



Friday December 14th, 2012

Old Court Room, Wakefield Town Hall

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AWYA
01924 305323

Complaints against the Police and Crime Commissioner

1. Purpose

1.1 The purpose of this report is to:

- Update the Panel and the Commissioner on the process for dealing with complaints made against the Police and Crime Commissioner
- Provide the Panel with the final version of the complaints leaflet and accompanying flow chart both of which will be made available to the public.

2. Background and Context

2.1 At the last Shadow Panel meeting on October 19th, the Panel considered a range of documents relating to the Panel's approach to dealing with complaints made against the Police and Crime Commissioner.

2.2 The Panel's comments were then used to inform the final iteration of the complaints protocol (as discussed under Item 11), the complaints leaflet for the public (see Appendix A) and the accompanying flow chart (see Appendix B.)

2.3 In addition to the documents referred to under item 2.2, a range of material for the Panel's website has also been developed to ensure the public can navigate the complex complaints landscape and access all the information they require should they wish to submit a complaint against the Commissioner, a Police Officer or a Panel Member.

2.4 Several internal documents have been produced for use by AWYA staff when managing the complaints process. These include a delegation list, a detailed check list and a procedural flow chart (available upon request.)

All complaints will be recorded, monitored and managed using Wakefield Council's electronic complaints system.

2.5 As agreed at the last meeting, regular update reports on the complaints process/ incidence of complaints will be put before the Panel for its consideration. Additional ad-hoc meetings of the complaints 'sub-panel' will only be called when the complainant appeals against the suggested resolution or if agreement between the AWYA and the Office of the Police and Crime Commissioner cannot be reached.

3. Recommendations

- 3.1 The Panel is asked to endorse the enclosed documents so the relevant information can be publicised on the Panel's website immediately.

Appendix A- Complaints Leaflet



West Yorkshire Police and Crime Panel

Making a Complaint

This leaflet tells you how to complain about the Police and Crime Commissioner or Deputy
Police and Crime Commissioner for West Yorkshire

Who we are

The **West Yorkshire Police and Crime Panel** works on behalf of the residents of Bradford, Calderdale, Kirklees, Leeds and Wakefield to ensure that the Police and Crime Commissioner for West Yorkshire meets the needs of all the communities he has been elected to serve.

The **Police and Crime Commissioner for West Yorkshire** has responsibility for the totality of policing across West Yorkshire. This includes setting policing priorities through a Police and Crime Plan and then spending the police budget in a way that addresses these priorities.

The Panel has certain duties in relation to the recording and handling of complaints about the Commissioner and their Deputy.

We handle complaints in a fair and independent way – we do not take sides. If you have a concern about something the Commissioner or their Deputy has said or done, you should first raise it with them. But if you are still not satisfied, we may be able to help.

This leaflet sets out what we can and can't do. It explains what we have to do in certain circumstances. If we can handle your complaint, it explains the process that will be followed and there is a form that you can fill in which will help us deal with your complaint.

What we can do

Complaints about the behaviour of the Commissioner or their Deputy are dealt with either by the Independent Police Complaints Commission (IPCC) or by us, the Panel.

We have to record any complaints alleging criminal conduct (or which indicate criminal conduct may have occurred) by the Commissioner or their Deputy. We then have to refer these complaints to the IPCC for investigation.

Any other complaints are handled by us, usually through Informal Resolution.

Informal Resolution means encouraging, helping and bringing about the resolution of a complaint without going through legal or formal proceedings.

We can consider complaints about the way a decision has been made or the behaviour of the Commissioner or their Deputy, if this has caused problems for you. For example, you may want to complain about the Commissioner or their Deputy not following their own rules.

If we find the Commissioner or their Deputy has done something wrong, we will try to get them to put the matter right. What we ask the Commissioner or their Deputy to do will depend on the particular complaint, how serious the fault was and how you have been affected by it.

What we can't do

We can't just question what the Commissioner or their Deputy has done simply because you don't agree with it. There must be some alleged fault by the Commissioner or their Deputy. For example, you may think that they have not followed the proper process for taking a decision.

There are some things we can't look into because there is a more appropriate body to deal with your complaint, or because we don't have the legal power to do so. If we can't help, we will tell you about other organisations that may be able to help.

In particular, we are not able to deal directly with complaints about the performance of West Yorkshire Police or any of their officers. How such complaints are to be dealt with can be found at www.westyorkshire.police.uk. If you are unsure about whether your complaint is appropriate for the Panel to look into, please contact the Policy Officer on 01924 305323 in the first instance, who will be able to advise you.

When to complain

If you have a concern about something the Commissioner or their Deputy has said or done, the first step is to raise it with them. Their contact details are set out below.

If you are still not satisfied, you can make a complaint to us, the Police and Crime Panel. There is a Complaints Form you can download to help you.

You can make a complaint if;

- the conduct you are concerned about has been directed at you
- you have been adversely affected by the conduct, even if it wasn't directed at you
- you have witnessed the conduct

Someone can act on your behalf (perhaps a friend or relative) if you give your written permission for them to do so.

How we deal with your complaint

Set out below is a description of how we deal with your complaint. A flowchart setting out the process can also be downloaded from the website.

When we receive a complaint we take the following steps:

Stage 1 – Recording the Complaint

- 1.1 We check that the complaint is about the Commissioner or their Deputy for West Yorkshire – if it isn't we send it to the right Police and Crime Panel and let you know or we advise you of the right person or organisation to send it to;

If it does relate to the Commissioner or their Deputy for West Yorkshire:

- 1.2 We record the complaint – unless it is already being dealt with through criminal proceedings
- 1.3 If we don't record your complaint we have to tell you that we have made that decision and explain why
 - you can appeal to the Standards and Complaints Sub Panel against a decision not to record your complaint
 - if your appeal is successful your complaint will be referred back to officers to be recorded
 - if your appeal is unsuccessful – the Sub Panel decision is final and your case closed

Stage 2 – Is it a Complaint that Should be Dealt with by Us?

- 2.1 A We decide whether a complaint alleges criminal conduct (or indicates criminal conduct may have occurred). If it does we immediately refer it to the Independent Police Complaints Commission (IPCC). The IPCC will then decide how to deal with your complaint
 - or
- 2.1B We decide that a complaint can be dealt with by us
 - or
- 2.1C We may decide no action should be taken because, for example, it is an employment issue, it is more than 12 months old, the matter is already the subject of a complaint, it is anonymous, vexatious, oppressive or an abuse of the procedures or repetitious
 - you can appeal to the Standards and Complaints Sub Panel against a decision to take no action
 - if your appeal is successful your complaint will be referred back to officers to be dealt with in accordance with the procedures set out below
 - if your appeal is unsuccessful – the Sub Panel decision is final and your case closed

Whatever we decide you will be kept informed.

Stage 3 – Your Complaint is to be looked Into by Us

- 3.1 A copy of the record of the complaint will be sent to you within 5 working days of it being recorded and you will be informed who will be handling your complaint
- 3.2 A copy of your complaint will normally be sent to the person you have complained about for their comments (in certain circumstances your complaint may be kept anonymous or confidential)
- 3.3 You will normally get a response within 15 working days of the record of your complaint being sent to you. If more time is needed you will be told the reason why and given a new date
- If the person you have complained about accepts the recommended decision and any recommended actions to be taken you will receive a copy of the decision and the reasons for it
 - If you accept the decision – it will be implemented and your case closed
 - If you don't accept the decision – your case will be referred to the Standards and Complaints Sub Panel for consideration – its decision is final – it will be implemented and your case closed unless
 - the decision is not accepted by the person you have complained about - in which case the matter will be referred to the full Police and Crime Panel – its decision will be final - it will be implemented and your case closed
 - If the person you have complained about does not accept the recommended decision and any recommended actions to be taken the matter will be referred to the Standards and Complaints Sub Panel for consideration
 - you will receive a copy of the recommended decision and any recommended actions
 - if the person you have complained about accepts the Sub Panel's decision – it will be implemented and your case closed
 - if the Sub Panels decision is not accepted by the person you have complained about, the matter will be referred to the full Police and Crime Panel – its decision will be final - it will be implemented and your case closed
 - The Police and Crime Commissioner (or the person who the complaint is about) may be called to a meeting to answer questions and make representations.

- If the Sub Panel or the full Panel is to consider your case, you will be informed of the date and time of the meeting and you may be invited to attend.

Outcome

- A record of the outcome of your complaint will be sent to the person complained about as well as to you
- Details of the record may be published but only after you have been given a chance to comment
- Possible outcomes could include an;
 - apology
 - improvement or change in procedures
 - acceptance that something went wrong but that no other action is appropriate

Further details on the possible outcomes can be found on our website.

Withdrawing or discontinuing a complaint

- If you want to withdraw or discontinue your complaint you must give us signed notice in writing. If your complaint involves (or may involve) criminal conduct then it might still have to be investigated. If this is the case, you will be told.

How to contact us

There are a number of ways you can make a complaint:

- By email - Clare.elliott@awya.gov.uk
- By telephone - 01924 305323
- By post to – AWYA Manager
Room 20
Wakefield Town Hall
Wood Street
Wakefield
WF1 2HQ

Other contact details

Police and Crime Commissioner for West Yorkshire:

Website: www.westyorkshire-pcc.gov.uk
E mail: puttingthingsright@westyorkshire-pcc.gov.uk
Telephone: 01924 294000

Address: Ploughland House
62 George Street
Wakefield
WF1 1DL

West Yorkshire Police Professional Standards Department (for complaints about police officers or police staff):

Website: www.westyorkshire.police.uk
E mail: psd.genenq@westyorkshire.pnn.police.uk
Telephone: 101
Address: Professional Standards Department
West Yorkshire Police
Laburnum Road
Wakefield
WF1 3QP

Independent Police Complaints Commission (IPCC) (for complaints about alleged or potential criminal matters):

Website: www.ipcc.gov.uk
E mail: enquiries@ipcc.gsi.gov.uk
Telephone: 0300 020 0096 (9.00am to 5.00pm Monday - Friday)
Address: Independent Police Complaints Commission
PO Box 473
Sale
M33 0BW

If you want any general information about the **Police and Crime Panel** please visit our website at: www.westyorkshire-pcp.gov.uk

If you want to complain about the **Police and Crime Panel** or a **member of the Panel** you **should write to:**

The Monitoring Officer
Room 20
Wakefield Town Hall
Wood Street
Wakefield
WF1 2QW

How To Obtain This Information In Other Formats

Please let us know if you have difficulty using our service: for example if you have a disability or if English is not your first language. If you need a copy of this information and form in another language, we can arrange this. We can also produce information in large print, in Braille or on CD. For further information, telephone 01924 305323.

Still Not Satisfied?

If you are still not satisfied with the final outcome, you can ask the Local Ombudsman to look into your case. The Local Ombudsman will:

- look into the actions of the Police and Crime Panel
- investigate further if they feel the Panel has not acted correctly
- provide you with a decision on your complaint
- provide the service free of charge

You can contact the Ombudsman directly at:

The Local Government Ombudsman

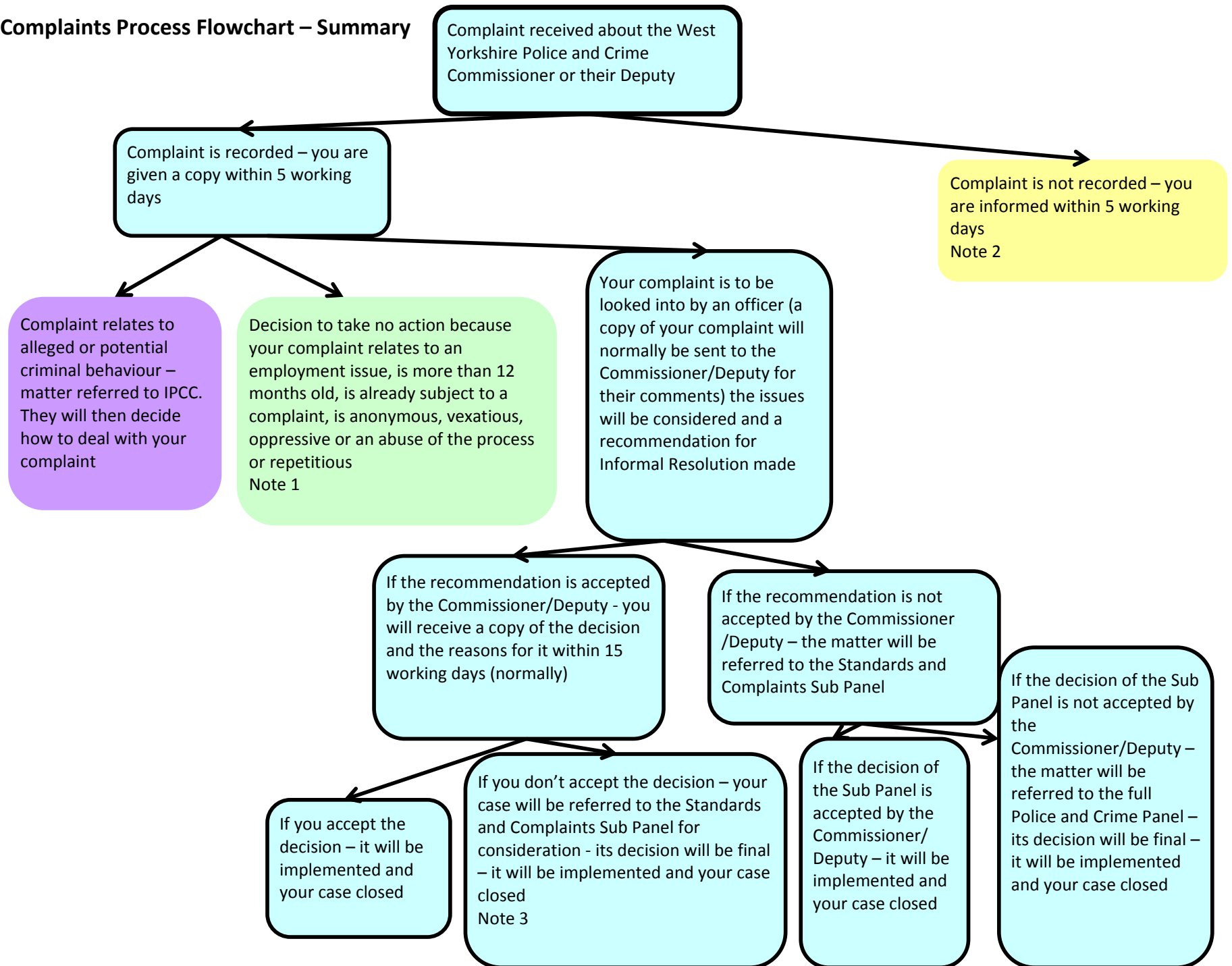
Website: *www.lgo.org.uk*

Call the LGO Advice Team on **0300 061 0614** or
0845 602 1983

Email: **advice@lgo.org.uk**

Write to the Local Government Ombudsman,
PO Box 4771
Coventry CV4 0EH

Appendix B: Complaints Process Flowchart – Summary



Note 1 There is a right of appeal to the Standards and Complaints Sub Panel against a decision to take no action

Appeal not upheld – Sub Panel decision final

Appeal upheld – complaint referred back to officers to be dealt with

Note 2 There is a right of appeal to Standards and Complaints Sub Panel against non – recording of complaint

Appeal upheld – complaint referred back to officers to be recorded

Appeal not Upheld – Sub Panel decision final

Note 3 In exceptional circumstances, if the Sub Panel comes to a different decision from the original recommendation, and that decision is not accepted by the Commissioner/Deputy, the complaint may be referred to the full Police and Crime Panel

General Note – If you are not satisfied with the way we have handled your complaint you can ask the Local Ombudsman to look into your case. The contact details are:

The Local Government Ombudsman

Website: www.lgo.org.uk

Call the LGO Advice Team on **0300 061 0614** or

0845 602 1983

Email: advice@lgo.org.uk

Write to the Local Government Ombudsman,

PO Box 4771

Coventry CV4 0EH