

Cambridgeshire and Peterborough Police and Crime Panel Public Complaints Procedure

1. Introduction

This procedure deals with complaints about the conduct of the Police and Crime Commissioner for Cambridgeshire and Peterborough (the PCC) and/or the Deputy Police and Crime Commissioner (the DPCC), as required by the Police Reform and Social Responsibility Act 2011 (the Act).

The appropriate regulations are the Elected Local Policing Bodies (Complaints and Misconduct) Regulations 2012 (the Regulations) and nothing in this procedure overrules the provisions of those Regulations. To be clear, where a conflict is identified in this guidance with the provisions of the Regulations, the Regulations will take precedence.

2. Role of the Police and Crime Panel under the Regulations

The Cambridgeshire and Peterborough Police and Crime Panel (the Panel) is given specific functions under the Regulations as to the handling and determination of complaints against the PCC and/or the DPCC. In accordance with the Regulations, the Panel have delegated the initial handling of complaints to the PCC's Chief Executive (the Chief Executive), given the expertise required in the complex police complaints process.

The Chief Executive will make a formal recording of decisions on complaints to ensure that complaints received are correctly identified and that other complaints (for example complaints about the PCC's staff or the Police Force) are directed elsewhere as appropriate and in a timely fashion. The recording decision is based on the nature of the complaint made as per the Regulations.

The Chief Executive will meet the Panel Chair prior to each Panel meeting to review any complaints received, whether they were formally recorded or not. The Chair and Chief Executive can meet to discuss complaints at any other time as deemed necessary.

In order to enable appropriate decision making and oversight, as required in the legislation, out of necessity there will be sharing of personal data between the Chief Executive, the Chair of the Panel and the Panel officers DSO (Democratic Services Officer) and MO (Monitoring Officer) regarding complaint matters.

3. Key Concepts

If the Chief Executive records a complaint that is defined as a “serious complaint” (i.e. one which constitutes or involves or appears to constitute or involve the commission of a criminal offence) it must be referred to the Independent Office for Police Conduct (IOPC). On referring a recorded complaint to the IOPC, the Chief Executive must notify the Complainant and the person complained about of the referral, unless it appears to the Chief Executive that notifying the PCC and/or the DPCC might prejudice a possible future investigation.

The Chief Executive will notify the Panel Chair, MO and DSO of any complaints recorded and of any referrals to the IOPC.

Where the IOPC determines that it is not necessary for it to investigate a recorded complaint, it may refer the complaint back to the Panel, who must deal with the referral in accordance with the “Resolution of other complaints” section (see below).

Other recorded complaints that are not referred to the IOPC, will be dealt with by way of informal resolution.

4. Resolution of other (non-criminal) complaints

The Regulations provide for a number of scenarios for informally resolving complaints. The Chair will determine the appropriate approach on a case by case basis in accordance with the Regulations and guidance issued. The Regulations specifically prohibit an investigation, but the Panel may ask for information from the PCC, request an apology or explanation or participation in mediation in endeavouring to resolve a complaint to the satisfaction of the parties involved.

5. Communication about outcome of complaints

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.

If applicable the DSO will arrange for the outcome of the complaint to be published.

6. Withdrawn and Discontinued Complaints

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.

Where a complaint has been referred to the IOPC, the DSO will notify the IOPC of the Complainant's notification of withdrawal/discontinuance. If there was sufficient evidence to show that a criminal conduct had taken place, then the Chief Executive in consultation with the MO and Chair of the Panel may decide not to treat the complaint as withdrawn, but to treat it as a Conduct Matter and the Chief Executive will refer it to the IOPC in accordance with the procedure referred to above.

7. Appeals

There is no right of appeal against the decisions taken following receipt of a complaint. If a Complainant is unhappy about the way their complaint has been handled, they can refer the matter to the IOPC or the Local Government Ombudsman and request that an investigation is carried out on their behalf.

8. Making complaints about the PCC and/or the DPCC

All complaints are to be made to the PCC's Chief Executive ("the Chief Executive"), they can be contacted in the following ways:

By post:

Office of the Police and Crime Commissioner for Cambridgeshire and Peterborough
Cambridgeshire Constabulary Headquarters
Hinchingsbrooke Park
Huntingdon
PE29 6NP

By email:

cambs-pcc@cambs.police.uk

By telephone:

0300 333 3456

We reserve the right to modify or change these conditions at any time.

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