

**HAMPSHIRE AND ISLE OF WIGHT POLICE AND CRIME PANEL  
COMPLAINTS SUB-COMMITTEE**

**Report**

<b>Date:</b>	16 June 2023
<b>Title:</b>	Summary of Powers
<b>Report From:</b>	Democratic Services Officer to the Panel

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**Purpose of this Report**

1. The purpose of this report is to outline the powers of the Police and Crime Panel Complaints Sub-Committee (the Sub-Committee) in relation to non-criminal complaints made against the Police and Crime Commissioner (PCC) and Deputy Police and Crime Commissioner (DPCC).

**Recommendation(s)**

2. That the Summary of Powers are noted.

**Executive Summary**

3. This report seeks to outline the powers of the Sub-Committee and set out the actions it may take as part of the informal resolution process.

**Contextual information**

4. The Police and Crime Panel (PCP) has the statutory role of overseeing all complaints against the PCC and DPCC and informally resolving non-criminal complaints. This is set out in the Elected Local Policing Bodies (Complaints and Misconduct) Regulations 2012 (the Regulations).
5. In relation to Part 4 of the regulations and the informal resolution procedure, the Panel have appointed a Sub-Committee to secure the informal resolution of the complaint and report back to the Panel the conclusion of the process, through an annual report.

## **Process to be Followed by Complaints Sub-Committee**

6. With regard to the informal resolution procedure, the Regulations state that the procedure must make provision for, as soon as practicable, giving the complainant and the person complained against an opportunity to comment on the complaint (if the latter chooses not to comment, the procedure must provide that be recorded in writing).
7. The informal resolution procedure must provide for, as soon as practicable, the making of a record of the outcome of the procedure which must be sent to the complainant and the person complained about.

## **Initial Sub-Committee Meeting – Alternatives for Consideration**

8. The Sub-Committee may first consider whether to disapply Part 4 of the Regulations. The legislation allows for this if the Sub-Committee determines that:
  - The complaint is concerned entirely with the conduct of the PCC/DPCC in relation to a person who was working in his capacity as a member of the PCC/DPCC's staff at the time when the conduct is supposed to have taken place (this ground has presumably been included because the complainant has a separate right to raise a grievance under employment legislation).
  - The matter took place more than 12 months ago and no good reason for the delay has been shown or injustice would be likely to be caused by the delay.
  - The matter is already the subject of a complaint.
  - The complaint discloses neither the name and address of the complainant nor that of any other interested person and it is not reasonably practicable to ascertain such a name or address.
  - The complaint is vexatious, oppressive or otherwise an abuse of the procedures for dealing with complaints; and/or the complaint is repetitious (in accordance with the meaning given in regulation 15(4)).
9. Should the Sub-Committee determine not to disapply the informal resolution procedure, it may wish to consider whether any of the following apply before reaching a conclusion:

*From evidence, the complaint appears resolved:*

10. Where it appears that the matter has already been satisfactorily dealt with prior to it being brought to the Sub-Committee's notice, (subject to any representations by the Complainant), the Sub-Committee may treat the

matter as having been resolved. Should it choose this course of action, it must record its reasons for doing so and notify these to the parties.

*From evidence, complaint appears to be one of alleged criminal conduct:*

11. If the Sub-Committee receives additional comments which lead it to decide that the complaint being handled in accordance with the informal resolution procedure should be referred to the Independent Office for Police Conduct (IOPC) then it must do so.

*From evidence, complaint does not appear resolved:*

12. The Sub-Committee must consider whether it has the information available to it to reach a conclusion. Should it feel that it requires further evidence in order to reach an outcome, the Sub-Committee may hold further meetings.
13. The Sub-Committee, at any additional meeting, may require the person complained against to provide information or documents or attend before it to answer questions or give evidence.

### **Initial Sub-Committee Meeting – Formal Resolution**

14. If the Sub-Committee agrees that the matter requires a formal resolution, it will decide its course of action. In accordance with the Regulations, the Sub-Committee is not able to conduct an investigation. Aside from requesting additional comments, or those actions discussed in paragraph 13, the Sub-Committee may not take any further steps.
15. The Sub-Committee can consider whether to devise an action plan in relation to the complaint, with indicative timeframes included. Such a plan could include:
  - An explanatory letter being written on behalf of the Sub-Committee or the PCP;
  - An explanatory letter being written by an officer of the Office of the PCC (OPCC);
  - A suggested change to the OPCC's policy;
  - A request that an apology is tendered (but it must be noted that the procedure should prohibit the tendering on behalf of the person complained against an apology for his conduct unless that person has admitted the conduct in question and has agreed to the apology.)
16. If the Sub-Committee draws together an action plan, it may wish to reconvene at a later date in order to review the progress of the actions. It may authorise

a named individual (not the PCC/DPCC or Chief Executive of the OPCC) to review this on their behalf, or refer the plan to the PCP for further action.

17. Once all of the actions from the Sub-Committee's plan have been completed, the Democratic Services Officer will make a record of the outcome within three working days, unless this is not practicable. Copies of this record will be provided to the complainant and complained against. The matter will then be closed.

### **Report of the Complaints Sub-Committee to the Panel**

18. The PCP's Democratic Services Officer will prepare an annual complaints report, which will set out the activities undertaken by the Sub-Committee in the previous year. This will include any actions taken and the outcome of the process.

### **Publishing the record of the outcome of the informal resolution procedure**

19. No part of the record may be published by the Panel unless the parties involved have had an opportunity to make representations about the proposed publication.
20. The Panel has the power to determine whether, having provided the opportunity described in paragraph 19 above and having considered any representations received, the proposed publication of the record of the outcome of the informal resolution procedure is in the public interest. If it decided it is, the Panel has the power to publish it accordingly.

**REQUIRED LEGAL INFORMATION:**

**Significant Links**

<b>Links to previous Member decisions:</b>	
<u>Title</u>	<u>Date</u>
<b>Direct links to specific legislation or Government Directives</b>	
<u>Title</u>	<u>Date</u>
Elected Local Policing Bodies (Complaints and Misconduct) Regulations 2012	

**Section 100 D - Local Government Act 1972 - background documents**

**The following documents discuss facts or matters on which this report, or an important part of it, is based and have been relied upon to a material extent in the preparation of this report. (NB: the list excludes published works and any documents which disclose exempt or confidential information as defined in the Act.)**

<u>Document</u>	<u>Location</u>
Protocol for the Informal Resolution Procedure Regarding Complaints made against the Police and Crime Commissioner	<a href="https://documents.hants.gov.uk/partnerships/hampshire-pcp/PCP-ProtocolfortheInformalComplaintsProcedure.pdf">https://documents.hants.gov.uk/partnerships/hampshire-pcp/PCP-ProtocolfortheInformalComplaintsProcedure.pdf</a>