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COMPLAINTS POLICY

March 2018

**Office of the Police and Crime
Commissioner for Warwickshire**



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Responsible Party	Chief Executive and Monitoring Officer

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1.1 March 2018	Amended to reflect the introduction of the Independent Office for Police Conduct as the successor body to the Independent Police Complaints Commission. Also updated to reflect new OPCC email address.

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1. Overview

The Office of the Police and Crime Commissioner (OPCC) for Warwickshire is committed to providing a good and professional service to the public at all times. Sometimes however, you may feel that the OPCC or someone working at the OPCC has got something wrong or an aspect of the way the office has dealt with you has not been right. You may also wish to make a complaint about the Chief Constable, Police and Crime Commissioner (PCC) or Deputy Police and Crime Commissioner. If this is the case, you can make a complaint.

All complaints will be taken seriously and will be handled quickly and effectively in a fair and open way.

2. Matters that are outside of the policy

Complaints against the following matters cannot be dealt with by the Office of the Police and Crime Commissioner.

- Police officers below the level of Chief Constable.
- Police Community Support Officers.
- Police staff.
- Police volunteers, including Special Constables.
- Policies or procedures of the police force.
- Operational policing matters.
- Complaints or appeals against the outcome of a police complaint.
- Matters under consideration of the Courts Service.
- Dissatisfaction with matters in your local area, e.g. inconsiderate parking.
- PCCs, Deputy PCCs or PCC's staff and policies, other than Warwickshire.
- The Warwickshire Police and Crime Panel.

Details of where these complaints should be directed can be found at **Appendix A**.

3. Complaints that can be dealt with by the Office of the Police and Crime Commissioner

The OPCC has responsibility to deal with the following types of complaints:

- Complaints against the Chief Constable of the Warwickshire Police Force.
- Initial handling for complaints against the PCC and Deputy PCC.
- Complaints against the staff of the OPCC.

- Complaints against the policies and procedures of the OPCC.
- Complaints against volunteers of the PCC, for example, Independent Custody Visitors.

4. The definition of a complaint

A complaint is an expression of dissatisfaction by a member of the public with the service they have received. It may be about the conduct of one or more persons and/or about the policies or procedures of the organisation.

5. Who can make a complaint?

Any member of the public or their representatives; staff; businesses; public and voluntary bodies can all make a complaint to the OPCC.

6. How to make a complaint

Please outline the circumstances of the complaint in as much detail as possible and give the reasons why you wish to complain.

Complaints should be submitted in writing or via e-mail where possible. If for any reason this presents a difficulty, it is possible to make a complaint by telephone or to ask someone else, e.g. a friend, relative or advocate to do it for you. For a person to make a complaint on your behalf, they will require your written permission to do so, unless they are the parent or guardian of a person aged 16 or under. Should this pose a difficulty, please do get in touch and we can discuss your requirements.

There is no time limit on making a complaint, but it is best to do so as quickly as possible after the incident/s occurred. If more than twelve months have passed between the incident (or latest incident) and the date when the complaint is made, then the OPCC may not be able to deal with it.

If you are making a complaint more than twelve months since the incident, you should explain the reason for the delay in making your complaint. However, explaining your reasons does not guarantee that the complaint will be dealt with.

Complaints should be made to:

Address: Office of the Police and Crime Commissioner, 3 Northgate St. Warwick
CV34 4SP

E-mail: opcc@warwickshire.pnn.police.uk

Tel: 01926 412322

Complaints should be addressed to the Chief Executive, unless the complaint is against the Chief Executive, in which case you should address your complaint to the Police and Crime Commissioner.

7. The complaints process

An acknowledgement will be sent within 3 working days of the complaint being received by the OPCC. Working days are Monday to Friday inclusive, excluding bank holidays.

If the complaint is not within the remit of the OPCC you will be informed and advised of the appropriate organisation to direct your complaint. In relation to some complaints we will also refer the complaint to the appropriate organisation to deal with and you will be advised of this.

If the complaint falls under the remit of the OPCC, your complaint will be reviewed and a decision will be made as to how the complaint will be dealt with and you will be advised accordingly.

When you make a complaint, you can expect the OPCC to listen to you, act in a fair and balanced way and seek to put things right where appropriate.

Where any investigation is complex and needs information from partner organisations, the investigation may take longer. You will be kept informed regularly (in accordance with relevant legislative requirements) of the progress of your complaint by a method agreed with you, be that e-mail, letter or telephone (followed up in writing if agreed with you).

8. Complaints against the Chief Constable

The Chief Constable is accountable to the PCC for the delivery of efficient and effective policing; management of resources and expenditure; and ultimately delivery of policing in Warwickshire. The PCC therefore has responsibility to deal with complaints made against the Chief Constable.

There are two types of complaint that can be made against the Chief Constable. Firstly, complaints against the Chief Constable's conduct. Secondly, complaints can be made against the actions and decision making of the Chief Constable, known as direction and control complaints. These need to be specifically related to the Chief Constable and not in relation to actions of other officers, who work for the Chief Constable.

Complaints will be handled by; local resolution where you will be contacted to resolve, explain or clear up a matter, without a formal investigation taking place; formal

investigation; or by referral to the Independent Office for Police Conduct (IOPC)¹ for serious matters.

There is no limit on the length of an investigation or local resolution, however, both will be proportionate to the nature of the complaint. Unless alternative arrangements have been made, you will be provided with an update of your complaint at least once every 28 days.

8.1. Conduct complaints against the Chief Constable

The PCC will initially review the complaint to determine if it is against the conduct of the Chief Constable of the Warwickshire Force and therefore the responsibility of the PCC to consider. If the complaint is not against the conduct of the Chief Constable, the complaint will not be recorded or dealt with by the PCC. You will be advised of this and provided with information on where to direct your complaint, if appropriate.

If the complaint is against the conduct of the Chief Constable, the PCC will make a decision whether to record the complaint. The decision to record will be notified to the complainant within 10 working days of receipt of the complaint.

If the PCC does not record a complaint against the Chief Constable, there is a right of appeal against the non-recording decision to the IOPC.

If having undertaken preliminary enquiries, the PCC decides that the conduct complaint does not meet the criteria for it to be mandatorily referred to the IOPC as a serious complaint, the PCC does not want to make a voluntary referral, and the complaint is not suitable for local resolution, then it must be investigated.

An investigating officer will be appointed to assess the seriousness of the complaint. The appointed officer will be a police officer or member of staff from an external police force who has the appropriate skills to conduct the investigation. The timescale and conduct of the investigation will be undertaken in accordance with the Police Reform Act 2002.

The OPCC has a duty under the Police Reform Act 2002 to inform the police force of the details of complaints made against the Chief Constable. The police force is required to record details of these complaints on the Professional Standards Department databases.

If a complaint involves the Chief Constable and other officers or staff of the police force, the PCC will only be responsible for the Chief Constable element of the complaint. The PCC and police force may work together on the investigation, if appropriate, but will

¹ The Independent Office for Police Conduct (IOPC) oversees the police complaints system in England and Wales and sets the standards by which the police should handle complaints. It is independent, making its decisions entirely independent of the police and government. The IOPC will not accept initial complaints, which must be made to the appropriate body as outlined in this policy. Further information can be found on the [IOPC website](#) or by telephoning 0300 020 0096.

ensure that legislative requirements are followed including contacting the complainant separately about their own responsible areas of the complaint.

8.2. Direction and control complaints against the Chief Constable

If the complaint is about the actions or decision making of the Chief Constable (or someone carrying out the Chief Constable's role rather than someone with delegated responsibility), the PCC will be the appropriate authority to make a recording decision and handle the complaint. If the complaint is about the decisions of someone carrying out the Chief Constable's functions, then it will be passed to the police force to record.

There is no right of appeal against the PCC if they fail to pass the complaint on or to record a direction and control complaint.

There is no right of appeal against any decisions made by the PCC on direction and control complaints.

9. Complaints against the Police and Crime Commissioner and/or the Deputy Police and Crime Commissioner

Complaints against the PCC and Deputy PCC are dealt with by the Warwickshire Police and Crime Panel (PCP)² and it has delegated the initial handling of complaints to the OPCC Chief Executive as it is permitted to do under the Regulations. If the Chief Executive considers that there is either an actual or perceived conflict of interest in making the decision, he/she will refer the matter to the PCP.

The Chief Executive will aim to respond within 10 working days to advise if the complaint has been recorded or referred to the PCP for a decision on whether to record.

The PCP retains the ultimate responsibility for resolving conduct complaints against the PCC and DPCC.

If the complaint is recorded, it will be passed to the Police and Crime Panel for informal resolution or if it deemed a serious matter, the complaint will be referred to the IOPC. You will be notified of this and provided with the contact details for the organisation dealing with your complaint.

Timescales for resolution are then determined by the organisation dealing with your complaint and further contact should be made with the appropriate organisation. The

² The Police and Crime Panel (PCP) is an independent body who scrutinise the work of the PCC. The PCP is hosted by Warwickshire County Council. Further information can be found on the [Police and Crime Panel website](#).

OPCC will no longer be responsible for the complaint.

There is no right of appeal against the decision of the PCP for complaints against the PCC or Deputy PCC.

10. Complaints against the Chief Executive of the Office of the Police and Crime Commissioner

Complaints against the Chief Executive of the OPCC will be dealt with by the PCC. The PCC will investigate the complaint where appropriate to do so. The PCC will aim to respond within 10 working days to advise if the complaint has been recorded and will provide regular updates on any investigation. The PCC will conduct any complaint investigation in collaboration with other relevant bodies.

11. Complaints against staff, volunteers or policies of the Office of the Police and Crime Commissioner

Complaints should be made to the Chief Executive of the OPCC, who will consider whether to record the complaint. The Chief Executive will aim to respond within 10 working days to advise if the complaint has been recorded and will provide regular updates on any investigation. The Chief Executive will conduct any complaint investigation in collaboration with other relevant bodies.

The Chief Executive will deal with any complaints against the policies or procedures of the OPCC in conjunction with the PCC.

12. Vexatious, oppressive, abuse of the complaints system or fanciful complaints

The OPCC has adopted the IOPC definitions of these types of complaints as follows.

Vexatious complaints are without foundation, which is intended, or tends to vex, worry, annoy or embarrass.

An oppressive complaint is without foundation that is intended or likely to result in burdensome, harsh or wrongful treatment of the person complained against.

An abuse of the complaints system is where there is or has been a manipulation or misuse of the complaints system to initiate or progress a complaint which, in all the circumstances of the particular case, should not have been made or should not be allowed to continue.

A complaint is fanciful if no reasonable person could lend any credence to it. It is an objective test.

The PCC wants to deal fairly and openly with complaints and ensure that other service users or the PCC staff do not suffer detriment from persons making vexatious, oppressive, abusive or fanciful complaints. The PCC's office may write to any complainants making such complaints to inform them that their complaints will no longer be dealt with and may decide to no longer respond to a complainant fulfilling any of the criteria outlined above.

13. Confidentiality

All complaints are treated confidentially. Only officers dealing with complaints in each service area will be aware that a complaint has been received and is being dealt with. The OPCC assumes that you consent to your information being shared with partners for the purpose of complaint handling and resolution or investigation, unless you advise otherwise.

The OPCC is unable to deal with anonymous complaints under this policy.

14. Equalities Statement

The PCC office aims to handle all complaints fairly and honestly regardless of who makes a complaint. The PCC office treats all members of the community equitably and will not show bias to any particular individual or group. The OPCC endeavours to make its services accessible to everyone. If you have a specific requirement, please contact us to discuss how we can help you.

This policy has been equality impact assessed.

Appendix A – Where to Direct Complaints Outside the Remit of the Policy

Complaints Against the Police Service

Complaints against the following matters cannot be dealt with by the Office of the Police and Crime Commissioner (OPCC).

- Police officers below the level of Chief Constable.
- PCSOs.
- Police staff.
- Police volunteers, including Special Constables.
- Policies or procedures of the police service.
- Operational policing matters.

The above matters are the responsibility of the local police force. If your complaint is against Warwickshire Police, further details can be found on the [Warwickshire Police Complaints webpage](#) or by contacting the Warwickshire Police Force using the following details:

Address: Warwickshire Police and West Mercia Police Professional Standards Department, Stratford Police Station, Rother Street, Stratford upon Avon, Warwickshire CV37 6RD

E-mail: professionalstandards@warwickshireandwestmercia.pnn.police.uk

Tel: 01789 444705

Online Contact Form: [Warwickshire Police online contact form](#)

If the police force you wish to make a complaint against is outside of Warwickshire, you can find contact details on the [Police.UK webpage](#) or by telephoning 101, which will connect you to your local police force.

Serious complaints will be referred by the police force to the Independent Office for Police Conduct (IOPC). Further details of the types of complaints that would be referred by the police to the IOPC can be found on the [IOPC referrals webpage](#).

Complaints Against the Outcome of a Police Complaint

If your complaint is about the outcome of the police investigation into your initial complaint, appeals must be made to the police force or Independent Office for Police Conduct (IOPC). You will be advised of the appeals procedure by the police force upon conclusion of the complaint investigation. Further information can be found on the [IOPC appeals webpage](#) or by calling: 0300 020 0096.

There is no right of appeal to the PCC in the police complaints system.

Matters under consideration of the Courts Service

Once legal proceedings have become active e.g. an arrest warrant has been issued, a summons issued or a person has been charged; matters are deemed to be sub-judice. Only on conclusion of the court proceedings could the matter be investigated by the relevant agency.

Dissatisfaction with Matters in your Local Area

These types of incidents should be reported to your Safer Neighbourhood Team (SNT). Further details can be found on the [My Area](#) webpage of the Force website, by calling the police non-emergency number 101 or by visiting your SNT Team.

Police and Crime Commissioners' Offices, Police and Crime Commissioners, Deputy Police and Crime Commissioners or Chief Constables of Forces other than Warwickshire

For details of other Police and Crime Commissioners, please visit the [Association of Police and Crime Commissioners' website](#) or telephone your local police force on 101 to request contact details.

The Warwickshire Police and Crime Panel

For complaints about a Member of the Warwickshire Police and Crime Panel, please address any correspondence to:

Address: Monitoring Officer, Warwickshire County Council, PO Box 9, Shire Hall, Warwick CV34 4RR

E-mail: monitoringofficer@warwickshire.gov.uk

Tel: 01926 412564

Website: <https://www.warwickshire.gov.uk/policeandcrimepanel>

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