



**LEICESTER, LEICESTERSHIRE AND RUTLAND POLICE AND
CRIME PANEL: 24 MARCH 2024**

COMPLAINTS SUBCOMMITTEE PROCEDURE

**REPORT OF THE DIRECTOR OF LAW AND GOVERNANCE –
LEICESTERSHIRE COUNTY COUNCIL**

Purpose of the Report

1. This report is intended to seek approval from the Police and Crime Panel to formally establish a subcommittee to deal with the consideration of complaints about the conduct of the Police and Crime Commissioner (the PCC) and/or the Deputy Police and Crime Commissioner (the DPCC), for Leicester, Leicestershire and Rutland by Subcommittee.

Policy Framework and Previous Decisions

2. The responsibility for dealing with complaints against the PCC or DPCC is vested in the Panel by virtue of s31 and Schedule 7 Police Reform and Social Responsibility Act 2011 and the Elected Local Policing Bodies (Complaints and Misconduct) regulations 2012 (as amended).
3. At its meeting on 20 December 2012, the Panel delegated authority to the County Solicitor (now the Director of Law and Governance) to:
 - (a) act as the first point of contact for complaints.
 - (b) make decisions in consultation with the Chairman of the Panel as to whether -
 - a complaint has been made which requires resolution under the complaints procedure;
 - that complaint should be referred to the Independent Police Complaints Commission (IOPC);
 - the complaint should be subject to the informal resolution process.
 - (c) make arrangements for the process of informal resolution.

- (d) in consultation with the Chairman and Vice Chairman, to resolve complaints informally or to arrange for a meeting of the Sub-Committee of the Panel to resolve complaints informally.
- 4. The proposed procedure is intended to supplement the arrangements approved by the Panel in 2012 and to address 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). If there is any conflict between this procedure and the Act or Regulations, then the Act and Regulations will take precedence, and the procedure will be interpreted accordingly.

Background

Role of the Police and Crime Panel Subcommittee

- 5. The relevant legislation provides that a recorded complaint against the PCC and/or the DPCC, shall be dealt with by way of informal resolution. Procedures for informal resolution shall not include a formal investigation of the complaint but the PCC and/or the DPCC may be asked to provide documents in relation to the complaint and to attend a meeting to answer questions and/or provide information to the Subcommittee.
- 6. Informal resolution may not involve an investigation, and it is 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.
- 7. Complaints which are defined in the legislation as a 'conduct matter' or 'serious complaint' are outside of the scope of the Police and Crime Panel process.

The proposed procedure is appended to this report and sets out the intended process for informal resolution.

- 8. This is as provided for in the approved procedures and part 4 of the Panel's Constitution which provides that authority is delegated to the Director of Law and Governance, in consultation with the Chairman and Vice-Chairman, to:
 - i. resolve complaints informally; or,
 - ii. arrange for a meeting of a sub-committee to be drawn from the full membership of the Police and Crime Panel, to resolve complaints informally.
- 9. At present there are no formal terms of reference for the Subcommittee and this report is intended to address that.

Membership of the Subcommittee

10. The Subcommittee shall consist of three members appointed according to the overall political balance of the Panel.
11. The Director of Law and Governance will be responsible for reviewing the membership of the Panel in the light of the balanced appointment objective for Police and Crime Panels.

Recommendations

12. That members of the Panel are asked to approve the proposed procedure for the subcommittee to deal with the consideration of complaints about the conduct of the Police and Crime Commissioner (the PCC) and/or the Deputy Police and Crime Commissioner (the DPCC), for Leicester, Leicestershire and Rutland by Subcommittee in accordance with the delegation referred to in paragraph 8 above.

Background Papers

13. Part 4 of Police and Crime Panel Constitution:
<https://www.leicestershire.gov.uk/sites/default/files/2024-10/LLR-police-and-crime-panel-constitution-making-complaints.pdf>

Circulation under the Local Issues Alert Procedure

14. None

Equality Implications

15. There are no equality implications arising from the recommendations in this report.

Human Rights Implications

16. There are no human rights implications arising from the recommendations in this report.

Appendices

Complaints Subcommittee Procedure

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