

SOUTH YORKSHIRE POLICE AND CRIME PANEL – REPORT TO MEMBERS

1.	Meeting:	South Yorkshire Police and Crime Panel
2.	Date:	4 th March 2016
3.	Title:	Revised Complaints Procedure
4.	Officer and Organisation:	Legal Adviser, Rotherham Metropolitan Borough Council – Host Authority

5. Summary

To suggest revisions to the current Complaints Procedure.

6. Recommendations

It is recommended that the Panel:

6.1 Approve the amended extract from the Complaints Procedure as set out at Appendix 1.

7. Details and Proposals

7.1 Members will recall at the previous meeting a decision to delegate the initial handling of complaints to the Office of the Police and Crime Commissioner. The rest of the procedure was to remain unchanged.

7.2 The initial part of the Complaints procedure has therefore been revised to reflect the decision referred to above, and appears at Appendix 1.

8. Finance

None

9. Risks and Uncertainties

None

10. Background Papers and Consultation

Files held by the Panel's Legal Adviser.

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Appendix 1

INITIAL HANDLING OF COMPLAINTS

Submitting a complaint

1. The Panel has delegated authority for the initial handling of complaints to the Chief Executive of the Office of the PCC. As such complaints should be sent to:

Chief Executive
Office of the South Yorkshire Police and Crime Commissioner
South Yorkshire Police HQ
Ground Floor
Carbrook House,
Carbrook Hall Road
Sheffield
S9 2EH

Or michellebuttery@southyorkshire-pcc-gov.uk

The Chief Executive of the Office of the PCC will consider whether the complaint is a complaint against the PCC, is a complaint for which the South Yorkshire PCP is the relevant Police and Crime Panel, is a complaint at all, or is a complaint relating to an operational matter of South Yorkshire Police (the Police) to be resolved in accordance with the complaints procedures of the Police.

When in accordance with the delegation to the Chief Executive of the Office of the PCC the decision has been made to record a complaint that will not subsequently be referred to the Independent Police Complaints Commission (the IPCC), the Chief Executive of the OPCC will:

- Record the date of receipt

- send a copy of the complaint, to the complainant and to the person complained about (in the latter case, subject to any decision taken not to supply a copy of the complaint or to supply the complaint in a form which keeps anonymous the identity of the complainant or of any other person) and will include the contact details of the Panel's scrutiny officer; and

- refer the record, a copy of the complaint, and copies of all the associated paperwork, to the Panel's scrutiny officer. This will be no later than two working days after the complaint has been recorded.

2. When submitting a complaint it is helpful to provide as much information as possible, to be specific regarding what was allegedly said or done, the date it happened and whether there were any witnesses.

Reference to the Independent Police Complaints Commissioner

3. The Panel is not responsible for investigating or determining whether a crime has been committed. The Panel has delegated authority to the Chief Executive of the OPCC for filtering complaints and deciding which complaints may amount to criminal conduct and should be referred to the IPCC. This will be done in consultation with an Independent Member of the Panel. The Chief Executive of the OPCC may take advice from the IPCC before making a referral.
4. Any conduct matter (see below) and any serious complaint (a complaint about conduct that constitutes or involves, or appears to, the commission of a criminal offence) must be reported to the IPCC as soon as possible.
5. Any other complaint must be referred if the IPCC requires it.
6. Referrals should be made as soon as possible and no later than the close of business the day after the Panel becomes aware that the matter should be referred.
7. The complainant and the person complained about should be notified, unless doing so might prejudice a future investigation.
8. It is possible for the IPCC to refer any complaint back to the PCP for resolution.