

Surrey Police and Crime Panel

Complaints Protocol

1 Background

- 1.1 The Elected Local Policing Bodies (Complaints and Misconduct) Regulations 2012 make Surrey's Police and Crime Panel (hereby referred to as "PCP") responsible for overseeing complaints made about the conduct of the Police and Crime Commissioner (PCC) and the Deputy Police and Crime Commissioner (DPCC).
- 1.2 The PCP also has a responsibility to informally resolve noncriminal complaints about the conduct of the PCC and DPCC, as well as criminal complaints or conduct matters that are referred back to it by the Independent Police Complaints Commission (IPCC). Issues raised about local crime or neighbourhood concerns rather than about the conduct of the PCC or DPCC will be dealt with by the police force through normal channels of feedback rather than under the Regulations.
- 1.3 This document sets out how the PCP will manage the complaints process.

2 Initial Complaint Handling

- 2.1 In accordance with Regulation 7, the PCP has agreed to delegate initial receipt of complaints to the Chief Executive of the PCC's Office (hereby referred to as "Chief Executive").
- 2.2 Where a complaint is sent directly to the PCP, the PCP's Support Officer will refer the matter to the Chief Executive for initial consideration **within two working days**.
- 2.3 Upon receipt of a complaint, the Chief Executive will record the complaint, except in cases where he/she is satisfied that the subject-matter of the complaint is being/has been dealt with by means of criminal proceedings against the PCC/DPCC, or the complaint has subsequently been withdrawn in accordance with the Regulations.
 - 2.3.1 Where the Chief Executive decides not to take action to notify the appropriate panel or record all or any part of the complaint, he/she will notify the complainant of this decision and the grounds on which it was made.
- 2.4 Once recorded, the Chief Executive will determine whether the PCP is the appropriate police and crime panel / body to deal with the complaint. If it is not, the Chief Executive will notify the appropriate panel / body. If it is, he/she will refer the matter in the manner outlined in Section 3.
 - 2.4.1 The Chief Executive will refer non-criminal Complaints that are 'out-of-scope' of the PCP on to the most appropriate body.
- 2.5 Where the Chief Executive becomes aware of a Conduct Matter, except where the matter has been recorded as a Complaint or is being/has been dealt with by means of criminal proceedings, he/she will determine whether the PCP is the appropriate police and crime panel to deal with it. If it is not, the Chief Executive will notify the appropriate panel. If it is, he/she will record the Conduct Matter.

- 2.6 In the event that it becomes clear to the Chief Executive that a complaint or conduct matter involves any degree of criminality, he/she will refer (in such manner as the IPCC specifies) a Serious Complaint or Conduct Matter to the IPCC. This referral will occur **no later than the end of the day after the day when it first became clear that the matter constitutes a Serious Complaint or Conduct Matter.**
- 2.6.1 Where the IPCC notifies the Chief Executive that it requires a Complaint or Conduct matter to be referred to it, the Chief Executive will comply as soon as possible and in any event no later than the end of the day after the day such notification was made.
- 2.6.2 The Chief Executive of the PCC will notify the complainant (where applicable), and the person to whose conduct the matter relates (unless a decision has been taken that it might prejudice a possible future investigation) of the referral.
- 2.6.3 Where the IPCC refers a criminal or conduct complaint back to the PCP, the Chief Executive will refer the matter in the manner outlined in Section 3.
- 2.7 Having decided that a complaint does not need to be referred to the IPCC (because it is not a serious complaint), or having referred a complaint to the IPCC and had it referred back, the Chief Executive may decide that the complaint should not be subjected to resolution under Part 4 of the Regulations or that no action should be taken in relation to it at all. The Chief Executive may only do this if the complaint falls into any one of the following specified categories:
- 2.7.1 A complaint by a member of the relevant office holder's staff, arising from the staff member's work;
- 2.7.2 A complaint that is more than 12 months old, where there is no good reason for the delay or the delay would be likely to cause injustice;
- 2.7.3 A complaint about conduct that is already the subject of another complaint;
- 2.7.4 An anonymous complaint;
- 2.7.5 A complaint which is vexatious, oppressive or otherwise an abuse of process for dealing with complaints.
- 2.8 If the Chief Executive of the PCC considers that either there is an actual, or there could be a perceived, conflict of interest in respect of them taking any of the decisions detailed in Section 2, he/she shall refer the matter to the PCP's complaints sub-committee for it to take the decision. Such referral will be made no later than **2 working days** after identifying the actual or perceived conflict of interest.

3 Referral of Complaint to the PCP

- 3.1 When the decision has been made to record a complaint that does not need to be referred to the IPCC, or a Serious Complaint or Conduct Matter that has been referred back by the IPCC, and is within the scope of the PCP, the Chief Executive will:

- 3.1.1 Send a record of the complaint to the complainant and to the person complained about. In the latter case, the Chief Executive may decide not to supply a copy of the complaint, or may provide the complaint in a form which protects the identity of the complainant or any other person. The Chief Executive will also provide the complainant and the person complained about the contact details of the Panel's Support Officer;
 - 3.1.2 Refer the record, and copies of all the associated paperwork, to the Panel's Support Officer. This will be **no later than two working days** after the complaint has been recorded.
- 3.2 On receipt of the complaint, the Panel's Support Officer will:
- 3.2.2 Share details of the complaint with the membership of the Complaints Sub-Committee.
 - 3.2.1 With the agreement of members, convene a meeting of the Complaints Sub-Committee, **normally to be held within four weeks** of the referral of the complaint;
 - 3.2.2 Write to the complainant, setting out timescales and details about the informal resolution procedure, and giving the complainant **two weeks** to make further comments in support of his/her complaint. Where the Panel's Support Officer believes that the circumstances of the case are such that the Complaints Sub-Committee may decide to treat the complaint as having been resolved, he/she will ask the complainant to provide his/her representations in this regard for the Complaints Sub-Committee to take into account; and
 - 3.2.3 Write to the person complained about, setting out timescales and providing details about the informal resolution procedure; and giving him/her **two weeks** to make comments in response to the complaint.

4 Considering the Complaint

- 4.1 The Panel's Support Officer will compile a brief report for the Complaints Sub-Committee, setting out the relevant details of the complaint, recording any failure by the person complained about to comment on the complaint and making suggestions for the next steps.
- 4.2 Upon meeting, the Complaints Sub-Committee will first consider whether the complaint has been satisfactorily dealt with and, subject to any representations by the complainant, may decide to treat the complaint as having been resolved. In such a case, the Complaints Sub-Committee's reasons will be recorded and notified to the parties.
- 4.3 If the Complaints Sub-Committee believes that the matter has not yet been satisfactorily dealt with, it will determine the most suitable course of action to assist informal resolution. This may include, but not be limited to:
 - 4.3.1 Asking the Panel's Support Officer to write an explanatory letter to the complainant;

- 4.3.2 Requesting that an officer of the PCC's Office write an explanatory letter to the complainant;
 - 4.3.3 Suggesting a change to the Office of the PCC policy;
 - 4.3.4 Requesting that an apology be tendered by the person complained about (no apology may be tendered on behalf of the person complained against unless that person has admitted the alleged conduct and agreed to the apology).
- 4.4 In accordance with Regulations, the Complaints Sub-Committee will not conduct an investigation. The Complaints Sub-Committee may exercise its delegated powers to require the person complained against to provide information or documents or attend before it to answer questions or give evidence, as this will not be regarded as an investigation. However, any other step intended to gather information about the complaint, other than inviting the comments of the complainant and the person complained against, will not be permitted.
- 4.5 If, at any stage, the IPCC informs the PCP that it requires the complaint is to be referred to it, or if the Complaints Sub-Committee decides that the matter has a criminal element and therefore needs to be referred to the IPCC, the informal resolution process will be discontinued.
- 4.6 The Panel's Support Officer will make a record of any informal resolution and will, **usually within 5 working days**, provide copies to the complainant and the person complained about.
- 4.7 The Panel's Support Officer will provide a report to **each quarterly meeting** of the PCP, summarising any complaints that have been considered since the last meeting, including the outcome.

5 Vexatious Complaints

- 5.1 As detailed in paragraph 2.7.5, the Panel does not have to consider complaints which are considered to be vexatious. Whilst this initial filtering of complaints has been delegated to the Chief Executive of the Office of the PCC, in cases where the Chief Executive believes a complaint to be vexatious he/she will share his/her views with the membership of the Complaints Sub-Committee who will ultimately determine whether the complaint be progressed.

6 Complaints about the PCP

- 6.1 The PCP will come under the jurisdiction of the Local Government Ombudsman in regard to how it handles complaints against the PCC.