

## SOUTH YORKSHIRE POLICE AND CRIME PANEL – REPORT TO MEMBERS

1.	<b>Meeting:</b>	South Yorkshire Police and Crime Panel
2.	<b>Date:</b>	28 <sup>th</sup> January 2013
3.	<b>Title:</b>	Complaints Procedure
4.	<b>Organisation:</b>	Monitoring Officer, RMBC – Host Authority

### 5. Summary

This report proposes a complaints procedure for the Police and Crime Panel and reflects the comments and suggestions made by members at the previous meeting.

### 6. Recommendations

#### That the Panel:

- Approves the Complaints Procedure, with a requirement to review the functioning of the procedure in six months.

## 7. Proposals and details

The Panel is given specific functions under the Elected Local Policing Bodies (Complaints and Misconduct) Regulations 2012 (the regulations) as to the handling and determination of complaints against the Commissioner and/or Deputy Commissioner. The regulations permit the Panel to delegate some or all of these to the Chief Executive of the Commissioner's office, to a sub committee of the Panel itself, to the Monitoring Officer of the host authority or to a voluntary sector organisation.

The functions for which the Panel are responsible are summarised as follows:

- Initial handling of complaints and conduct matters.  
Receiving and recording of complaints. The Panel has a duty to obtain and preserve evidence and comply with any directions from the Independent Police Complaints Authority (IPCC).
- Resolution of non-criminal complaints.  
Where a complaint relates to non-criminal conduct of the Commissioner or Deputy Commissioner the Panel needs to make arrangements for it to be subject to informal resolution. This may be conducted by the Panel itself, a sub committee of the Panel, a single member of the Panel or another person (which cannot be the Commissioner or Deputy Commissioner).
- Provision and recording of information.
  - Tell the Commissioner the name and address to which complaints are to be sent – information to be published by the Commissioner
  - Record a complaint
  - Send copies of records to the complainant and to the person being complained about
  - Copies may be anonymised or not provided depending on criminal proceedings and whether it is in the public interest or not. Decisions such as these to be kept under review.
  - Panel to keep all records of complaints, purported complaints or conduct matters.
  - Provide the IPCC with any information, documents or evidence it requires.
  - Complainants and any persons complained about should be sent copies of resolutions.

At the meeting of the Panel held on 19<sup>th</sup> December, it was agreed that the informal resolution of all complaints would be considered by the full Panel. This will enable the Panel to understand the volume and complexity of complaints being made before they make a decision in the future about which elements of the procedure may be effectively delegated.

The proposed procedure, at appendix A, reflects the earlier decision. However the administration of the procedure with regard to receiving and recording complaints, forwarding complaints to the IPCC and the initial consideration of whether a complaint is a complaint that requires consideration by the Panel, has been

delegated to the Monitoring Officer of the Host Authority, in consultation with the Chair and Vice Chair. This is to ensure that matters can be referred to the IPCC within the required timescale and that complaints which do not meet the criteria for consideration by the Panel can be dealt with in a timely manner and without the need to wait for the next Panel meeting.

It was suggested at the previous meeting that consideration be given to providing an appeal against the outcome of any informal resolution. As the Panel is not able to conduct an investigation into the complaint, does not make any findings and cannot impose a formal penalty, the provision of an appeal procedure does not appear appropriate. The regulations do not provide for an appeal against an informal resolution.

The Panel are asked to consider and, if appropriate, approve the procedure, with a review in six months.

### **Finance**

There are no immediate financial implications of this report.

### **8. Risks and Uncertainties**

Clearly the main uncertainty is the number of complaints that are likely to be received about the Commissioner. It is difficult to estimate and therefore plan for this.

### **Background Papers and Consultation**

LGA Guidance Handling complaints about the Police and Crime Commissioner and their Deputy.

### **9. Contact**

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