

CAMBRIDGESHIRE POLICE AND CRIME PANEL	Agenda Item No. 11
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COMPLAINTS GUIDANCE – COVER REPORT

1. PURPOSE

- 1.1 To present to the Panel a revised and updated procedure for dealing with complaints and conduct matters against the Police and Crime Commissioner (“the Commissioner”).
- 1.2 The Elected Local Policing Bodies (Complaints and Misconduct) Regulations 2012 set out the functions of the Police and Crime Panel in relation to the handling of complaints concerning the conduct of Police and Crime Commissioner and Deputy Police Commissioner.
- 1.3 The Panel is required to adopt a procedure which is consistent with the Regulations for dealing with complaints against the Commissioner. The Panel last reviewed and made changes to the “Procedure for dealing with complaints and conduct matters about the Cambridgeshire Police Crime and Commissioner and/or Deputy Police and Crime Commissioner at its meeting in October 2012.

An updated Complaints Policy and appendices were taken to the September meeting of the Police and Crime Panel where it was agreed that further changes should be made to the policy before being brought back to the next meeting of the Panel for review and adoption. These further changes have been made and provisionally agreed by the Chair, Vice Chair, Monitoring Officer, and Democratic Services Officer.

- The Complaints Guidance has been further amended after meetings the Chair/Vice Chair, Monitoring Officer, and Democratic Services Officer.
- The Habitual and Vexatious Report has been refocused to consider the comments made at the previous Panel meeting and is now entitled “Note on the Management of Unreasonable Complainant Behaviour”.
- The Quick Guide to Complaints now appears on two pages instead of three.
- The Flowchart has been added

This report sets out those final proposals for the Panel to consider and formally adopt.

2. RECOMMENDATIONS

- 2.1 It is recommended that the Panel:
 - (a) Comment on the revised draft Procedure, making any further amendments it considers necessary; and
 - (b) Approve the draft Procedure for implementation and application to any complaint received going forward.

- (c) Delegate authority to the Democratic Services Officer of the Panel, in consultation with the Monitoring Officer and Chair of the Panel, to make any further amendments to the Procedure, ensuring it is in an accessible format.

3. BACKGROUND

- 3.1 The Police Reform and Social Responsibility Act 2011 (“the Act”) sets out the role and responsibilities of the Police and Crime Panel, which includes the handling of complaints relating to the Police and Crime Commissioner (“the Commissioner”) and Deputy Police and Crime Commissioner (“the Deputy”).

In accordance with the Act and the Elected Local Policing Bodies (Complaints and Misconduct) Regulations 2012 (“the Regulations”), the Panel first adopted Procedures for dealing with complaints and conduct matters about the Commissioner in October 2012. The Procedure adopted at that time was based on the model procedures adopted by most Police and Crime Panels.

Under the legislation, responsibility for dealing with complaints against the Commissioner/Deputy is within the remit of the Panel. However, the complaints operate within a very narrow statutory framework.

Where a complaint is received, which is not a conduct matter or a serious complaint matter, it falls to the Panel to consider by way of informal resolution. The Panel has no powers to investigate complaints but can request the Commissioner/Deputy to provide information or attend the Panel to answer questions. The Panel also has no powers to impose sanctions.

The informal resolution process is not a disciplinary process but is intended to facilitate the resolution of complaints to the satisfaction of the parties involved. The intention is that the Procedure can be flexible to adapt to the circumstances of the complaint.

5. Proposed Changes to the Procedure

Under the Regulations, the Panel may delegate responsibility for the initial handling of complaints to the Chief Executive and Monitoring Officer for the Commissioner’s office.

The Panel had previously delegated this responsibility to the Commissioner’s Chief Executive. However, where it is considered that there may be a conflict, the Procedure provides that this can be referred to the Democratic Services Officer/Monitoring Officer to the Panel to determine whether it is a matter for the Panel or the IOPC (Independent Office for Public Conduct) to determine.

It was considered it would help promote transparency and accountability if the potential for the perception of conflict was addressed. The revised process would ensure that any perception of conflict is removed, given that the Chief Executive reports to the Commissioner.

It is therefore proposed to the Panel that the responsibility for the initial handling of complaints be delegated by the Panel to the Democratic Services Officer/Monitoring Officer of the Panel in accordance with section 101(2) of the Local Government Act 1972, which allows a committee to arrange for its functions to be discharged by an Officer.

As the Procedure had not been updated since 2012, it was considered to be quite difficult to follow in places as it mirrored the Regulations, which might prevent members of the public from being able to understand how to raise their concerns. The Democratic Services Officer was therefore requested to review the Procedure to see if it could be streamlined, simplified, and re-ordered to make it easier for the public to follow and this is reflected in the revised version, which now also includes a Quick Guide, a flowchart, and a complaints form.

A procedure for dealing with habitual and vexatious complaints has also been added to the process, following best practice examples from other authorities, which will offer a clear steer on how this type of complaint will be dealt with when it occurs.

Considerations for the Panel

In considering the proposed revisions to the Procedure, the Panel may wish to consider the LGA (Local Government Association) guidance, which recommends that Panels consider the following:

- Responsibility for all types of complaint is clearly set out;
- Considering whether it is appropriate for the Chair of the Panel to see all complaints;
- Having clear guidance for recording complaints;
- Developing clear communication to explain what is happening to members of the public;
- Having a process to take back and conclude complaints when received back from the IOPC.

6. IMPLICATIONS

6.1 N/A

7. CONSULTATION

7.1 N/A.

8. NEXT STEPS

8.1 If the Panel consider any further amendments are necessary, to delegate authority to make further changes to the Democratic Services Officer/Monitoring Officer in conjunction with the Chair/Vice Chair following the adoption of the new procedures at the meeting.

9. BACKGROUND DOCUMENTS

[IOPC - Operational Advice Notes to Police and Crime Panels](#)

LGA Guidance – Good Practice for Police and Crime Panels good-practice-police-and--50a.pdf (local.gov.uk)

10. APPENDICES

- 10.1
- 1. Draft – New Complaints Guidance
 - 2. Note on the Management of Unreasonable Complainant Behaviour
 - 3. Complaints Form
 - 4. Quick Guide - Complaints
 - 5. Flowchart

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