

## **LEICESTER, LEICESTERSHIRE AND RUTLAND POLICE AND CRIME PANEL**

### **COMPLAINTS SUBCOMMITTEE PROCEDURE**

#### **Introduction**

1. This procedure deals 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 the Police and Crime Panel Subcommittee, in accordance with the direction and delegation made by the Police and Crime Panel at its meeting on 20th December 2012.
2. This procedure is intended 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.

#### **Role of the Police and Crime Panel Subcommittee**

3. 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. 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. For example, the PCC/DPCC 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.
4. 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. A conduct matter is defined as any situation where there is an indication (whether from the circumstances or otherwise) that the PCC or DPCC may have committed a criminal offence. Conduct matters can arise without a formal complaint being made, such as from press reports. Serious complaints are a specific type of conduct matter that involves or appears to involve the Commission of a criminal offence. Both serious complaints and conduct matters must be notified to the IOPC which then takes responsibility for investigating them.

### **Procedure for informal resolution**

5. Details of the complaint will be provided to the PCC or DPCC and they will be invited to respond to the complaint within ten working days where possible.
6. The Monitoring Officer will prepare a report for the Subcommittee or Panel setting out the relevant details of the complaint and the PCC/DPCCs response to the complaint.
7. The Monitoring Officer will share a copy of the draft report with the complainant and the PCC/DPCC 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/DPCC will usually be given ten working days to provide their comments/representations.
8. The Monitoring Officer will finalise the report, including any comments/representations received by the complainant and/or PCC/DPCC, to be presented at a meeting of the Panel. If no comments/representations are received within the time allowed this will be recorded.
9. The Subcommittee will consider whether the complaint has been satisfactorily dealt with through the exchange of information comments and representations referred to above and 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.
10. If the Subcommittee believe 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 or other relevant body. Any such action plan will include an indicative timeframe.
11. In considering the complaint, the Subcommittee will meet in private but it may request that the PCC/DPCC to provide information or attend before the subcommittee to assist with the informal resolution process.
12. The Subcommittee 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
  - The remedies available to it.
13. The Subcommittee can take any steps that it considers appropriate to resolve the complaint informally 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 Subcommittee

- 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 PCC /DPCC apologises in respect of the conduct complained of noting that no apology may be tendered on behalf of the PCC/DPCC unless they have agreed to the apology.
14. The Subcommittee will consider whether the outcome of the complaint shall be published but no publication shall take place unless the Subcommittee has
- given the complainant and PCC/DPCC 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.
15. If, at any stage, the IOPC informs the Subcommittee that it requires the complaint to be referred to it, or if the Monitoring Officer in consultation with the Chair of the Police and Crime Panel, determine that it should be referred to the IOPC, the informal resolution process will be discontinued.

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

16. A record of the outcome must be made as soon as practicable after the process is completed. Copies must be provided to the complainant and the PCC/DPCC. The Monitoring Officer or Democratic Services Officer will usually aim to do this within ten working days of the Subcommittee meeting. If applicable, arrangements will be made for the outcome of the complaint to be published.

#### **Appeals**

17. There is no right of appeal to informal resolution. Where all other procedures have been exhausted and the complainant is dissatisfied 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>

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