

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:

Detailed Guidance for dealing with Complaints about the Conduct of the Police and Crime Commissioner for Cambridgeshire

1. Overview

- 1.1. This procedure deals with complaints about the conduct of the Cambridgeshire Police and Crime Commissioner (PCC) and/or the Deputy Police and Crime Commissioner (DPCC), 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 PCC’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 and Conduct Matters regarding non-criminal behaviour of the PCC, wherever that complaint arises from. Allegations of criminal conduct about the PCC 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 PCC to attend a hearing to answer questions, request information and documents from the PCC and publish a report or recommendation.

3. Initial Handling of Complaints

- 3.1. The Panel has delegated responsibility for the initial handling of complaints to the Senior Democratic Services Officer (Police and Crime) (DSO) and Monitoring Officer to the Panel (MO).
- 3.2. 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 Senior Democratic Services Officer (Police and Crime)
Peterborough City Council
Town Hall
Bridge Street
Peterborough
Cambs PE1 1HF

Or by email: democratic.services@peterborough.gov.uk

- 3.3. Where a complaint is submitted to an officer at the OPCC or a Member, they must refer it immediately to the DSO or MO.
- 3.4. Where a complaint is submitted directly to the IOPC, the IOPC will notify the DSO unless the IOPC considers that there are exceptional circumstances to justify the notification not being given.
- 3.5. Where any Member or officer with responsibility to support the Panel becomes aware of possible misconduct, that person has a duty to report the matter to the DSO or MO.

On Receipt of a Complaint

- 3.6. Any communication to the DSO that does not relate to Misconduct will be forwarded to the relevant authority, including but not limited to:
- Information about a crime or possible criminal activity that does not involve the PCC or DPCC will be referred to Cambridgeshire Constabulary.
 - Information about potential misconduct by a Member will be referred to their accountable local authority (i.e., the authority from which they were appointed to the Panel). In the case of co-opted independent Members, it is the Panel's Accountable Authority.
 - Information about potential misconduct by an officer in the OPCC will be referred to the monitoring officer for the OPCC.
 - Information about potential misconduct by an officer supporting the Police and Crime Panel will be referred to the MO of the Panel's Accountable Authority or, if the information relates to the MO, to the Chief Executive of the Panel's Accountable Authority.
- 3.7. On receipt of an allegation, the DSO and MO will record and acknowledge receipt of the allegation within five working days; review it and take one of the following actions:
- In the case of an allegation about Serious Misconduct, they will refer the matter directly to the IOPC as soon as is practicable and, in any event, not later than the end of the following working day when it becomes clear that that matter may amount to Serious Misconduct. They will provide a copy of the allegation to the Chief Executive of the OPCC at the same time as contacting the IOPC.
 - The MO and DSO 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 in connection with their work. Such complaints will be returned to the complainant with the advice to submit their complaint to the Chief Executive of the OPCC to be dealt with in accordance with the relevant employment procedures.
 - A complaint that relates to an incident 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 Matter.
 - 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).

- In all other cases, the DSO and MO will refer the matter to the Panel for informal resolution in accordance with section 5.

Recording of Complaints

- 3.8. The DSO will record all complaints that are to be proceeded with on the Recorded Complaints and Conduct Matters Register (“the Register”) unless the complaint has already been recorded or is withdrawn by the complainant.
- 3.9. Any complaint or information that does not relate to misconduct will not be recorded in the Register.
- 3.10. The DSO 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.
- 3.11. The MO/DSO will present a report to the Panel, on an annual basis, on the number of complaints which have been accepted, recorded and concluded.
- 3.12. The register and records relating to complaints against the PCC will be retained until 12 months after the PCC leaves the office.
- 3.13. On receipt of a request from the IOPC for documents, information or evidence from the Panel, the DSO shall provide these to the IOPC.

Duty to Obtain and Preserve Evidence

- 3.14. When a complaint comes to the attention of the Panel, it is under a duty to ensure that all appropriate steps are taken to obtain and preserve evidence in relation to the alleged misconduct, both initially and from time to time after that. Guidance issued by the IOPC should be followed: - [IOPC Guidance - Preservation of evidence](#)
- 3.15. The Panel may make formal requests or take such steps as considered expedient or necessary for obtaining and preserving evidence in relation to the alleged misconduct. This may include requests
 - To provide all information and documents specified or described in a notification given by the DSO/MO,
 - To the PCC, an employee of the PCC or any person or organisation having a current or past contractual relationship with the PCC’s Office, its predecessors or in receipt of grant from such bodies.
- 3.16. 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.

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

4. Complaints referred to the IOPC and referred back to the Panel for Informal Resolution

- 4.1. There are occasions when the IOPC decides that complaints that have been referred to them do not need to be processed by themselves and therefore these complaints are then passed back to the Panel to be dealt with via Informal Resolution, in accordance with section 5.

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

- 5.1. The DSO will provide details of the complaint to the PCC and invite them to respond to the complaint. The PCC will usually be given ten working days in which to provide their response.
- 5.2. Procedures for informal resolution must not include investigation of the complaint. The panel's use of its powers to require the PCC to provide information and attend the panel to answer questions does not amount to investigation. However, any other step intended to gather information about the complaint, other than inviting the comments of the complainant and the PCC, will amount to investigation.
- 5.3. The Panel's duty is to endeavour to resolve a complaint to the satisfaction of the parties involved. For example, the PCC may agree to provide an apology and/or an explanation, or to take certain actions, or to participate in mediation to seek a resolution. (See 5.11 for further details.)
- 5.4. The MO/DSO will prepare a confidential report, setting out the pertinent details of the complaint and the PCC's response to the complaint. The report will also detail the relevant legislation, regulations, and guidance with recommendations on the next steps.
- 5.5. The MO/DSO will share a copy of the draft report with the Complainant and the PCC 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 PCC will usually be given at least ten working days to provide their comments/representations.
- 5.6. The MO/DSO will finalise the report, including any comments/representations received by the Complainant and/or PCC, to be presented at a meeting of the Panel.
- 5.7. The Panel will consider whether the allegation 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.
- 5.8. 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 Home Office and the IOPC. Any such action plan will include an indicative timeframe.

- 5.9. In determining the most suitable course of action, the Panel may request that the PCC provides information or appears before the Panel to answer questions.
- 5.10. The Panel shall have regard to:
- The Oath of Acceptance of Office/Code of Ethics for Policing signed by the PCC
 - Whether the complaint discloses a specific conduct failure identifiable with the Code of Conduct of the PCC
 - Whether the complaint related to operational policing matters which the PCC has no authority over; and
 - The remedies available to it.
- 5.11. In considering an allegation, 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 MO 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 an OPCC policy
 - Requesting that the PCC apologises in respect of the conduct complained of (no apology may be tendered on behalf of the PCC unless they have admitted the alleged conduct and agreed to make the apology).
- 5.12. The Panel will consider whether the outcome of the complaint should be published. The Panel shall not publish any part of any such record unless the Panel:
- Has given the complainant and PCC the opportunity to make representations in relation to the proposed publication; and
 - Having considered any such representations, is of the opinion that publication is in the public interest.
- 5.13. If, at any stage, the IOPC informs the Panel that it requires the complaint to be referred to it, or the MO determines it should be referred to the IOPC, the informal resolution process will be discontinued.

6. Communication about outcome of complaints

- 6.1. 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 DSO will usually aim to do this within five working days of the Panel meeting.
- 6.2. If applicable, having regard to 5.10 above, the DSO will arrange for the outcome of the complaint to be published.

7. Withdrawn Complaints

- 7.1. A complainant can withdraw or discontinue their complaint at any time by notifying the Panel in writing/or by email (addressed to the DSO and signing the notification). The DSO will record in the Register that the complaint has been withdrawn or discontinued.

- 7.2. Where a complaint has been referred to the IOPC, the DSO will notify the IOPC of the complainant's notification of withdrawal/discontinuance.
- 7.3. If there was sufficient evidence to show that a criminal conduct had taken place, then the MO 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 MO/ DSO in consultation with the Chair of the Panel.
- 7.4. The MO/DSO will notify the PCC that the complainant has withdrawn or discontinued their complaint and if it is a matter that the MO intends to refer to the IOPC as possible criminal activity.

8. Conduct Occurring outside England and Wales

- 8.1. The PCC 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.
- 8.2. 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 PCC shall notify the Panel via the DSO in writing of the matter.
- 8.3. If the Panel receives such a notification from the PCC, then they shall handle it in whatever manner (if any) that the Panel thinks fit.

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

10. Definition and Concepts

Accountable authority: the local authority that has legal responsibility for the Police and Crime Panel or its members. For the Panel, that is Peterborough City Council.

Allegation: a claim or assertion that someone has done something illegal or wrong

Cambridgeshire Police and Crime Panel ('the Panel'): the body constituted under the Police Reform and Social Responsibility Act 2011 to scrutinise and support the Cambridgeshire Police and Crime Commissioner and their deputy (if one is appointed).

Complaint: any expression of dissatisfaction about the Police and Crime Commissioner (PCC) or Deputy Police and Crime Commissioner (DPCC) that is expressed by or on behalf of a member of the public.

Serious misconduct– an allegation that the PCC or DPCC has conducted themselves in a way that, in the view of the IOPC, should be investigated as a criminal matter.

Complainant: the individual or group of individuals making a complaint, which may or may not amount to a Complaint.

Conduct Matter - where there is an *allegation* that the Commissioner may have done something wrong or committed a criminal offence which may come to light other than through a complaint (for example through legal proceedings or media reporting).

Democratic Services Officer (DSO): the officer at the accountable local authority for the Police and Crime Panel, appointed to provide democratic services to the Panel.

Independent Office for Public Conduct (IOPC): the body set up by government to investigate allegations of criminal activity by police officers and staff, Police and Crime Commissioners, Deputy Police and Crime Commissioners, and various other holders of public office.

Member: member appointed to the Cambridgeshire Police and Crime Panel.

Misconduct: conduct by the Commissioner or Deputy Commissioner that is incompatible with standards in public life, including all statutory requirements, the seven Nolan Principles and any other standards to which the Commissioner has voluntarily subscribed.

Monitoring Officer (MO): the legally qualified officer at the accountable local authority for the Police and Crime Panel, appointed to provide legal advice and direction to the Panel.

Office of the Police and Crime Commissioner (OPCC): the staff employed to support the Commissioner and delivery of the Police and Crime Plan.

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.