

Cleveland Police and Crime Panel **Making a Complaint about the Cleveland Police and Crime** **Commissioner**

This leaflet explains how to complain about the Cleveland Police and Crime Commissioner (PCC).

This leaflet explains what type of complaints the Cleveland Police and Crime Panel (“the Panel”) can consider and the process that will be followed in handling and resolving these complaints.

The full version of the Panel’s Complaints Procedure can be found at www.stockton.gov.uk/communitysafety/policeandcrimepanel/

The Panel has appointed Stockton-on-Tees Borough Council’s Monitoring Officer to act on the Panel’s behalf in receiving complaints, and a Sub-Committee of Panel Members to try to reach informal resolution of complaints. Any reference to the Panel should be read with this in mind.

The Panel aims to:-

- Handle complaints in a fair and independent way
- Deal with complaints as quickly and effectively as it can.
- Keep all parties informed of progress until the complaint reaches a conclusion

What complaints can the Panel look at?

The Panel is responsible for dealing with complaints about the conduct of the PCC.

“Conduct” means the way things are done or not done, statements are made and the way decisions are taken.

Any complaint alleging criminal conduct will first be passed onto the Independent Police Complaints Commission (IPCC) for investigation.

Other non-criminal complaints are logged and then handled by the Panel, usually through a process called Informal Resolution.

If you already have an ongoing complaint, the Panel would normally require that complaint process to be completed before it looks into the new matter.

What the Panel is unable to do

There are certain complaints the Panel cannot handle because it does not have the legal power to do so. There are separate procedures for the following complaints:-

- Complaints about operational policing matters
- Complaints about the Chief Constable
- Complaints relating to the administration of the Panel or complaints relating to the conduct of individual Panel members.

If the Panel decides your complaint should be directed to another body because it falls beyond its remit, the Panel will explain why and offer to pass it on.

The Panel cannot consider complaints about the merits of a PCC decision, for example where someone disagrees with a policy the PCC has introduced.

The Panel has no power to investigate complaints in any way, although it may ask the person complained against to provide information or summon them to answer questions.

Submitting a complaint

Complaints should be sent in writing to:-

Monitoring Officer
Stockton-on-Tees Borough Council
PO Box 11
Municipal Buildings
Church Road
Stockton-on-Tees
TS18 1LD

Or by email: democraticservices@stockton.gov.uk

Please complete the **Complaint Form** which has been designed to help you set out the information needed to process your complaint. A copy can be downloaded from www.stockton.gov.uk/communitysafety/policeandcrimepanel/ or one can be emailed or posted to you.

The Panel cannot accept complaints via Twitter, Facebook or telephone.

You can arrange for someone to act on your behalf, such as a friend or relative. However, you must provide written confirmation that you have given your consent before the Panel can discuss your case with them.

How the Panel will deal with your complaint

When a complaint is received the Panel will take the following three steps:-

Step 1 – Initial Assessment

Your complaint will be checked to see that it is about the conduct of the Cleveland PCC.

If your complaint relates to another police force area it will be passed to the Police and Crime Panel for that area.

If the complaint is about operational policing matters or the performance of the Cleveland Police or any of its officers it will be passed to Cleveland Police.

If the complaint is about the Chief Constable it will be passed to the PCC.

Step 2 – Recording your Complaint

If your complaint relates to the conduct of the PCC it will be recorded, unless the matter has been or is currently being dealt with by criminal proceedings.

If it is decided not to record your complaint, this will be explained.

If it is recorded, you will normally be given a copy of the Record of Complaint.

Step 3 – Deciding how your complaint will be handled

Option A – Is it a serious complaint that should be passed to the Independent Police Complaints Commission (IPCC)?

If your complaint alleges criminal conduct (or appears to involve a criminal offence that can be triable in England and Wales) it will be passed to the IPCC. The IPCC will then decide how to deal with your complaint.

Option B – Are there grounds to reject the complaint?

It may be decided to reject your complaint and take no action in the following circumstances:

- a) The complaint is by a member of the PCC staff, arising from their work;
- b) The complaint is more than 12 months old where there is no good reason for the delay, or the delay would be likely to cause injustice;
- c) The complaint is about conduct that is already the subject of another complaint;
- d) The complaint is anonymous;
- e) The complaint is vexatious, oppressive or otherwise an abuse of process for dealing with complaints; or
- f) The complaint is repetitious

If it is decided to take no action regarding your complaint you will be notified.

Option C – Has the complaint already been satisfactorily dealt with?

If it appears your complaint has already been satisfactorily dealt with by the time it comes to the Panel's attention, it may decide to take no further action.

Option D – Should the complaint be taken forward to Informal Resolution?

If your complaint has not been passed to the IPCC, rejected, or already been dealt with, it will usually be taken forward to informal resolution.

What is Informal Resolution of Complaints?

Informal Resolution is a way of dealing with a complaint by solving, explaining, clearing up or settling the matter directly with the complainant, without investigation or formal proceedings.

It is a flexible process that may be adapted to the needs of the complainant and the individual complaint. This may be done by letter or in a face to face meeting with the Panel Sub-Committee.

In attempting to secure a resolution the Panel will consider whether further information, clarification or explanation is required and/or whether any actions are required and can be agreed with all parties.

The Panel cannot tender an apology on behalf of the person complained against unless the person has admitted the alleged conduct and agreed to the apology.

The Panel has no powers to investigate complaints but is allowed to ask the person complained against to provide information and documents and answer questions.

The Panel cannot impose formal sanctions on the person you have complained about because it does not have the power to do so. Ultimately the PCC is held accountable by the ballot box. However a report or recommendation may be published by the Panel.

Outcome of Informal Resolution

A record of the outcome of your complaint will be sent to both parties and published if it is deemed in the public interest but only after both parties have been given the chance to comment on the proposed publication.

Timescales for Handling your Complaint

Wherever reasonably possible your complaint will be acknowledged within 5 working days. Your complaint will be concluded, insofar as reasonably practicable within 12 weeks if it is dealt with through informal resolution.

However each case is different and the time taken to reach a conclusion will depend on the nature of the complaint.

All parties will be kept updated of progress until the complaint reaches a conclusion.

If the complaint is criminal in nature it must be passed to the IPCC as soon as possible. You will be notified if that happens. The IPCC will then decide how to deal with the complaint and will contact you.

Withdrawing a Complaint

If you wish to withdraw your complaint you (or someone authorised to act on your behalf) must say this in writing via post or email. It is however for the Panel (Sub-Committee) to determine whether a complaint should be withdrawn.

Appeals

There is no right of appeal regarding the outcome of the complaint, although the Local Government Ombudsman has the power to investigate the administration of Police and Crime Panels.

If you are unhappy with the way your complaint was handled you can refer the matter to the Local Government Ombudsman.

The Panel's complaints procedure will need to be followed to its conclusion, before the Local Government Ombudsman will become involved.

Other Contact Details

Cleveland Police and Crime Commissioner

Website: www.cleveland.pcc.police.uk
Telephone: 01642 301632 or 01642 301653
Email: pcc@cleveland.pnn.police.uk

Independent Police Complaints Commission (IPCC)

Website: www.ipcc.gov.uk
Email: enquiries@ipcc.gsi.gov.uk
Telephone: 0300 020 0096
Address: Independent Police Complaints Commission
PO Box 473
Sale
M33 0BW

The Local Government Ombudsman

Website: www.lgo.org.uk
Telephone: 0300 061 0614
Address: The Local Government Ombudsman
PO Box 4771
Coventry
CV4 0EH

Stockton-on-Tees Borough Council

Website: www.stockton.gov.uk
Telephone: 01642 526193 (Democratic Services)
Email: democraticservices@stockton.gov.uk