

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 Police and Crime Commissioner for Avon and Somerset (PCC) and criminal complaints and conduct matters that are referred back to the Panel by the Independent Office for Police Conduct (IOPC). 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 PCC are dealt with by the Panel.
- To reassure the public that complaints against the PCC are dealt with fairly and appropriately.
- To reassure the public that the Panel will refer any complaint relating to a criminal offence to the IOPC.

Scope of the Panel's Activity

The complaints procedure covers issues relating to the conduct of the PCC. If you consider the PCC has not acted appropriately in relation to a matter for which the PCC 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 PCC's Chief Executive and Monitoring Officer.

To make a complaint against the PCC, you can email:-

pcc@avonandsomerset.pnn.police.uk

Or contact in writing:-

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 in the first instance.

The Panel will receive a monitoring report at every meeting which will provide summary information in relation to complaints against the Commissioner and their status. Where a decision is taken to record a complaint, a copy of the register and action plan will be attached to the report. Members have the ability to undertake periodic dip-sampling of complaints to provide assurance with regard to the handling process.

The Panel is the final arbiter of complaints against the PCC 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 IOPC 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.

The Panel may take such steps as appropriate to resolve the matter including referring the issue to a sub-committee. A Complaints Sub-Committee was established on 30th October 2014 to carry out delegated functions of the Panel associated with the complaints handling process and the informal resolution of complaints. The Sub-Committee will decide on the most suitable course of action to assist with the informal resolution of the complaint.

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 IOPC, or if the IOPC notifies the Panel that they require the complaint to be referred to them.

Informal Resolution

The Sub-Committee will first consider if the complaint has already been satisfactorily dealt with. If it appears it has, it may decide to take no further action.

The intention is for the informal resolution process 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 PCC to provide information and documents and to attend to answer questions. This does not amount to an investigation.
- The complainant and the PCC must be given the opportunity to comment on the complaint as soon as is practicable.
- Any failure by the PCC to comment on the complaint when invited to do so will be noted in the written record.
- The Panel has no power to tender an apology on behalf of the PCC or impose a formal sanction.

The Sub-Committee may find there are recommendations which emerge naturally from its findings/consideration of the matter and these may be passed to the PCC to implement. In attempting to secure a resolution the Sub-Committee is required to consider whether further information, clarification or explanation is required and/or whether any actions are required and can be agreed between the parties.

Timescales

Wherever possible complaints will be acknowledged within 10 working days. Matters requiring informal resolution by the Panel will be considered by the Complaints Sub-Group as soon as practicable or at the next Panel meeting.

Reference to the Independent Office for Police Conduct

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 IOPC as soon as possible. Any other complaint must be referred if the IOPC 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 Chair of the Panel and the Clerk and the matter will be referred to the IOPC.

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

It is possible for the IOPC to refer any complaint back to the Panel 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.

27th June 2018