

Complaints against the Commissioner- OKPCC Policy

Version 1	Approved by panel 29.11.2012
Version 2	Incorporating amendments made by Panel 28.5.14

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 or the Deputy PCC are to be handled by either the Police and Crime Panel ('the Panel'), or the Independent Police Complaints Commission (IPCC).

Making a complaint

A complaint is defined as "an expression of dissatisfaction by a member of the public." It covers matters of conduct (which includes acts, omissions, statements, decisions) and those issues previously considered direction and control (organisational decisions, policies and procedures, and standards).

1. 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.
2. Where a complaint is made, it will be the duty of the recipient to send a copy of that complaint to the Commissioner's Monitoring Officer (Chief of Staff). The Police and Crime Panel has delegated the initial handling of complaints to him.
3. The Monitoring Officer will make the decision whether to record the complaint.
4. The names and addresses of the people to whom complaints should be directed should be shared between the Panel, the OPCC, and all other bodies who may reasonably be expected to receive a complaint relating to the Commissioner.

Recording a complaint

5. The Monitoring Officer will, on receipt of the complaint, register its receipt and details.
6. 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.
7. A decision will be taken whether to record the complaint formally within three working days.

8. Where the complaint is recorded, copies of the record will be provided to the complainant and the person complained about. The Chief Monitoring Officer will send a copy of the complaint to the named individual supporting the Panel. The identity of the complainant may be kept anonymous.
9. The Monitoring Officer may decide not to supply a copy of the complaint if they feel it would be against the public interest or could prejudice a criminal investigation.
10. However, the Monitoring Officer will not need to record the complaint if:
 - they are satisfied that the matter under consideration is being dealt with by criminal proceedings;
 - the complaint has been withdrawn
11. The Monitoring Officer also has the right not to record a complaint, or a part of a complaint, where, in their judgement, the complaint is not about the conduct of the Commissioner.
12. 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.
13. There is no right of appeal against non-recording.
14. A record will be kept of all complaints against the Commissioner, whether recorded or not.
15. If the individual then chooses to withdraw the complaint, they must do so in writing to the Monitoring Officer.
16. The Monitoring Officer will then take the steps required under section 16 of the Regulations.

Serious complaints and conduct matters, and referral to the Commission

17. Any conduct matter, or conduct matter arising from civil proceedings brought by a member of the public, must be recorded by the Monitoring Officer.
18. Where a complaint is made that is deemed to be:
 - 17.1 A serious complaint
 - 17.2 A conduct matter, or conduct matter arising from civil proceedings brought by a member of the public
 - 17.3 Or, where the Commissioner requires it
- 17.4 Then the matter will be referred to the Commission.
19. The presumption shall be made that if there is any doubt about whether the matter should be referred, it shall be.

20. The matter will be referred as soon as is practicable, and within 24 hours in any case.
21. The complainant and the person complained about¹ will be notified if the matter is referred to the Commission.
22. Where a complaint is referred to the Commission, and the Commission 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

23. The Monitoring Officer may decide, in certain circumstances, to handle or resolve a complaint differently to the policy set out below under 'Locally Resolving a Complaint'.
24. If a complaint falls under the following categories:
 - 23.1 the complaint concerns the conduct of an elected individual, and is made by someone in their capacity as a member of PCC's staff at the time of the alleged conduct;
 - 23.2 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;
 - 23.3 the matter is already the subject of a complaint;
 - 23.4 the complaint is made anonymously
 - 23.5 the complaint is vexatious, oppressive or otherwise an abuse of the procedures for dealing with complaints;
 - 23.6 the complaint is repetitious (please see section below)
 - 23.7 And the Monitoring Officer believes that it would be best to handle the complaint outside of this policy, then they shall do so.
25. Where it is decided that a complaint should be handled otherwise that in accordance with the local resolution procedure as permitted under paragraph 23 above, the Monitoring Officer may decide to take no action in relation to it.
26. The Monitoring Officer shall notify the complainant of their decision. A copy of the record of complaint, and of the decision to disapply, will be provided to the Police and Crime Panel.
27. There is no appeal against the decision to handle the complaints in this manner.

Locally resolving the complaint

¹ The person complained about will not be informed if there is a belief that this may prejudice any possible future investigation

28. Where the Monitoring Officer has recorded a complaint, the Panel shall make arrangements to locally resolve the complaint (unless disapplication of the regulations has been agreed).

29. This shall be carried out as per Kent and Medway Police and Crime Panel's Policy.

Actions when the complaint is resolved

30. When the complaint is finalised, the Panel will make a record of this. It shall be sent to the person complained about and to the complainant.

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