

AGENDA

KENT AND MEDWAY POLICE AND CRIME PANEL - COMPLAINTS SUB-COMMITTEE

Dear Councillor

Notice is hereby given that a meeting of the **KENT AND MEDWAY POLICE AND CRIME PANEL - COMPLAINTS SUB-COMMITTEE** will be held in the **Cabinet Room - Sessions House, County Hall, Maidstone ME16 1XQ** on **Thursday, 28th October, 2021, at 10.00 am** when the following business will be transacted

Members of the public who require further information are asked to contact Anna Taylor on 03000 416478.

Membership

Councillor Ashley Clark	Canterbury City Council
Councillor Shane Mochrie-Cox	Gravesham Borough Council
Councillor Peter Fleming	Sevenoaks District Council
Councillor Richard Palmer	Swale Borough Council
Ms Elaine Bolton	Independent Member

UNRESTRICTED ITEMS

(During these items the meeting is likely to be open to the public)

- 1 Election of Chairman
- 2 Apologies and Substitutes
- 3 Police and Crime Commissioner Code of Conduct (Pages 1 - 4)
- 4 Police and Crime Panel Policy for Handling Complaints about the Police and Crime Commissioner (Pages 5 - 8)
- 5 Motion to Exclude the Press and Public

That under Section 100A of the Local Government Act 1972 the press and public be excluded from the meeting for the following business on the grounds that it involves the likely disclosure of exempt information as defined in paragraphs 1 & 2 of part 1 of Schedule 12A of the Act.

EXEMPT

(During these items the meeting is likely NOT to be open to the press and public)

6 Complaint Ref: OPCC/MS/PCC/05/21 (Pages 9 - 10)

7 Appendix A (Pages 11 - 12)

Benjamin Watts
General Counsel
03000 416814

Wednesday, 20 October 2021

Police and Crime Commissioner - Code of Conduct

Introduction

1. This Code applies to me in the office of Police and Crime Commissioner when acting or representing to act in that role.
2. This code does not apply when I am acting in a purely private capacity.
3. I have adopted this code and have agreed to abide by its provisions.
4. The Policing Protocol provides that all parties will abide by the seven principles set out in Standards in Public Life: First Report of the Committee on Standards in Public Life (known as the 'Nolan Principles').
5. I agree to abide by the Nolan Principles which are set out below:

The Seven Principles of Public Life

Selflessness - Holders of public office should act solely in terms of the public interest. They should not do so in order to gain financial or other material benefits for themselves, their family, or their friends.

All gifts and hospitality offered to me or staff working in my Office (whether accepted or refused) are fully listed on my website, regularly updated and scrutinised by my Monitoring Officer.

View my [Gifts and Hospitality Register](#).

Integrity - Holders of public office should not place themselves under any financial or other obligation to outside individuals or organisations that might seek to influence them in the performance of their official duties.

I am acutely aware of my statutory responsibilities as Police and Crime Commissioner and the damage that can be caused by people in public office who have their duties influenced (or perceived influence). Accordingly, I maintain the highest levels of integrity in this area and have the additional safeguard of a Monitoring Officer whose statutory responsibility is to report on matters they believe are, or are likely to be, illegal or represent misconduct related to my role.

Read about my [Chief Executive/Monitoring Officer](#).

View my [Oath](#).

Objectivity - In carrying out public business, including making public appointments, awarding contracts, or recommending individuals for rewards and benefits, holders of public office should make choices on merit.

On 7 May 2021 I took an oath of integrity and transparency to the people of Kent and fully intend to uphold this. As Police and Crime Commissioner, all decisions I take, whether that be awarding contracts, making appointments, or other responsibilities that come with the role of Commissioner, shall be based on open and transparent criteria and in-line with statutory requirements.

View my [Oath](#).

View my list of [contracts](#).

View my [spend and grants over £500](#).

Accountability - Holders of public office are accountable for their decisions and actions to the public and must submit themselves to whatever scrutiny is appropriate to their office.

I aspire to be an accessible Police and Crime Commissioner so the people of Kent can hold me to account for all my decisions and actions. To achieve this, I will maintain a wide-ranging engagement schedule which includes public events and responding to correspondence as well as being present on social and print media.

Find out about my [public consultations](#) and [engagement with local people and partners](#).

Find out how I am [held to account](#).

Openness - Holders of public office should be as open as possible about all the decisions and actions that they take. They should give reasons for their decisions and restrict information only when the wider public interest clearly demands.

All formal decisions, papers for public meetings and minutes will be accessible on my website. The core purpose of good governance in public services is to ensure public bodies take informed, transparent decisions and manage risk. All decisions and actions I take are underpinned by the following principles:

- Transparency
- Openness
- Proportionality
- Timeliness
- Auditable; and
- Engagement and consultation

Read about the [Performance and Delivery Board](#) and the [Joint Audit Committee](#).

Read my [decision-making policy and record of decisions](#).

View [Freedom of Information requests](#) received.

Honesty - Holders of public office have a duty to declare any private interests relating to their public duties and to take steps to resolve any conflicts arising in a way that protects the public interest.

I maintain a statutory Register of Interests which declares personal and business interests with the intention of being open and transparent with the public. In the eventuality where there might be an actual or perceived conflict of interest, I shall as soon as possible declare such a conflict and take necessary action.

View my [Register of Interests](#).

Leadership - Holders of public office should promote and support these principles by leadership and example.

I lead by example and expect the same qualities from staff working in my Office. I achieve this by empowering, trusting and setting an example in all aspects of my public life. I aspire to lead in the same way I would wish to be led, and provide access to and promote opportunities in my Office to further develop the leadership skills of staff.

General Obligations

6. I agree:-

- To treat others with dignity and respect.
- Not to use bullying behaviour or harass any person.
- Not to conduct myself in a manner which:-
 - (i) is contrary to the policing protocol; and/or
 - (ii) could reasonably be regarded as bringing my Office into disrepute.

Use of resources

7. I agree:-

- Not to use the resources of the elected local policing body for my personal benefit or for the benefit of myself, my friends, or any other person in relation to any business interest of mine.
- Not to use the resources of the elected local policing body improperly for political purposes (including party political purposes).
- To claim expenses and allowances in accordance with the published expenses and allowances scheme of the elected local policing body.

Name: Matthew Scott

Signed:



Date: 13/05/2021

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Kent & Medway Police and Crime Panel Complaints against the Commissioner- Policy and Procedure

Version 1	Approved by panel 29.11.2012
Version 2	Incorporating amendments made by Panel 28.5.14
Version 3	Updating policy to clarify processes
Version 4	Change of nomenclature from IPCC to IOPC
Version 5	Update of OPCC staff titles

This policy is to be read in conjunction with the 'Elected Local Policing Bodies (Complaints and Misconduct) Regulations 2012 ('the Regulations') and the associated guidance.

Any complaints made about the Police and Crime Commissioner for Kent are to be handled by either the Police and Crime Panel ('the Panel'), or the Independent Office for Police Conduct (IOPC).

Making a complaint

A complaint is defined as "an expression of dissatisfaction by a member of the public." It covers matters of conduct, acts, omissions, statements, decisions, policies and procedures and standards.

A complaint does not have to be marked as such to be considered a complaint, nor does it need to be in writing. All complaints, and purported complaints, will be registered.

Where a complaint is made, it will be the duty of any recipient to send a copy of that complaint to the Commissioner's Monitoring Officer, who is the Office of the Police and Crime Commissioner (OPCC) Chief Executive. The Police and Crime Panel has delegated the initial handling of complaints to him.

There will be an initial consultation between the support officers of both the Police and Crime Panel and the OPCC. The Monitoring Officer will then make the decision whether to record the complaint.

Recording a complaint

The Monitoring Officer will, on receipt of the complaint, register its receipt and details.

If this has not been received via the Police and Crime Panel, the Monitoring Officer will inform the Panel both that a complaint has been received, and of the complaint's content.

A decision will be taken by the Monitoring Officer whether to record the complaint formally within ten working days and after consultation with the officers supporting the Police and Crime Panel.

Where the complaint is recorded, copies of the record will be provided to the complainant and to the person complained about. The Monitoring Officer will send a copy of the complaint to the Police and Crime Panel. The identity of the complainant may be kept anonymous.

The Monitoring Officer may decide not to supply a copy of the complaint if he feels it would be against the public interest or could prejudice a criminal investigation.

The Monitoring Officer will not record the complaint if:

- he is satisfied that the matter under consideration is being dealt with by criminal proceedings;
- the complaint has been withdrawn

The Monitoring Officer also has the right not to record a complaint, or a part of a complaint, where, in his judgement, the complaint is not about the conduct of the Commissioner.

In all cases, the complainant will be notified of the decision, and where the complaint is not being recorded, the grounds for this decision. A copy of this decision will be provided to the Police and Crime Panel. There is no right of appeal against non-recording.

A record will be kept by the OPCC and Police and Crime Panel of all complaints against the Commissioner, whether recorded or not.

If the individual chooses to withdraw the complaint, they must do so in writing to the Monitoring Officer.

Serious complaints and conduct matters, and referral to the IOPC

Where a complaint is made that is deemed to be:

- A serious complaint
- A conduct matter, or conduct matter arising from civil proceedings brought by a member of the public
- Or, where the IOPC requires it

then the matter will be referred to the IOPC.

The presumption shall be made that if there is any doubt about whether the matter should be referred, it shall be. The matter will be referred as soon as is practicable, and within 24 hours in any case. The complainant and the Commissioner will be notified if the matter is referred to the IOPC.

Where a complaint is referred to the IOPC, and the IOPC determines that it requires an investigation to be carried out, this shall be done in accordance with Part 3, and Part 2, section 8, of the Regulations.

Disapplication

If a complaint falls under the following categories:

- the complaint concerns the conduct of the Commissioner, and is made by someone in their capacity as a member of Commissioner's staff at the time of the alleged conduct;
- more than 12 months have elapsed between the incident, or the latest incident, giving rise to the complaint and the making of the complaint and either—
 - i) no good reason for the delay has been shown, or
 - ii) injustice would be likely to be caused by the delay;
- the matter is already the subject of a complaint;
- the complaint is made anonymously
- the complaint is vexatious, oppressive or otherwise an abuse of the procedures for dealing with complaints;
- the complaint is repetitious

the Monitoring Officer may decide (after OPCC and Panel officers' initial consultation) to disapply the Regulations .

The Monitoring Officer shall notify the complainant of the decision to disapply, and how the matter will be handled, which may include taking no action. A copy of the record of complaint, and of the decision to disapply, will be provided to the Police and Crime Panel. There is no appeal against the decision to disapply the Regulations.

Locally resolving the complaint

When the decision has been made to record a complaint, (and there is no decision to disapply) the Monitoring Officer will:

- Send a record of the complaint to the complainant and will include the contact details of the officers supporting the panel;
- Pass the record, and copies of all the associated documentation, to the officers supporting the panel. This will normally be no later than five working days after the complaint has been recorded.

On receipt of the complaint, the Panel officers will:

- Convene a meeting of the Sub-Panel of the Panel. This will be within four weeks of receiving the recorded complaint from the Monitoring Officer.
- Write to the complainant, setting out timescales, and what they may expect from the process. They will also request that they comment on the matter, and give ten working days to respond.
- Write to the Commissioner, and ask him to comment on the matter, giving him ten working days to respond.

The officers will compile a brief report for the Sub-Panel, setting out the pertinent details of complaint, and giving any appropriate advice.

The Sub-Panel will first consider if any action needs to be taken. If not, it will record its reasons.

If, on considering the complaint, the Commissioner's response and the officers' report, the Sub-Panel feels that the matter needs to be formally resolved, it will decide its course of action, and will suggest an action plan based on the local resolution principles. This plan will include an indicative timeframe.

The sub-committee will also decide whether it wishes to:

- reconvene to consider the matter when the action plan has been completed
- refer the matter to the Panel when the action plan has been completed

The plan may include (for example):

- An explanatory letter being written by an officer of the Panel (or on behalf of the Panel)
- An explanatory letter being written by an officer of the OPCC
- A suggested change to OPCC policy
- A request that an apology is tendered

The plan may, in more serious cases, first require more information being collected from the Commissioner (in addition to the response previously given) or that the Commissioner be required to appear before the Sub-Panel or Panel to provide an explanation and answer questions.

Once the actions from the plan have been completed, the matter may be referred back to the Sub-Panel or the Panel, or signed off by the Chair.

Actions when the complaint is resolved

When the complaint is finalised, the Sub-Panel will make a record of this. It shall be sent to the Commissioner and to the complainant.

The findings will only be made public if both parties are given the chance to comment on this proposal, and the Sub-Panel feels that it is in the public interest to publish the record.

The decision of the Sub-Panel is final.

By virtue of paragraph(s) 1, 2 of Part 1 of Schedule 12A
of the Local Government Act 1972.

Agenda Item 6

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of the Local Government Act 1972.

Agenda Item 7

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