

# Cambridgeshire Police and Crime Panel

## PROCEDURE FOR DEALING WITH COMPLAINTS RELATING TO THE CAMBRIDGESHIRE POLICE AND CRIME COMMISSIONER AND DEPUTY POLICE AND CRIME COMMISSIONER



# Cambridgeshire Police and Crime Panel Complaints Procedure:

## Dealing with Complaints about the Conduct of the Police and Crime Commissioner for Cambridgeshire

### Detailed Guidance

#### 1. Overview

- 1.1. This procedure deals with complaints about the conduct of the Cambridgeshire Police and Crime Commissioner and/or the Deputy Police and Crime Commissioner, (collectively referred to as “the Commissioner”) in accordance with the requirements of the Police Reform and Social Responsibility Act 2011 (“the Act”) and the Elected Local Policing Bodies (Complaints and Misconduct) Regulations 2012 (“the Regulations”).
- 1.2. Where this procedure is inconsistent with the Act or Regulations, the Act or Regulations will take precedence.
- 1.3. There are separate procedures for complaints against the Commissioner’s office and staff, complaints regarding operational policing, the Chief Constable, and other police officers.

#### 2. Role of Police and Crime Panel in relation to Complaints

- 2.1. The Cambridgeshire Police and Crime Panel (“the Panel”) is responsible for overseeing the handling of complaints regarding non-criminal behavior of the Commissioner, wherever that complaint arises from. Criminal complaints about the Commissioner are dealt with by the Independent Office for Public Conduct (IOPC).
- 2.2. The Panel cannot impose sanctions but may choose to use their powers to require the Commissioner to attend a hearing to answer questions, request information and documents from the Commissioner and publish a report or recommendation.

#### 3. Definition and Concepts

**Complaint** - a general complaint about the conduct of the Commissioner/Deputy Commissioner.

**Conduct Matter** - where there is an *indication* that the Commissioner may have committed a criminal offence which has come to light other than through a complaint. This could be, for example, through legal proceedings or media reporting.

**Serious Complaint** – a complaint where there is an allegation that the Commissioner has committed a criminal offence.

**Recorded Complaints and Conduct Matters Register** – an electronic database which records all complaints against the Commissioner, including the date received, the complainant, a summary of the complaint, the type of complaint (e.g., conduct matter, serious complaint, and general complaint) and any intended action.

## 4. Initial Handling of Complaints

- 4.1. The Panel has delegated responsibility for the initial handling of complaints to the Clerk and Monitoring Officer to the Panel.
- 4.2. Where Complainants are asked to use the complaint form shown at Annex 1 and provide as much detail as possible. Complaints should be submitted to:

The Clerk to the Police and Crime Panel  
Peterborough City Council  
Town Hall  
Bridge Street  
Peterborough  
Cambs PE1 1HF

or by email: [jane.webb@peterbough.gov.uk](mailto:jane.webb@peterbough.gov.uk)

- 4.3. Where a complaint is submitted to the Office of the Police and Crime Commissioner (OPCC) or Members of the Panel, they should be referred immediately to the Monitoring Officer and Clerk for review.
- 4.4. Where a complainant is submitted directly to the IOPC, the IOPC will notify the Panel unless the IOPC considers that there are exceptional circumstances to justify the notification not being given.

### On Receipt of a Complaint

- 4.5. On receipt of a complaint, the Monitoring Officer and Clerk will review the complaint and take one of the following actions:
- 1) If the complaint relates to an issue about local crime/neighbourhood concerns or other operational policing matters rather than the conduct of the Commissioner, it will be referred to Cambridgeshire Constabulary in accordance with their relevant procedures.
  - 2) Conduct matters or serious complaints will be referred directly to the IOPC as soon as is practicable and in any event not later than the end of the following day when it becomes clear that it should be referred and provide a copy of the complaint to the Chief Executive (Monitoring Officer) to the Commissioner within the same timescales.
  - 3) General complaints regarding the conduct of the Commissioner, or complaints, which have been considered by the IOPC and referred back to the Panel, will be referred to the Panel for consideration by way of Informal Resolution.
  - 4) The Monitoring Officer and Clerk, in consultation with the Chair of the Panel, can decide not to refer the complaint for resolution or take no action at all in the following circumstances:
    - A complaint by a member of the Commissioner's staff arising from their work. Such complaints will be referred to the OPCC to be dealt with in accordance with the relevant employment procedures.

- 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.
- A complaint about conduct that is already the subject of another complaint or is not considered to be a conduct complaint
- An anonymous complaint.
- A complaint which is vexatious, habitual, oppressive, trivial, or otherwise an abuse of process for dealing with complaints (detailed in Annex 2).

4.6. If the complaint falls under one of the above circumstances and does not fit the criteria for a complaint, the Clerk will inform the complainant of the decision and it will not be formally recorded.

### **Recording of Complaints**

4.7. The Clerk will record all accepted complaints on the Recorded Complaints and Conduct Matters Register (“the Register”) unless the complaint has already been recorded, it is or has been subject of criminal proceedings or the complaint is withdrawn.

4.8. The Clerk will acknowledge receipt of the complaint, confirm that it has been recorded on the Register and whether the complaint has been referred to the IOPC or whether it will be referred to the Panel. Where possible, complaints should be acknowledged within five working days.

4.9. The Monitoring Officer/Clerk will present a report at each regular meeting of the Panel on complaints which have been accepted and recorded to promote transparency and effective scrutiny.

### **Duty to Obtain and Preserve Evidence**

4.10. When a complaint comes to the attention of the Panel, it is under a duty to secure that all appropriate steps are taken to obtain and preserve evidence in relation to the conduct in question, both initially and from time to time after that.

4.11. The Monitoring Officer and Clerk, in consultation with the Chair of the Panel, will liaise with the IOPC in relation to the obtaining and preservation of evidence.

4.12. The Panel may make formal requests or take such steps as considered expedient or necessary for obtaining and preserving evidence in relation to the conduct in question. This may include requests concerning the disposition of property and resources in the Commissioner’s Office (such as buildings, assets equipment, supplies, accounts, records, information, electronic data etc.) or the Commissioner, an employee of the Commissioner or any person or organisation having a current or past contractual relationship with the Commissioner’s Office, its predecessors or in receipt of grant from such bodies.

4.13. Any person given a direction by the Panel under this Procedure shall comply with it in full and co-operate with the Panel and its authorised Officers in the discharge of their statutory duties under the Regulations.

4.14. The Panel shall be informed of any instances where there has been complete or partial failure to comply with any request regarding evidence.

## 5. Complaints to be dealt with by the Panel – Informal Resolution

- 5.1. The Clerk will provide details of the complaint to the Commissioner and invite them to respond to the complaint. The Commissioner will usually be given two weeks in which to provide their response.
- 5.2. The Monitoring Officer/Clerk will prepare a report for the Panel (or if appropriate a sub-Committee of the Panel), setting out the pertinent details of the complaint and the Commissioner's response to the complaint. The report will also detail the relevant legislation, regulations, and guidance with recommendations on the next steps.
- 5.3. The Monitoring Officer/Clerk will share a copy of the draft report with the Complainant and the Commissioner and offer the opportunity to comment on matters of fact within the draft report. They will also be asked to make representations as to whether the outcome of the complaint should be published. The Complainant and the Commissioner will usually be given at least seven days to provide their comments/representations.
- 5.4. The Monitoring Officer/Clerk will finalise the report, including any comments/representations received by the Complainant and/or Commissioner, to be presented at a meeting of the Panel.
- 5.5. The Panel will consider whether the complaint has been satisfactorily dealt with and, subject to any representations by the complainant, may decide to treat the complaint as having been resolved. In such a case, the Panel's reasons will be recorded and notified to the parties.
- 5.6. If the Panel believes that the matter has not yet been satisfactorily dealt with, it will determine the most suitable course of action to assist informal resolution, considering any applicable guidance issued by the Secretary of State and any applicable guidance issued by the IOPC. Any such action plan will include an indicative timeframe.
- 5.7. In determining the most suitable course of action, the Panel may request that the Commissioner provides information or attends before the Panel to answer questions.
- 5.8. The Panel shall have regard to:
  - The Code of Conduct of the Commissioner
  - Whether the complaint discloses a specific conduct failure identifiable with the Code of Conduct of the Commissioner
  - Whether the complaint related to operational policing matters which the Commissioner has no authority over; and
  - The remedies available to it.
- 5.9. Informal resolution may not involve an investigation and it not a disciplinary process. The intention is for the procedure to be flexible so it can be adapted to individual circumstances. The aim is to resolve a complaint to the satisfaction of the parties involved. For example, the Commissioner may agree that an apology would be appropriate, an explanation might resolve the concern, or an agreement on how to move forward may be reached following mediation.
- 5.10. In considering the complaint, the Panel will meet in private. The Panel can take any steps that it considers appropriate to resolve the complaint provided that those steps do not amount to a sanction. Such steps may include (but are not limited to):

- Requesting the Monitoring Officer to write an explanatory letter to the complainant on behalf of the Panel.
- Requesting that an officer of the OPCC write an explanatory letter to the complainant
- Suggesting a change to the OPCC's policy
- Requesting that the Commissioner apologise in respect of the conduct complained of (no apology may be tendered on behalf of the Commissioner unless they have admitted the alleged conduct and agreed to the apology).

5.11. The Panel will consider whether the outcome of the complaint shall be published. The Panel shall not publish any part of any such record unless the Panel:

- 1) Has given the complainant and Commissioner the opportunity to make representations in relation to the proposed publication; and
- 2) Having considered any such representations, is of the opinion that publication is in the public interest.

5.12. If, at any stage, the IOPC informs the Panel that it requires the complaint to be referred to it, or the Monitoring Officer/Clerk, in consultation with the Chair of the Panel, decides that the matter has a criminal element and therefore needs to be referred to the IOPC, the informal resolution process will be discontinued.

### **Notification of the Outcome of Complaints**

5.13. A record of the outcome (decision notice) must be made as soon as practicable after the process is completed. Copies must be provided to the complainant and the person complained against. The Clerk will usually aim to do this within seven days of the Panel meeting.

5.14. If applicable, the Clerk will arrange for the outcome of the complaint to be published.

### **6. Withdrawn Complaints**

6.1. A complainant can withdraw or discontinue their complaint at any time by notifying the Panel in writing (addressed to the Clerk and signing the notification). The Clerk will record the complaint as having been withdrawn on the Register.

6.2. Where a complaint has been referred to the IOPC, the Clerk will notify the IOPC of the complainant's notification of withdrawal/discontinuance.

6.3. The Panel may decide not to treat the complaint as withdrawn, but to treat it as a Conduct Matter and refer it to the IOPC in accordance with the procedure referred to above. This decision will be made by the Monitoring Officer/Clerk in consultation with the Chair of the Panel.

6.4. The Monitoring Officer/Clerk will notify the Commissioner that the complainant has withdrawn or discontinued their complaint and if it is a matter that the Panel intends to refer to the IOPC as a Conduct Matter or Serious Complaint.

## **7. Conduct Occurring outside England and Wales**

- 7.1. The Commissioner has a duty to notify the Panel of any allegation, investigation, or proceedings in relation to their conduct which would otherwise be a Conduct Matter under the Regulations only by reason of the fact that the conduct in question did not occur in England or Wales.
- 7.2. If the Panel receives such a notification from the Commissioner, then they shall handle it in whatever manner (if any) that the Panel thinks fit.
- 7.3. Accordingly, by no later than the end of the working day following the day on which the investigation, allegation, or proceedings (as above) comes to their attention, the Commissioner shall notify the Panel via the Clerk in writing of the matter.

## **8. Record Keeping and Provision of Information**

- 8.1. The Register and records relating to complaints against the Commissioner will be retained for 12 months after the Commissioner leaves office.
- 8.2. On receipt of a notification from the IOPC for documents or information from the Panel, the Clerk shall provide all such information, documents and evidence as requested to the IOPC.

## **9. Appeals**

- 9.1. There is no right of appeal to informal resolution.
- 9.2. Where all other procedures have been exhausted and the complainant is still not happy about the way their complaint has been handled, they can refer the matter to The Local Government and Social Care Ombudsman. Contact details can be found at <https://www.lgo.org.uk/make-a-complaint> or by telephone contacting 0300 061 0614

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