

# **AVON AND SOMERSET POLICE AND CRIME PANEL COMPLAINTS PROTOCOL**

## **Introduction**

The Police and Crime Panel (the Panel) is responsible for handling non-criminal complaints against the Commissioner and criminal complaints and conduct matters that are referred back to the Panel by the Independent Police Complaints Commission (IPCC). Arrangements for the Panel's role in complaints handling are set out in the Elected Local Policing Bodies (Complaints and Misconduct) Regulations 2012 and accompanying Home Office Guidance.

## **Purpose of the Protocol**

- To explain how complaints against the Commissioner are dealt with by the Panel.
- To reassure the public that complaints against the Commissioner are dealt with fairly and appropriately.
- To reassure the public that the Panel will refer any complaint relating to a criminal offence to the Independent Police Complaints Commission. (IPCC)

## **Scope of the Panel's Activity**

The complaints procedure covers issues relating to the conduct of the Commissioner. If you consider the Commissioner has not acted appropriately in relation to a matter for which the Commissioner has responsibility, you may raise this issue under the Panel's complaints procedure.

## **Submitting a Complaint**

The Panel has agreed to delegate responsibility for the initial handling and recording functions to the Commissioner's Chief Executive and Monitoring Officer.

To make a complaint against the Commissioner, in the first instance you can email or write to:-

[pcc@avonandsomerset.pnn.police.uk](mailto:pcc@avonandsomerset.pnn.police.uk)

The Chief Executive  
Avon and Somerset Office of the Police and Crime Commissioner  
Valley Road  
Portishead  
Bristol  
BS20 8JJ

Complaints regarding operational policing, the Chief Constable and other Police officers are not dealt with by the Panel. Further details can be obtained by contacting the email address above.

## **Delegation of non-criminal complaints to the Chief Executive and Monitoring Officer**

The Chief Executive and Monitoring Officer in the Office of the Police and Crime Commissioner, will consider all non-criminal complaints regarding both quality of service and conduct, make a recording decision and act to broker local resolutions to resolve complaints and restore relationships. A flow chart showing how complaints will be handled is attached at Annex A.

The Panel will receive a monitoring report at every meeting to provide summary information in relation to complaints against the Commissioner and how they have been dealt with. Where a decision is taken to record a complaint, a copy of the register and action plan will be attached to the report.

The Panel is the final arbiter of complaints against the Commissioner and complaints will be referred to the Panel if:-

- The complainant is not satisfied with how the complaint has been dealt with;
- The Chief Executive considers there to be an actual or perceived conflict of interest in dealing with the complaint;
- The IPCC refers a matter back to the Panel;
- There is a request for a review/escalation of a complaint by a member of the Panel.

### **Panel consideration of Complaints**

The Panel has the ability to deal with complaints using informal resolution. This is a way of dealing with a complaint by solving, explaining, clearing up or settling the matter directly with the complainant, without an investigation or formal proceedings. It is a flexible process that may be adapted to the needs of the complainant and the individual complaint.

If a complaint has already been satisfactorily dealt with by the time it comes to the Panel's attention, the complaint may be considered resolved and no further action taken.

The Panel may take such steps as appropriate to resolve the matter including referring the issue to a sub-committee or a single member of the Panel. If a sub-committee or a person is appointed, the Panel can resume responsibility for informal resolution at any time.

Informal resolution will be discontinued if the Panel decides the complaint should be referred to the IPCC, or if the IPCC notifies the Panel that they require the complaint to be referred to them.

### **Informal Resolution**

The intention is for the procedure to be flexible so it can be adapted to individual circumstances.

However, there are some formal requirements:

- No investigation can take place. The Panel has power to require the person complained against to provide information and documents and to attend to answer questions. This does not amount to an investigation.
- The complainant and the person complained against must be given the opportunity to comment on the complaint as soon as is practicable.
- Any failure by the person complained against to comment on the complaint when invited to do so will be noted in the written record.
- No apology can be tendered on behalf of the person complained against unless the person has admitted the alleged conduct and agreed to the apology.

### **Timescales**

Wherever possible complaints will be acknowledged within 5 working days. Matters requiring informal resolution will be considered as soon as practicable or at the next Panel meeting.

## **Reference to the Independent Police Complaints Commission**

The Panel is not responsible for investigating or determining whether a crime has been committed.

Any conduct matter and any serious complaint (a complaint about conduct that constitutes or involves, or appears to, the commission of a criminal offence) must be reported to the IPCC as soon as possible. Any other complaint must be referred if the IPCC requires it.

Referrals should be made as soon as possible and no later than the close of business the day after the Panel becomes aware that the matter should be referred.

To fulfil this duty, the Chief Executive and Monitoring Officer will notify the Chairman of the Panel and the Clerk and the matter will be referred to the IPCC.

The complainant and the person complained about will be notified, unless doing so might prejudice a future investigation.

It is possible for the IPCC to refer any complaint back to the PCP for resolution.

## **Appeals**

There is no right of appeal against the outcome of informal resolution.

A complaint about the way a matter was handled can be made to the Local Government Ombudsman.