they and their plans are
- local medial coverage
- controversial issues locally
- how well the complaints arrangements are advertised.

Relationship with the PCC

The relationship with the PCC might affect how important it is to be seen to be independent in handling and referring complaints and conduct matters.

Relationship between the PCC and their Chief Executive

Issues about the independence of the process might be raised if the chief executive of the PCC appears to be too close to their PCC. This might trigger questions about whether complaints can be handled impartially at the filtration stage, particularly if the panel's informal resolution work has also been delegated.

Oversight of delegated functions

Where the delivery of certain panel functions has been delegated to others, the panel will still retain responsibility to check and be assured that the panel functions concerned are being delivered properly. In practice it is suggested that this will mean some kind of dip sampling of the records kept by the chief executive of the PCC, and appropriate follow-up of a selected number of cases.

It is not possible to stipulate precisely the percentage of spot check and case study reviews a panel should undertake. This would depend partially on the level of confidence which the panel builds up in the delivery of the delegated work over time.

It is suggested that the frequency of review might reasonably be pitched high to start with, until some markers for the level of confidence the panel might have can be established which will justify the frequency being reduced. It is suggested that in any event some review and check of complaint handling should remain a regular feature of panel meetings. This could also form part of the panel's wider intelligence gathering about the PCC activities and any associated matters which may need to be scrutinised.

Depending on how often the panel meets, more frequent sub group meetings might be considered to review and monitor delegated complaint handling arrangements.



Operating the procedure

Transferring cases between the panel and the IPCC

After recording a complaint or conduct matter, there may be movement of cases between the panel and the IPCC (clearly in this context, where panel functions are delegated, reference to the panel should be read as meaning whoever the function has been delegated to).

Transfer of cases to the IPCC would most often occur during the initial complaint handling stage, but it may happen later in the process where further information comes to light which results in re-classification of the case.

It will often be clear whether a case includes criminal related conduct elements which will mean referral to the IPCC, but in other situations it may be less obvious. Whilst it might be desirable to seek legal advice to help decide in particular cases, time and resources may preclude this, and it is envisaged that in cases of doubt the panel would refer to (or at least seek advice from) the IPCC.

Similarly the IPCC may send cases back to the panel to resolve informally under Part 4 of the Regulations. Although the panel should only deal with complaints about the PCC which are non-criminal, the panel could be called upon to resolve some matters which may have criminal elements but are judged by the IPCC to be below the threshold of what they can deal with. Examples of these kinds of matters might include spent criminal convictions, minor parking or speeding offences and suchlike.

Whilst the panel will need to accept and deal with these sorts of referrals, the LGA suggest that the panel will need to challenge referrals of this type where the IPCC's assessment might have been incorrect, and it appears that the matter would in fact involve the panel undertaking significant elements of criminal investigation.

It should also be noted that the IPCC has a 'call in' power which a panel must comply with; where a recorded matter which the panel is dealing with is transferred to the IPCC if they request.

Standard forms and practical arrangements for referral

Where cases need to be referred to the IPCC, the Regulations stipulate that this must be as soon as practicable but, in any event, no later than the end of the day following the day on which it first becomes clear to the panel that either the complaint or conduct matter must be referred or the IPCC notifies the panel it requires the matter to be referred to it.

IPCC form 7.1 should be used for making referrals to the IPCC. A copy of this form, associated IPCC contact details and IPCC guidance on the practicalities of transfer of complaints have been circulated by the LGA to host authorities.

Disapplication of the Regulations

Where the complaint has been correctly assigned for the panel to deal with, but the complaint falls into various specified categories set out in the Regulation 15(2), the panel may decide not to take any action. The kinds of issues which might fall within this category are matters which are older than 12 months, vexatious, anonymous or repetitious. The complainant should be notified if the Regulations are disappplied.

Local resolution under Part 4

Clarity is needed about what exactly resolution might look like.

Some local authorities' own complaints arrangements may provide good models for dealing with complaints informally. The LGA would be willing to assist in sharing good practice in this area.

In determining what local resolution might involve, it should be noted that Regulation 28(7) precludes investigation designed to gather information about or corroborate the complaint such as taking statements from witnesses or seeking documents from other parties⁶.

The current complaints system for police officers suggests that the term 'informal resolution' is a way of dealing with a complaint by solving, explaining, clearing up or settling the matter directly with the complainant. The system states that:

'Local resolution can be a proportionate, timely and effective way of resolving many complaints. It is a simple and flexible way for people to tell the police what happened and find out why it happened. The complainant's acceptance of the outcome should be the objective of any local resolution process.'

Local resolution is not a disciplinary process. It will not lead to any disciplinary proceedings against a police officer or member of police staff and the complaint will be closed after the process has been completed. This does not however prevent a manager from taking management action if appropriate.'

⁶ The Home Office Guide to the Regulations may assist further on this point

The IPCC Statutory Guidance to the police service (Pursuant to Section 22 Police Reform Act 2002) includes some references (for example on pages 79–80 which is reproduced below) on informally dealing with complaints which might also be worth considering⁷.

‘Local resolution is a flexible process that may be adapted to the needs of the complainant and the individual complaint. The important point is that a complainant is clear how it will work for him or her and is in agreement with the steps to be taken to resolve the complaint. Local resolution may include:

- resolution over the counter or by telephone after the complaint has been recorded
- providing information
- an apology on behalf of the appropriate authority (see paragraphs 450-453, page 119, for more information on apologies)
- concluding the matter through correspondence explaining the circumstances
- individual communication between the complainant and the person complained about, via the manager handling the complaint
- an apology made by the manager or the professional standards department on behalf of an individual (who has to have admitted the conduct and agreed to make an apology)
- a face to face meeting between the complainant and the person complained about, mediated by the manager handling the complaint or by another person agreed by all parties.’

Under Regulation 28(6) the Home Office may approve procedures for dealing with complaints under part 4; it is unlikely that they would specifically approve individual procedures, however they have stated in their guidance what they would not approve (see page 8 of the Home Office Guide referred to in footnote 6).

Other guidance which may assist

- The ACAS website has some guides on mediation and arbitration in the context of an employer/employee related relationship – see <http://www.acas.org.uk/index.aspx?articleid=1680> – this includes some basic background information on mediation and the stages involved.
- The Civil Mediation Council (<http://www.civilmediation.org/>) has a brief explanation of mediation and what it involves along with a list of registered mediation services providers.
- The Chartered Institute of Arbitrators (<http://www.arbitrators.org/>) is a membership body for those involved in alternative dispute resolution, and also provides training courses and qualifications.
- There are likely to be a range of local mediation services that could provide services or training.

⁷ The IPCC Guidance can be accessed here <http://www.ipcc.gov.uk/en/Pages/default.aspx>

Annex

LGO information on the features of an effective complaints procedure

Principles for effective complaint handling

Accessibility

Communication

Timeliness

Fairness

Credibility

Accountability

Features of an effective complaints procedure

Accessibility: It is well publicised. It is easily accessed and understood, by staff and by the public.

Communication: It includes early direct contact with the person making the complaint and continued contact through the complaints process. There is effective communication between council staff and between the council and its partners regarding complaints. There is effective communication where the complaint involves more than one body. There is an effective recording and feedback loop so that improvements can be made.

Timeliness: It takes no longer than 12 weeks from receipt to resolution.

Fairness: It is clear about roles and responsibilities. Complaints are dealt with in an open-minded and impartial way. Responses are proportionate; one size does not fit all.

Credibility: It is managed by someone who can take an overview and can implement changes in the complaints system. It includes a robust review by someone who has the independence and authority to ask questions, get at the facts and recommend changes in response to complaints.

There is effective leadership that ensures that the complaints system and learning from it has a high profile across the council.

Accountability: Information is provided in a clear and open way and is properly managed. There is follow-up to ensure any decisions are properly and promptly implemented. There is regular monitoring to ensure timescales and satisfaction levels are met. There is periodic review of the process, to keep it up to date and keep the public informed.

The purpose of a complaints system is to put right what has gone wrong and to learn from it.



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Police and Crime Panel Regulations – non-criminal complaints and misconduct

Introduction

This guidance accompanies The Elected Local Policing Bodies (Complaints and Misconduct) Regulations 2012. The Regulations cover England and Wales.

The Regulations set out the way in which complaints or conduct matters about a Police and Crime Commissioner (PCC), the Mayor of London (in his capacity as the holder of the Mayor's Office for Policing and Crime (MOPAC)) and their deputies will be handled.

This guidance explains those Parts of the Regulations that apply to complaints that are not serious (criminal) complaints – i.e. Parts 1, 2, 4 and 5. **It does not address the investigation of serious complaints and conduct matters under Part 3.**

The Regulations use several key terms that are also used in this guidance:

- A 'relevant office holder' is a PCC, deputy PCC, the holder of the Mayor's Office for Policing and Crime or the Deputy Mayor for Policing and Crime.
- A 'complaint' is any complaint about the conduct of a relevant office holder.
- A 'serious complaint' is a particular type of complaint – one which alleges that the relevant office holder has committed a criminal offence.
- A 'conduct matter' is an indication that a relevant office holder may have committed a criminal offence, which comes to light otherwise than by way of a complaint (for example through legal proceedings or media reporting).

The Regulations are divided into Parts:

- Part 1 deals with general matters, including definitions of key terms used within the Regulations, general duties of the various parties, delegation of powers and duties by Police and Crime Panels (PCPs) and the functions of the Independent Police Complaints Commission.
- Part 2 sets out the process for the initial handling of all complaints, including both non-criminal and serious (criminal) complaints, and all conduct matters.
- Part 3 covers the investigation of serious (criminal) complaints and conduct matters by, or on behalf of, the Independent Police Complaints Commission (IPCC).
- Part 4 deals with the resolution of complaints that are not serious (criminal) complaints.
- Part 5 deals with the provision and recording of information about complaints and conduct matters.

Structure of this guidance

- Section 1 of this guidance covers certain general duties on the various parties in relation to complaints and conduct matters (as set out in Part 1 of the Regulations.)
- Section 2 deals with the process for the initial handling of all complaints and conduct matters (as set out in Part 2 of the Regulations.)
- Section 3 covers special cases, including withdrawn and discontinued complaints, and conduct occurring outside England and Wales (as set out in Part 2 of the Regulations)
- Section 4 deals with the resolution of complaints, (Part 4 of the Regulations.)
- Section 5 covers provision and recording of information (Part 5 of the Regulations.)

1. General matters

General duties of PCPs, PCCs and chief officers of police

The PCP must ensure that it is kept informed about complaints and conduct matters and their handling – regulation 6(1).

If the PCP decides to delegate any or all of its functions (details as outlined below), it should ensure that it has measures in place to check that the monitoring officer is dealing with complaints in a way it considers appropriate.

This guidance is not concerned with the investigation of serious complaints, but it should be noted that every PCP, relevant office holder and chief officer of police must ensure that anyone undertaking an investigation either carried out directly by, or on behalf of, the IPCC is given the assistance and co-operation they reasonably require – regulation 6(4) and (5).

Delegation of powers and duties by PCPs

With the exception of the resolution of complaints, a PCP may delegate any of its powers or duties under the Regulations to the chief executive of the PCC (or, in the case of the London Assembly PCP, the monitoring officer of the Greater London Authority (GLA)) – regulation 7(1).

PCP broader powers of delegation

The Police and Crime Panels (Application of Local Authority Enactments) Regulations 2012 selectively apply existing local authority enactments to PCPs. This includes Section 101(2) of the Local Government Act 1972 which allows a committee or joint committee discharging functions to arrange for the functions to be discharged by a sub-committee or an officer, in the absence of a contrary direction from the authority or authorities. Therefore, this provision enables the PCP to delegate a range of functions to the monitoring officer of the host local authority - this will include the ability to delegate the initial handling of complaints.

Where the London panel – referred to as the Police and Crime Committee (PCC) - delegates powers or duties in relation to the notification and recording of complaints and conduct matters to the GLA monitoring officer, the monitoring officer must notify the MOPAC's chief executive of all complaints and conduct matters received – regulation 7(3).

A PCP may choose to delegate all, some, or none of its functions, or delegate them only in particular circumstances.

Where a PCP chooses to delegate the initial handling of complaints and conduct matters, the chief executive or monitoring officer of the PCC may then wish to adopt a triage approach to handling, determining whether the complaint received was:

- An issue raised about local crime or neighbourhood concerns rather than about the conduct of a relevant office holder - to be dealt with by the police force through normal channels of feedback, such as beat meetings, rather than under the Regulations;
- A complaint other than a serious complaint - for informal resolution by the PCP; or
- A serious complaint - to be referred to the IPCC.

2. Initial handling of complaints

Duties to preserve evidence

Where a complaint or conduct matter about a relevant office holder comes to the attention of the PCP, the PCP must secure that all appropriate steps are taken to obtain and preserve evidence relating to the conduct in question – regulation 8(1).

Where a relevant office holder receives a complaint, or becomes aware of a complaint made to the PCP, the chief officer of police or the IPCC, or becomes aware of a conduct matter, the relevant office holder must take all appropriate steps for obtaining and preserving evidence relating to the conduct in question – regulation 8(2)

The PCP or relevant office holder must comply with any direction given to it by the IPCC in this regard – regulation 8(5) and (6).

All of the duties in regulation 8 are continuing duties on the PCP. The PCP, or the person handling the complaint on its behalf, should consider at the outset what steps are necessary for obtaining and preserving evidence. The situation should be reviewed at regular intervals, until or unless arrangements are made for the complaint to be subjected to informal resolution. Informal resolution may not involve the investigation of the complaint (i.e. obtaining evidence about it). It follows that the duty to obtain evidence under Regulation 8 does not apply once informal resolution is initiated.

The duty is to secure that appropriate steps are taken for obtaining and preserving evidence – the appropriate steps may need to be taken by a party other than the PCP. The PCP, or the person handling the complaint on its behalf, should be ready to ask any other relevant party to obtain or preserve evidence as necessary.

Notification and recording of complaints

Where a complaint is made to the IPCC, chief officer of police or a relevant office holder, they must notify the relevant PCP of the complaint – regulation 9(1), (3) and (4). The exceptions to this are when the person is satisfied the complaint is being, or has been, dealt with through criminal proceedings, or where the complaint has been withdrawn (see Section 3) – regulation 9(6).

Where a complaint is made to a PCP, it must determine whether it is the relevant PCP¹ in relation to the relevant office holder who is the subject of the complaint; if it is not the relevant PCP, it must notify the other relevant PCP of the complaint – regulation 9(2)

Where a PCP determines that it is the relevant PCP, or is notified of a complaint by, it must record the complaint – regulation 9(5).

Where a complaint is recorded, the PCP must provide the complainant and the person complained against with the record that has been made – regulation 31(1). However, the record may be altered to hide the identity of the complainant or any other person – regulation 31(2). In addition, the PCP may decide not to provide a copy of the record if it believes that doing so might prejudice any criminal investigation or pending proceedings or otherwise be contrary to the public interest, but the PCP must keep such a decision under regular review – regulation 31(2) to (4).

The duties to notify or record complaints do not apply where the complaint has been, or is already being, dealt with by criminal proceedings against the relevant office holder, or the complaint has been withdrawn – regulation 9(6).

Where a decision is taken not to notify or record a complaint, the person taking the decision must notify the complainant of it, and of the grounds on which it was made – regulation 10.

Notification and recording of conduct matters

If a PCP is notified that civil proceedings are being brought, or are likely to be brought, by a member of the public against a relevant office holder and it appears the proceedings involve or will involve a conduct matter, the PCP must record the matter (if it is the relevant PCP in relation to the office holder) or notify the relevant PCP (if it is not) – regulation 11.

If a conduct matter comes to the attention of the PCP, otherwise than in the context of civil proceedings, the PCP must record it – regulation 12.

The obligation to record does not arise if the PCP is satisfied that the matter has already been recorded as a complaint, or is the subject of past or present criminal proceedings against the relevant office holder – regulation 11(4) and 12(2).

¹ i.e. The PCP for the police area for which the relevant office holder has been appointed.

Reference to the IPCC

A PCP must refer a complaint to the IPCC if the PCP determines that it is a serious complaint (it is about conduct which constitutes or involves, or appears to constitute or involve, the commission of a criminal offence), or the IPCC requires it to be referred – regulation 13(1).

A PCP must refer any conduct matter it has recorded, or that has been called in by the IPCC, to the IPCC. By definition, a conduct matter contains an indication that a criminal offence may have been committed.

A referral must be made in the way that the IPCC specifies². The reference must be made as soon as is practicable, and no later than the end of the day after the day when the PCP became aware that the matter had to be referred or was required to be referred to the IPCC – regulation 13(3) and (4).

Where a PCP refers a complaint or conduct matter to the IPCC they must notify the complainant (if there is one) and, except where doing so might prejudice a possible future investigation of the complaint or conduct matter, to the person whose conduct the complaint or matter relates – regulation 13(6).

Having had a complaint or conduct matter referred to it, the IPCC may refer the complaint or matter back to the PCP. A complaint referred back in this way must be resolved in accordance with Part 4 of the Regulations (unless the Regulations are disapplied – see the next paragraph). A conduct matter must be dealt with in any manner that the PCP determines, which may include taking no action in relation to it. The IPCC must notify the complainant and the person complained against if it refers a complaint or conduct matter back to the PCP – regulation 14.

Disapplication of the Regulations

Having decided that a complaint does not need to be referred to the IPCC (because it is not a serious complaint), or having referred a complaint to the IPCC and had it referred back, the PCP may decide that the complaint should not be subjected to resolution under Part 4 of the Regulations or, indeed, that no action should be taken in relation to it at all. The PCP may only do this if the complaint falls into any one of various specified categories – regulation 15(2) and (3).

The categories are:

- A complaint by a member of the relevant office holder's staff, arising from the staff member's work as such (see regulation 15(3)(a)).
- A complaint that is more than 12 months old, where there is no good reason for the delay or the delay would be likely to cause injustice (see regulation 15(3)(b)).
- A complaint about conduct that is already the subject of another complaint (see regulation 15(3)(c)).
- An anonymous complaint (see regulation 15(3)(d)).

² The IPCC has produced guidance for PCPs on handling complaints and conduct matters. This can be found at http://www.ipcc.gov.uk/en/Pages/pcc_mopac_complaints.aspx

- A complaint which is vexatious, oppressive or otherwise an abuse of process for dealing with complaints (see regulation 15(3)(e)).
- A repetitious complaint (see regulation 15(3)(f), and also regulation 15(4) for the particular circumstances in which a complaint is repetitious).

The PCP must notify the complainant if it decides not to handle a complaint in accordance with Part 4 of the Regulations or to take no action in relation to it (regulation 15(5)).

3. Special cases – withdrawn complaints and conduct outside England and Wales

Withdrawn and discontinued complaints

At any stage a complainant may decide that they wish to withdraw their complaint or that they wish to discontinue it.

If a PCP receives written notification to this effect, signed by the complainant or someone authorised to act on his behalf, the PCP must record the fact – regulation 16(1).

If the complainant notifies (in writing, signed by the complainant, his solicitor or someone authorised to act on his behalf) the IPCC that they are withdrawing their complaint or wishes it to be discontinued, but does not tell the PCP, the IPCC must send a copy of this notification to the PCP and the PCP must record the fact – regulation 16(1).

Where the complaint is one which was referred to the IPCC and has not been referred back to the PCP, the PCP must inform the IPCC that it has recorded the fact that the complaint has been withdrawn or discontinued – regulation 16(3).

The IPCC will then consider whether the complaint should be treated as a conduct matter. If the IPCC determines that it should be so treated, they will notify the PCP – regulation 16(5) and (6).

In the case of a complaint which was not referred to the IPCC, or was referred to the IPCC and then referred back, the PCP itself must decide whether the complaint is to be treated as a conduct matter. A complaint is to be treated as a conduct matter if the PCP determines that it is about conduct which constitutes or involves, or appears to constitute or involve, the commission of a criminal offence – regulation 16(4).

Where it is determined (whether by the IPCC or the PCP) that a withdrawn or discontinued complaint should be treated as a conduct matter, the PCP must record it as a conduct matter and the Regulations apply to it accordingly – regulation 16(6).

If a complainant indicates that they wish to withdraw or discontinue their complaint but does not provide signed notification in writing to that effect, the PCP must write to the complainant to determine whether or not they wish to withdraw or discontinue – regulation 16(7) and (8)(a).

If the complainant confirms that he wishes to withdraw or discontinue the complaint, or does not reply within 21 days, the PCP should treat it as if it had received signed, written notification of the complainant's wish to withdraw or discontinue the complaint – regulation 16(8)(b).

If the complainant indicates that they do not, in fact, wish to withdraw or discontinue the complaint, the PCP must continue to deal with it in accordance with the Regulations – regulation 16(8)(c).

The PCP must notify the person complained against if it records a complaint as being withdrawn or discontinued, if the complaint is to be treated as a conduct matter, or if the Regulations cease to apply to the complaint on the basis that it has been withdrawn or discontinued – regulation 16(9).

However, this duty to notify does not apply if the PCP has previously decided not to notify the person complained against of the complaint on the basis that it might prejudice a criminal investigation or pending proceedings, or be contrary to the public interest – regulation 16(10)

Conduct occurring outside England and Wales

Regulation 17 deals with conduct occurring outside England and Wales. Such conduct may be the subject of investigation or proceedings in the jurisdiction where it occurs.

Relevant office holders are under a duty to notify the PCP of any allegation, investigation or proceedings relating to his conduct occurring outside England and Wales – regulation 17(1). If a PCP receives such a notification they may take whatever action they see fit – regulation 17(2).

4. Resolution of complaints

General

This section of the guidance applies to a case where the PCP:

- Has recorded a complaint;
- Has decided not to refer the complaint to the IPCC (because it is not a serious complaint) or having referred it to the IPCC, has had it referred back; and
- Has not decided to disapply the Regulations.

The way in which such the complaint is resolved in such a case depends on the identity of the person being complained against.

Complaints against the Mayor of London and the Deputy Mayor for Policing and Crime (if a member of the London Assembly at the time the complaint was recorded)

A complaint against the Mayor of London in his capacity as the MOPAC or the Deputy Mayor for Policing and Crime, if he or she is a member of the London Assembly, must be passed by the London Assembly PCP to the GLA monitoring officer. They will then be dealt with under the relevant local government legislation as if it was a written allegation made under that legislation – regulation 29.

(The Regulations refer to the relevant local government legislation as Part 3 of the Local Government Act 2000. This no longer applies to members of the London Assembly – the relevant legislation is now Chapter 7 of Part 1 of the Localism Act 2011.)

Complaints against PCCs, deputy PCCs and the Deputy Mayor for Policing and Crime (if not a member of the London Assembly at the time the complaint was recorded)

The PCP must make arrangements for informally resolving these complaints. These arrangements can include the appointment of:

- a sub-committee or a single member of the PCP to carry out the informal resolution; or
- a person who is not a member of the PCP, such as the PCC's chief executive (or, in the Metropolitan Police District, the GLA's monitoring officer) – regulation 28(3)

The PCP cannot appoint any relevant office holder to informally resolve a complaint – regulation 28(4).

Where the PCP appoints a sub-committee or person to informally resolve a complaint, the PCP as a whole can take back responsibility for the informal resolution at any time if it considers that this will lead to a more satisfactory resolution of the complaint – regulation 28(5).

Informal resolution of any complaint must be discontinued if the IPCC notifies the PCP that they require the complaint to be referred to them, or if the PCP itself decides that the complaint should be referred – regulation 28(2). The PCP would only decide that the complaint should be referred if matters came to light during the informal resolution which indicated the commission of a criminal offence, thus leading the PCP to reverse its decision as to whether or not the complaint was a serious complaint.

The procedures that are to be available for informal resolution are those which are approved by the Secretary of State and issued in guidance – regulation 28(6). They are as follows:

The Secretary of State approves the use of any procedure devised by a PCP for the informal resolution of complaints provided that the procedure:

- Prohibits the investigation of the complaint (see regulation 28(7));
- Provides an opportunity for the complainant and the person complained against to comment on the complaint as soon as is practicable (see regulation 28(9));
- Provides for any failure by the person complained against to comment on the complaint when invited to do so to be noted in the written record (see regulation 28(10));
- Prohibits the tendering of an apology on behalf of the person complained against unless the person has admitted the alleged conduct and agreed to the apology (see regulation 28(11));
- Provides for a record of the outcome of the informal resolution to be made as soon as practicable after the process is completed and for copies to be provided to the complainant and the person complained against (see regulation 28(12)).

Use by the PCP of their powers to require the person complained against to provide information and documents to the PCP and attend before the PCP to answer questions does not amount to investigation for these purposes – regulation 28(7). 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 amount to investigation.

If a complaint has already been satisfactorily dealt with by the time it comes to the PCP's attention, the PCP may consider it to be resolved and take no further action in relation to it – regulation 28(8).

The PCP may publish its record of the outcome of the informal resolution of the complaint, if it considers publication to be in the public interest having invited the complainant and person complained against to comment, and having considered their views – regulation 28(13).

The only part of a statement made for the purpose of informally resolving a complaint that is admissible in any subsequent criminal or civil proceedings is an admission in relation to another matter which was not the subject of the informal resolution.

5. Provision and recording of information

Address for receipt of complaints

The PCP must notify the PCC (or, in the case of the London Police and Crime Committee, MOPAC) of the name and address of the person to whom members of the public should address complaints. The PCC (or MOPAC) must publish the name and address by such means as the PCP specifies – regulation 30.

Where powers and duties are delegated to the PCC's chief executive or the GLA monitoring officer, it would be sensible for them to be nominated as the person to whom complaints should be sent.

Informing the complainant and relevant office holder

Where a complaint is recorded, the PCP should give a copy of the record to the complainant and the person the complaint has been made against. The identity of the complainant and any others can be kept anonymous in this copy of the record. If the PCP believes it may prejudice criminal investigations or proceedings, or is contrary to the public interest to supply a copy of a complaint, they do not have to provide a copy, but must review that decision regularly.

Keeping of records, and provision of information and access to the IPCC

A PCP must keep a record (of every complaint and purported complaint it receives, every conduct matter it records and every action taken under the Regulations – regulation 34. The format of this record is not specified by the IPCC, but it should include the name, details of the complaint/conduct matter and how the matter has been dealt with. The record must be in a format which is auditable.

A PCP, relevant office holder or chief officer of police must provide information, documents, evidence or other material to the IPCC when required to do so – regulation 35.

A PCP, relevant office holder or chief officer of police must allow a person nominated by the IPCC to have access to any premises occupied, and to documents and other things on the premises – regulation 36. Where the access is required for the purposes of an examination by the IPCC of arrangements for handling complaints or conduct matters under the Regulations, at least 48 hours' notice must be given – regulation 36(3).

Manner of notifications

Where the Regulations require a notification to be given, it is to be given in writing – regulation 37.

6. Glossary

'Informal resolution'

The process of solving a problem in a relaxed or unofficial fashion.

'Investigation'

Carrying out a systematic or formal inquiry to discover and examine the facts of an allegation so as to establish the truth.

'Evidence'

Information or material that is used to establish the truth or validity of a fact or proposition.

7. Frequently asked questions

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

A. 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.

Q. What does 'informal resolution' mean?

A. 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.

Q. What resources are going to be made available to PCPs to help them handle complaints?

A. PCPs will be resourced to perform a vital scrutiny function in relation to the PCC, including work in relation to complaints. They will also be able to delegate the initial handling of complaints to the PCC's chief executive, which could minimise the administrative burden involved. They will retain responsibility for the informal resolution of complaints but will be able to delegate this task to a single panellist, a sub-committee of the panel, or another individual, and to return matters to the full panel if required.

Q. Is there a conflict of interest in the PCC's chief executive having a role with the complaints made against their employer?

A. 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.

8. Other information

For information on the Local Government Ombudsman's role in complaints regarding maladministration, please see <http://www.lgo.org.uk/making-a-complaint/>

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