

COMPLAINTS ABOUT THE CONDUCT OF THE WEST MERCIA POLICE AND CRIME COMMISSIONER AND HIS DEPUTY

1. Introduction

This procedure sets out how the West Mercia Police and Crime Panel (WMPCP) will deal with complaints about the conduct of the Police and Crime Commissioner (PCC) and his Deputy (DPCC).

2. Please note that this procedure is for complaints about conduct, not about the Policies the PCC pursues. Complaints about the Chief Constable or police operational matters are not dealt with under this procedure – follow this link www.westmercia.police.uk/contact-us/making-a-complaint.html.

3. Criminal offences

If there is an indication that the PCC/DPCC may have committed a criminal offence, or the conduct complained of appears to involve a criminal offence, the complaint must be passed to the Independent Office for Police Conduct (IOPC). It is open to the IOPC to subsequently refer the matter back for the Panel to deal with.

4. Making a complaint

All complaints about the conduct of PCC/DPCC must be made to Simon Mallinson, Head of Legal and Democratic Services, Worcestershire County Council (WCC) acting for the West Mercia Police and Crime Panel by email SMallinson@worcestershire.gov.uk or by letter to Legal & Democratic Services, County Hall, Spetchley Road, Worcester, WR5 2NP.

5. Complaints about the conduct of the PCC and/or the DPCC will be recorded and classified as necessary for the purposes of the relevant Regulations and outcomes reported to the WMPCP.

6. Filtering Process

A copy of the record of the complaint will be supplied to the PCC or DPCC complained about as well as the complainant. The identity of the complainant may be anonymised before such supply but only for good reason, or a copy of the record may not be provided if it might prejudice any criminal investigation or pending proceedings or otherwise contrary to the public interest.

7. The complaint will be initially considered by the Chairman of the WMPCP, in consultation with the Monitoring Officer from WCC as appropriate. Where it is considered that a complaint requires further information or detail to be properly considered, the complainant will be asked to provide additional detail before the complaint is progressed.
8. The complaint will not be recorded or dealt with if the matter has been or is currently been dealt with through criminal proceedings or if the complaint is withdrawn.

9. If the Chairman considers that a recorded complaint is one in respect of which no action should be taken, or falls within the circumstances below, then the complaint may be handled in whatever way the Chairman considers appropriate.

10. The circumstances are that the complaint is:

- By a member of the office holder staff arising from his/her work;
- More than 12 months have elapsed since the incident and there is no reason for the delay, or injustice will be caused by it;
- The matter is already the subject of a complaint;
- Is anonymous;
- Is vexatious, oppressive or otherwise an abuse of procedures or a repetitious complaint.

11. Resolution

The Chairman of the WMPCP may refer the complaint for consideration by a Sub-Panel of three members of the WMPCP appointed by the Chairman. This referral to the sub-panel may be either to consider whether to take any action in respect of the complaint or to deal with the complaint by way of informal resolution.

12. The regulations do not allow a formal investigation of the complaint but the PCC/DPCC may be asked to provide documents in relation to the complaints and/or to attend a meeting to answer questions or give evidence. The sub-panel will seek to resolve the complaint through the procedure it considers most appropriate for the circumstances. This may include a face to face meeting between the complainant and the PCC/DPCC mediated as appropriate or further explanatory communication between the complaints and the PCC/DPCC, and may culminate with an apology from the PCC/DPCC if they wish to provide one.

13. Please note that the WMPCP (and those acting on its behalf) have no powers to make formal findings or apply formal sanctions. It may, however, provide its opinion on the conduct of the relevant officeholder having looked into the issue and heard the account of the officeholder.

14. Where a recorded complaint has been resolved informally, a record of the outcome shall be made and a copy of that record sent to the complainant and the PCC/DPCC in question. The record will not be published unless the complainant and the PCC/DPCC has been given the opportunity to make any representations, the Chairman has considered any such representations and is of the opinion that publication is in the public interest.

15. A complaint can be withdrawn or discontinued by the complainant.

16. It is open to the Chairman or sub-panel to refer the complaint to the full WMPCP for consideration.

17. This procedure is subject to review and any requirement in legislation or regulations.

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