



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

Complaints Policy

Policy Owner	Chief Executive
Version number	2.0
Policy Implementation Date	December 2021
Next Review Date Prior To	December 2023

Security Classification	Official
Disclosable under Freedom of Information Act?	Yes
Risk Rating	Low
Equality Analysis	Low

The Office of the Police and Crime Commissioner welcomes comments and suggestions from the public and staff about the contents and implementation of this policy. Please e-mail <mailto:opcc@warwickshire.pnn.police.uk>

1. Introduction

We, at the Office of the Police and Crime Commissioner for Warwickshire (OPCC), are committed to providing an effective, good and professional service to the public at all times. We aim to be a learning organisation, and will endeavour to improve our practice on receipt of feedback or following a complaint.

This policy will outline to you the circumstances in which you can raise a complaint, how you can do so, and how it will be dealt with.

2. What is 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.

3. When can I direct a complaint to the OPCC?

We deal with the following types of complaint:

- Complaints against the Chief Constable of Warwickshire Police
- Complaints against OPCC staff or volunteers (eg Independent Custody Visitors)
- Complaints against the policies and procedures of the OPCC

We also carry out the initial handling for complaints against the Police and Crime Commissioner and Deputy PCC, on behalf of the Police and Crime Panel and we carry out reviews against the outcome of certain complaints to the force (police complaint reviews).

We cannot deal with the following matters (see appendix A for direction):

- Complaints against police officers below the rank of Chief Constable, Police Community Support Officers or Police Staff or Police Volunteers
- Complaints about Chief Constable's of forces other than Warwickshire
- Complaints about policies or procedures of the force
- Operational policing matters
- Matters under consideration of the Courts Service
- Dissatisfaction with matters in your local area, e.g. inconsiderate parking
- Complaints about PCCs, Deputy PCCs or PCC's staff and policies, other than Warwickshire
- Complaints about the Warwickshire Police and Crime Panel

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- Complaints arising from dissatisfaction with the outcome of a police complaint review
- Any complaint for which we are not the appropriate organisation to deal with it
- Complaints from staff members about other staff members, for which the Fairness at Work Policy should be followed.

There may also be occasions where an individual raises a complaint which has already been dealt with through this process, we will not reconsider a repetitious complaint if due process has been followed.

4. How to make a complaint or request a complaint review?

You should contact us directly if you wish to make a complaint. We would prefer this to be in writing, so that there is a clear record of the issues you want to raise and what outcome you are seeking, although if you are unable to do this, you can either ask someone else to write it down for you, or you can telephone the office and we will arrange for someone to take down the details of your complaint for you.

Therefore you can make a complaint by email, letter or telephone, and our contact details are given at the bottom of this policy.

Unless stated elsewhere in this policy (such as complaint reviews), there is no time limit on when you can make a complaint, but it is best to do it as quickly as possible after the incident occurred. If you leave it a long time after the incident to make the complaint, we may not be able to deal with it as time will have passed, recollections faded, and records may have been destroyed. If a long time has passed (e.g. more than 12 months) please explain why you are now raising the issues, which will help us to ascertain whether we can deal with it.

If you would like to request a review of a police complaint which has been dealt with by Warwickshire Police, there is a specific form to complete, which you will find in Appendix B or on our website: <https://www.warwickshire-pcc.gov.uk/>. We will also accept a review request which does not use the form, if you can provide the information asked in another way. You must submit your review request within 28 days of the date which the review is finalised by the force, based on the date on the outcome letter sent to you. (eg if the letter is dated 1 April, you must submit by 29 April).

5. What will happen when a complaint is made?

Once we receive your complaint we will acknowledge it in a timely manner. An initial analysis will be carried out, and if the issues you raise do not fall within our remit we will let you know, and signpost you elsewhere if we can. In some circumstances we are required to directly refer your complaint to a specific organisation (such as the force), if this is the case we will let you know.

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Where the complaint is rightly directed at us, we will seek to resolve the matter immediately and without delay if possible and appropriate, and if you agree with this. Examples of action we might take could be correcting an action, putting right a wrong, an explanation or an apology; this may bring the matter to a close satisfactorily for you, and be an appropriate and proportionate response.

Otherwise, following initial analysis your complaint will be considered fully, and a decision will be made how to handle it. Some complaints are straightforward to address and others will be more complex, and more information will need to be sought to properly understand the issues raised and other relevant detail. If your complaint is complex and information is needed from external partners or the force, it may take some time to complete.

Different approaches will be taken for different types of complaints as follows:

5.1 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 has responsibility for dealing with complaints made about the conduct of the Chief Constable and has delegated the initial handling of such complaints to the OPCC Chief Executive. The way in which complaints about the Chief Constable are dealt with depends upon the seriousness and nature of the complaint.

In the initial analysis the Chief Executive will need to determine whether the complaint is about the personal conduct of the Chief Constable (or acting Chief Constable). If not, the complaint will not be dealt with by us and you will be advised of this and notified of the body who should deal with your complaint. We are required by law to refer your complaint to the correct body. If it is about the conduct of the Chief Constable, the complaint will be logged by the Chief Executive or another senior member of staff. At this point we will contact you to explain the options available to you, including what you can do if you are dissatisfied with the way in which we propose to handle your complaint.

You can also use this approach to make a complaint about a retired Chief Constable, or the Chief Constable's conduct before they were appointed in this role, but bear in mind we may not take the complaint forward if a lot of time has passed, for the reasons explained in Section 5.

If appropriate we will endeavour to resolve the complaint at this initial stage. Complaints handled in this way may be ones where we are able to provide an explanation or additional information and you agree that these steps are sufficient to remedy the matter to your satisfaction.

Example: You sent a letter to the Chief Constable, and didn't hear back. You make a complaint about the lack of response from the Chief Constable. We look into it for you, and determine that the Chief's assistant forwarded your letter to another department who were responsible for dealing with the issues that you had raised in your letter. This is not a complaint against the Chief Constable's conduct, as a member of their staff had delegated the handling of issues referred to in your letter to the other department and the Chief Constable did not personally deal with the letter.

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If we are unable to resolve the complaint at the initial stage, or you are dissatisfied with this approach, you can request that the complaint is formally dealt with under the police complaints legislation at which point we will record the complaint. Recording a complaint means that it has formal status under the Police Reform Act 2002 and will be dealt with in accordance with legislation¹. Some complaints are automatically required to be recorded if they meet certain criteria under the legislation. The decision to record will be notified to the complainant as soon as is practicable following receipt and consideration of the complaint.

We may have to refer some types of complaint to the Independent Office for Police Conduct (IOPC)² for their consideration, due to their nature. The IOPC will then decide whether the matter should be investigated. We will advise you if a referral to the IOPC has been made and we will inform you whether the IOPC has decided that it should be investigated by them or referred back to us to address in accordance with this policy.

When we deal with a recorded complaint, we must do so in a reasonable and proportionate way taking into account the matter in hand. As explained in the IOPC Statutory Guidance,

'this means doing what is appropriate in the circumstances, taking into account the facts of the matter and the context in which it has been raised within the framework of legislation and guidance, weighing up the matter's seriousness and its potential for learning, against the efficient use of policing resources'.

We will deal with each complaint in an appropriate way and we may carry out an investigation, contacting others to learn more about it. On occasions we may inform you that no further action will be taken, and this might be because further action might be disproportionate to the complaint raised. Sometimes, the outcome you want may not be possible, or may not be reasonable or proportionate. If and when it becomes apparent that the outcome of a complaint is unlikely to meet your expectations, we will contact you to explain the reason for this to you. We will also explain to you if we are going to take no further action with your complaint.

Once we have completed our investigations we will inform you in writing of the outcome of your complaint. This will include an explanation of how the matter has been handled, the actions taken, the findings and the outcome. If appropriate, it will also include the reasons for not taking certain actions.

At the same time, we will provide you with details about your rights to a review, who to address your request for a review to, and what you are required to include in your

¹ We will have regard to IOPC statutory guidance when handling complaints under the police legislative regime, available at: https://www.policeconduct.gov.uk/sites/default/files/Documents/statutoryguidance/2020_statutory_guidance_english.pdf

² 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.

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request. The IOPC is the review body in relation to complaints against the Chief Constable that have been dealt with by the OPCC.

We have a duty under the Police Reform Act 2002 to inform the force of the details of complaints made against the Chief Constable. The 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 force, the PCC will only be responsible for the Chief Constable element of the complaint.

5.2 Complaints against OPCC staff or volunteers

All members of the OPCC staff and volunteers are required to comply with the Code of Conduct, which can be found on our website [here](#). The Code of Conduct incorporates the seven Nolan Principles to which all members of staff have agreed to adhere.

Complaints about members of OPCC staff or volunteers should be submitted to the Chief Executive. Either the Chief Executive or another senior member of staff will conduct the initial analysis and determine whether the complaint is valid as outlined in this policy. A complaint may be determined to be not valid if it is vexatious or repetitious or a complaint for which either another process exists or due process has already been exhausted. For example, dissatisfaction against a decision made by a member of staff acting on behalf of the Commissioner will not be classed as a valid complaint.

If appropriate we will endeavour to resolve the complaint at this initial stage. Complaints handled in this way may be ones where we are able to provide an explanation or additional information and you agree that these steps are sufficient to remedy the matter to your satisfaction.

If an immediate resolution is not possible or appropriate we will consider in detail the complaint matter, speaking to individuals or partners as appropriate. The Chief Executive may ask a senior member of the OPCC team who has not been involved in the matter to carry out a fact finding exercise and report back with recommendations. Any complaint investigation will be conducted in collaboration with relevant bodies, as appropriate. We will keep you updated on progress with investigating your complaint, the likely date of conclusion, and endeavour to resolve the matter promptly as far as possible. While the complaint is being looked into, if the staff member is working on something that is related to the reason you raised the complaint we may need to pause this work while the complaint is looked into.

Once concluded we will write to you with the outcome of the complaint, and we will tell you how we reached such an outcome. We may need to keep some information confidential but we will share what we can. Although complaints may refer to the conduct or behaviour of a particular member of staff, any issues concerning the employer/employee relationship, including disciplinary action, will be addressed under separate internal procedures, and we may not be able to share details of this with you.

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The Chief Executive's decision is final and there is no route of appeal for this type of complaint.

If your complaint is against the Chief Executive, you should address it to the PCC directly. He will follow the same steps outlined for other staff members, and may engage assistance to enable him to do so.

5.3 Complaints against our policies and procedures

You are able to complain about one of our policies or procedures, if you feel that its application has caused you a measure of dissatisfaction. You should direct such a complaint in writing as described above, and we will deal with it accordingly. Such a complaint may be delegated by the Chief Executive to a staff member to address where appropriate.

5.4 Complaints about the PCC or Deputy PCC (initial handling only)

Under the Elected Local Policing Bodies (Complaints and Misconduct) Regulations 2012, the Warwickshire Police and Crime Panel³ has responsibility for dealing with complaints about the conduct of the PCC or Deputy PCC (where appointed). This is for non-serious conduct matters. Where the conduct constitutes a serious complaint - where criminal conduct is alleged - this is referred to the IOPC. As stated in the legislation, the Panel cannot impose sanctions but may choose to use their powers to require the PCC to attend a meeting to answer questions, request information and documents and publish a report or recommendation.

In Warwickshire, the Panel has delegated the initial handling of complaints to the OPCC Chief Executive in their role as Monitoring Officer, as it is permitted to do under the Regulations, although the Panel retains ultimate responsibility for resolving such complaints.

If you would like to make a complaint about the conduct of the PCC or Deputy PCC (where appointed) or the actions of a previous PCC or Deputy PCC that occurred when they were in role, you should follow the process outlined in this policy in Section 4. The PCC and Deputy PCC sign up to a Code of Conduct on appointment, which is based on the Nolan Principles, and this applies while acting in or representing the role. The Code does not apply when acting in a purely private capacity, although as with anyone in public office, good standards of behaviour are expected from them in their private affairs.

On receipt of the complaint the Chief Executive will carry out an initial analysis and determine, in a timely manner whether the complaint is valid in accordance with this policy. The Chief Executive will make a decision on whether the complaint should be recorded, or will refer the complaint to the Panel so they can make this determination. If the Chief Executive considers that there is either an actual or

³ The Police and Crime Panel is an independent body who scrutinise the work of the PCC. The Panel is hosted by Warwickshire County Council. Further information can be found on the Police and Crime Panel part of the Warwickshire County Council website

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perceived conflict of interest in making the decision. The Chief Executive will keep you updated on the decision made and the rationale for such a decision.

If the complaint is not recorded, the Chief Executive will advise you of this. If you are unhappy about the way in which your complaint was handled you can make a complaint to the Chair of the Police and Crime Panel.

If the complaint is recorded, it will be passed to the 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 and we will no longer be responsible for the complaint. There is no right of appeal against the decision of the Panel for complaints against the PCC or Deputy PCC.

5.5 Reviews of police complaints

As described in the Policing and Crime Act 2017, the PCC, as the Relevant Review Body has the role of reviewing the handling and outcome of certain types of complaints dealt with by the force. This is limited to complaints which have been dealt with under Schedule 3 of the Police Reform Act 2002, in the instance where criminality or serious misconduct have not been alleged. For complaints where criminality or serious misconduct have been alleged, the review will be undertaken by the IOPC. You should check the letter from the force containing the complaint outcome to identify who is the review body for your complaint.

A complaint review is not a re-investigation, but an opportunity to assess whether the police force has resolved the complaint in a reasonable and proportionate way and also to identify any opportunities for learning or improvement. We will have regard to IOPC statutory guidance when conducting reviews⁴. The Commissioner has delegated the responsibility for completing reviews to a staff member, who will spend time considering the nature of the complaint, the approach to handling the complaint and any specific issues arising. They will spend time going over the complaint documentation to have a thorough look at the case.

Possible outcomes of a review are:

- A confirmation that the complaint was resolved in a reasonable and proportionate way
- A recommendation to the force for more work to be done to resolve the complaint. The recommendation may include what more work is thought to be needed.

⁴https://www.policeconduct.gov.uk/sites/default/files/Documents/statutoryguidance/2020_statutory_guidance_english.pdf

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At the conclusion of the review process we will notify you of the outcomes of the review, and whether any recommendations have been made to the force for their consideration. If they have, the force will write to you to outline what next steps they are taking. If we determine the matters to be sufficiently serious we will bring them to the Chief Constable's attention.

There are no fixed timescales for complaint reviews, but we will aim to conduct the review promptly, and let you know estimated timescales for completion.

Once a review has been completed there is no further right to appeal on the findings of the review.

6. Managing unacceptable or unreasonable complainant behaviour

Complainants have the right to be heard, understood and respected, and we are committed to ensuring that people are able to access the complaints system.

However, in a small number of cases, people pursue their complaints in a way that is unacceptable. They may behave unacceptably, be unreasonably persistent in their contact, or make unreasonable demands. This can have an impact on the health and safety of complaint handlers. It can also have an impact on the handling and resolution of their complaint.

This policy should be read in conjunction with the policy called Managing Public Contact which will outline how we will deal with unacceptable or unreasonable behaviour.

7. Confidentiality and Support

All complaints are treated confidentially. We will use the information that you provide us for the purpose of complaint handling and resolution or investigation including sharing information with third parties if it is necessary to deal with your complaint. As a public authority we process your personal data in the exercise of our official authority and/or in performance of a task in the public interest.

Once the complaint has been looked into, we may take action that we choose not to share with you, in order to maintain the individual's rights within their employment contract. We will store information relating to complaints in accordance with our information management policies, and where appropriate we will record complaint information on an individual's HR file.

For more information on how we collect and use your personal data, please see our Privacy Notice available at: <https://www.warwickshire-pcc.gov.uk/policies/privacy-policy/general-correspondence-and-complaints/>

We are unable to accept anonymous complaints under this policy.

8. Support

If you have been a victim of crime then you are entitled to support through Victim Support. We can help to sign post you to their services.

Those subject to complaints are entitled to support – through their workplace representative, a support organisation such as CPOSA (for Chief Constables), a Union or the Employee Assistance Programme.

9. Contact Information

- Office of the Police and Crime Commissioner – Police and Crime Commissioner or Chief Executive, Office of the Police and Crime Commissioner for Warwickshire, 3 Northgate Street, Warwick, CV34 4SP, 01926 733523, opcc@warwickshire.pnn.police.uk <https://www.warwickshire-pcc.gov.uk/contact-us/>
- Police and Crime Panel – Chair of the Police and Crime Panel, Warwickshire County Council, PO Box 9, Shire Hall, Warwick CV34 4RR, 01926 412564 <https://democracy.warwickshire.gov.uk/mgCommitteeDetails.aspx?ID=136>
- Professional Standards Department, Warwickshire Police - <https://www.warwickshire.police.uk/contact/af/contact-us/id-like-to-say-thanks-or-make-a-complaint/>

10. Revision Record

Date of change	Nature of revision
November 2021	Full review of Policy

Appendix A: Signposting

Complaint type	Where to direct
Complaints against police officers below the level of Chief Constable, Police Community Support Officers or Police Staff or Volunteers	Warwickshire Police or another force if not Warwickshire.
Complaints about policies or procedures of the force	
Operational policing matters	

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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. This will also include matters being dealt with under civil proceedings
Dissatisfaction with matters in your local area, e.g. inconsiderate parking	Warwickshire Police Safer Neighbourhood Team via Warwickshire Police website
Complaints about PCCs, Deputy PCCs or PCC's staff and policies, other than Warwickshire	Use APCC to help you find the force area you need
Complaints about the Warwickshire Police and Crime Panel	Warwickshire Police and Crime Panel Monitoring Officer monitoringofficer@warwickshire.gov.uk

Appendix B: Complaints Review Request Form

Please use this form if you are unhappy about the outcome of your complaint, or about how your complaint has been handled. Fields marked with an * are mandatory.

The Office of the Police and Crime Commissioner (OPCC) must receive your application for review within 28 days from the day after the date stated on your outcome letter. For example, if your letter is dated 1 April, you have to make sure we receive your review by 29 April.

This form should be completed and sent to the OPCC by email to opcc@warwickshire.pnn.police.uk or by post to OPCC Warwickshire, 3 Northgate Street, Warwick CV34 4SP.

What happens to the information in my review form?

The information you provide on this form will be entered into our systems. We may also need to pass the details of your review to the relevant police force/organisation. Please note, all the contents of this form may be passed to the relevant police force.

If you have any concerns about your information being passed to the police or you require further information about how your data will be handled please contact us.

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For information about how we handle your personal information, please read our privacy notice at: <https://www.warwickshire-pcc.gov.uk/policies/privacy-policy/>

Accessibility

If it is difficult for you to use this form or this service – for example, if English is not your first language or you have a disability – please contact us by email or by phone on 01926 733523

If you require any adjustments to support you through the complaints system, please outline these below. For example, if you have a visual impairment, you may require the police or other organisation to provide written responses in larger text.

Section 1 - About you

*Title:

*First name(s):

*Last name(s):

Date of birth:

Please provide at least two forms of contact below.

Address:

Email:

Telephone:

Preferred method of contact:

Are you applying for a review for someone else?

If the answer is no, you do not need to complete Section 2.

Section 2 – Details of person on whose behalf you are applying for a review

Do not complete this section, if you are applying for a review on your own behalf. If you are applying for review on behalf of someone else, you must have permission from that person.

What is your relationship to the person applying for a review?

*Title:

*First name(s):

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*Last name(s):

Date of birth:

Please provide at least two forms of contact below.

Address:

Email:

Telephone:

Preferred method of contact:

Section 3 – Review details

Please attach the final decision letter from the police force or any additional documents that are relevant. The final decision letter from the police can help us process your review more quickly.

*Tell us which organisation handled the complaint?

Force reference number: This should be on any correspondence you have had from the force.

Please explain why you want to apply for a review. Please outline if you are unhappy with the way your case was handled, the way it was investigated or the final outcome of the case. Please provide details explaining why.

Please explain what you would like to happen. What can happen is dependent on the circumstances of the case. If you are unhappy with the outcome of your complaint or the way it was investigated, you may want to suggest an alternative final outcome.

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Section 4 – Confirmation that information provided is correct

I confirm the information I have provided is truthful and accurate to the best of my knowledge.

Name:

Date:

Section 5 – Feedback

We are constantly striving to improve our service. Please tell us if you have any feedback below.

Would you be happy to be contacted about your experience of the police complaints system?

Yes

No

Thank you for the information you have provided.