

HAMPSHIRE POLICE AND CRIME PANEL

Complaints Sub-Committee

Report – Summary of Powers

1. Executive Summary

- 1.1. This report outlines the powers of the Police and Crime Panel Complaints Sub-Committee in relation to non-criminal complaints made against the Police and Crime Commissioner (PCC).
- 1.2 The report also sets out the actions that the Complaints Sub-Committee (CSC) may take as part of the informal resolution process.

2. Contextual Information

- 2.1. The Police and Crime Panel (PCP) has the statutory role of overseeing all complaints against the PCC and informally resolving non-criminal complaints. This is set out in the Elected Local Policing Bodies (Complaints and Misconduct) Regulations 2012.
- 2.2 The Panel has delegated powers and duties under the Regulations, with the exception of Part 4 (informal resolution of complaints), to the Chief Executive of the Office of the PCC for the Hampshire Police Area. In relation to Part 4 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.

3. Process to be Followed by Complaints Sub-Committee

- 3.1 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).
- 3.2 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.

4. Initial Sub-Committee Meeting – Alternatives for Consideration

4.1 The Complaints Sub-Committee may first consider whether to disapply Part 4 of the Regulations. The legislation allows for this if the CSC 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)).

4.2 Should the CSC 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:

4.2.1 Where it appears that the matter has already been satisfactorily dealt with prior to it being brought to the CSC'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:

4.2.2 The CSC may receive 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).

From evidence, complaint does not appear resolved:

4.2.3 The CSC 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 CSC may hold further meetings.

4.2.4 The CSC, 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.

5. Initial Sub-Committee Meeting – Formal Resolution

5.1 If the CSC agrees that the matter requires a formal resolution, it will decide its course of action. In accordance with the Regulations, the CSC is not able to conduct an investigation. Aside from requesting additional comments, or those actions discussed in paragraph 4.2.4, the CSC may not take any further steps.

5.2 The CSC 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 CSC or the PCP;
- An explanatory letter being written by an officer of the Office of the PCC;
- A suggested change to the Office of the PCC'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.)

5.3 If the CSC 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 or Chief Executive of the Office of the PCC) to review this on their behalf, or refer the plan to the PCP for further action.

5.4 Once all of the actions from the CSC's plan have been completed, the democratic support 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.

6. Report of the Complaints Sub-Committee to the Panel

6.1 The PCP's democratic support officer will prepare an annual complaints report, which will set out the activities undertaken by the CSC in the previous year. This will include any actions taken and the outcome of the process.

6.2 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.

6.3 The Panel has the power to determine whether, having provided the opportunity described in paragraph 6.2 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.