

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

Report of the Head of Legal Services, 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 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 its 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.

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

9. APPENDICES

9.1 Complaints procedure

9.2 Complaints flow chart

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

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