



## **COMPLAINTS SUB-COMMITTEE**

### **TERMS OF REFERENCE**

#### **1. Role and Purpose of the Complaints Sub-Committee**

The Complaints Sub-Committee is a permanent sub-committee of the Hampshire Police and Crime Panel (PCP), with membership agreed annually at the Panel's Annual Meeting.

The PCP is responsible for handling complaints made against the Police and Crime Commissioner (PCC) or the Deputy Police and Crime Commissioner (DPCC) (should one be appointed). The Complaints Sub-Committee's purpose is to review and determine all complaints made against the PCC and DPCC in line with the Panel's 'complaints protocol'.

#### **2. Scope of the Complaints Sub-Committee**

*Objectives:*

1. To review and determine any complaint received against the PCC or DPCC in line with the Panel's 'complaints protocol', which makes allegations of a breach of the PCC's code of conduct. In discharging their duties the Complaints Sub-Committee shall have regard to:
  - The Code of Conduct of the PCC/DPCC;
  - Whether the complaint discloses a specific conduct failure on the part of the PCC/DPCC, identifiable within the Code of Conduct of the PCC/DPCC, or whether it relates to operational matters of the constabulary, and operational policing matters in which the PCC has no authority;
  - The remedies available to it;
  - All other relevant considerations.

In undertaking their responsibilities, the sub-committee will consider how any action plan or recommendation made following review-determination of a complaint will seek to resolve a complaint, and support the PCC in avoiding future complaints of a similar nature.

### *Exclusions:*

The sub-committee will only consider complaints which appear to be qualifying complaints within the meaning of section 31(1)(a) of the Police Reform and Social Responsibility Act 2011.

In accordance with the Elected Local Policing Bodies (Complaints and Misconduct) Regulations 2012 and any amending legislation, the Complaints Sub-Committee may 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 be likely to amount to investigation.

If, at any stage, the IPCOPC informs the PCP that they require the complaint to be referred to them, the sub-committee will do so on behalf of the PCP. If matters come to light during the resolution process which indicates the commission of a criminal offence, the complaint must be referred to the IOPCG by the sub-committee as a potential 'serious complaint' and any resolution process suspended.

### **3. Method**

The sub committee meet on an ad-hoc basis in response to complaints activity, in accordance with the 'complaints protocol'. ~~This will be, as per the 'complaints protocol' through both 'electronic' and 'in person' meetings, depending upon the evidence provided and complexity of any complaint.~~

As a ~~working group of the Panel, meetings will not usually be held in public, and Sub-Committee of the Panel~~ access to information rules for the public will ~~not~~ apply to these meetings. Circulation of Agenda's and minutes will be in accordance with Rule 4 of the Panel's Rule of Proceedings. –

It is anticipated that, under the provisions of Section 100A of the Local Government Act 1972, as amended by the Local Government (Access to Information) Act 1985, the press and public will be excluded for the consideration and determination of the complaint/s, at any meeting, on the grounds that the reports(s) contain or there may otherwise be disclosed information which is defined as exempt in Part 1 of Schedule 12A to the Local Government Act 1972, where the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

At any stage, members of the sub-committee or their supporting officers may seek legal advice from the Panel's legal adviser.

### **4. Membership**

The Membership of the Sub-Committee is ~~for the year is~~ determined during the Annual Meeting of the Panel, ~~where Members can volunteer for nomination to this sub-committee, with the final membership agreed by the full PCP.~~

~~All members of the PCP are eligible for membership although the sub-committee should, where possible be chaired by one of the PCP's two independent co-opted members.~~

The sub-committee shall be appointed on a politically proportionate basis and cross party group made up of three five members. Membership shall include one of the PCP's two independent co-opted Members, who shall be appointed Chairman.

If during any meeting of the Sub-Committee, the Chair after counting the number of members present declares that there is not a quorum<sup>1</sup> present the meeting shall stand adjourned. The consideration of any business not transacted shall be adjourned to a time fixed by the Chair.

## 5. Outcomes

The Complaints Sub-Committee will provide an annual quarterly report to the full AGM of the PCP, held in public, highlighting setting out complaints activity during ~~that quarter~~ the previous 12 calendar months.

## Annexe

### Background

The PCP is responsible for handling complaints made against the Police and Crime Commissioner for Hampshire, and for informally resolving non-criminal complaints, as well as complaints or conduct matters that are referred back to the Panel by the Independent Police Complaints Commission. In 2012, the PCP agreed that all complaints received should be considered by a Complaints Sub-Committee, in accordance with its agreed 'Complaints protocol'.

Further information can be found online:

<http://www3.hants.gov.uk/hampshire-pcp/pcc-complaints.htm>

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<sup>1</sup> The Quorum for meetings of the Sub-Committee is three Members, in accordance with the Local Government Act 1972.