Cumbria Office of the Police and Crime Commissioner

Complaints Policy

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Introduction

The Office of the Police and Crime Commissioner (OPCC) for Cumbria is committed to delivery high standards of professionalism and behaviour at all times and takes all complaints seriously.

This policy sets out the duties and responsibilities of the OPCC imposed by the Police Reform and Social Responsibility Act 2011 and the Elected Local Policing Bodies (Complaint and Misconduct) Regulations 2012 in dealing with complaints. This ensures that any complaint is dealt with in an efficient and effective manner, by the appropriate authority and that the public receive the highest standards of public service.

In this policy we will explain how to make complaints and what help is available to enable you to make a complaint. We will explain the Office of Cumbria Police & Crime Commissioner's role with regard to complaints and what to do if you are not happy with how your complaint was handled.

Ethical Standards

The Office of Cumbria Police & Crime Commissioner prides itself on upholding the highest ethical standards in all its practices and work. Our staff and volunteers are committed to working within agreed guidelines and to the relevant Codes of Conduct.

What can I make a complaint about?

Policing and crime reduction relies upon communities having trust and confidence in the police service and those who are elected to oversee it.

Members of the public can make a complaint about:

- A person's conduct or attitude
- A decision or policy which has affected them
- The policing service they have received

A conduct complaint is defined within the Independent Police Complaints Commission (IPCC) statutory guidance as - *an expression of dissatisfaction by a member of the public about the **conduct** of a person serving with the police*. Members of the public may also be dissatisfied with the conduct of the Police and Crime Commissioner or a member of his staff.

The Police and Crime Commissioner and his staff all adhere to a Code of Conduct. All police officers and staff must adhered to the published Code of Ethics which defines the nine policing principles:

Accountability ***Integrity*** ***Openness*** ***Fairness*** ***Leadership***

Respect ***Honesty*** ***Objectivity*** ***Selflessness***

These principles underpin and strengthen the existing procedures and regulations for ensuring standards of professional behaviour for both police officers and police staff. A person may be affected by a policing decision, how certain police powers were exercised, operational management decisions regarding the police force, including force-wide crime initiatives or policies. These are known as Direction and Control complaints.

Where a member of the public is unhappy with how the police dealt with them but don't want to make a formal complaint or they would like the police to learn from their experience, these can be dealt with using the Quality of Service process.

If you are dissatisfied with the conduct of a police officer, member of police staff, the Police and Crime Commissioner or a member of his staff, this policy will advise you how to make a complaint and who to.

How to Make a Complaint

The OPCC appreciates that making a complaint can be stressful and the prospect can be daunting. If you want advice on how to complain, you can contact the Office of Cumbria Police & Crime Commissioner for assistance. Alternatively you may want to consider approaching your local MP, County or District Councillor or the Citizens' Advice Bureau.

Complaints against different people or groups have to be made and handled in different ways. How to make the various different types of complaint are set out below.

The Office of Cumbria Police & Crime Commissioner is responsible for investigating complaints about the Chief Constable, any appointed Deputy Police & Crime Commissioners, the Office of Cumbria Police & Crime Commissioner's own staff and Independent Custody Visitors. Any complaints received regarding the Police and Crime Commissioner will be forwarded to the Police & Crime Panel to deal with.

By law the Office of Cumbria Police & Crime Commissioner is not allowed to investigate complaints about Police Officers under the rank of Chief Constable, or members of Police Staff working for the Chief Constable. This is the statutory responsibility of the Chief Constable to deal with.

How to complain about the Police & Crime Commissioner

As a representative of the local community, the Police & Crime Commissioner signs up to a Code of Conduct. This includes the ten principles of conduct in public life:

- Selflessness
- Honesty and Integrity
- Objectivity
- Accountability
- Openness
- Personal Judgement
- Respect for Others
- Duty to Uphold the Law
- Stewardship
- Leadership

The responsibility for considering complaints that the Police & Crime Commissioner may have breached their Code of Conduct sits with the Police & Crime Panel. This

panel is made up of representatives from district councils and the county council, plus 2 independent people who are not councillors. What this means to you –

If you want to complain about the conduct of the Police & Crime Commissioner, you must submit your complaint to:

The Monitoring Officer
Cumbria County Council
The Courts
Carlilsle
CA3 8LZ

They will make an initial assessment of the complaint. Following this the complaint will be sent to the Police and Crime Panel. Details of how to make a complaint are also available on the Police & Crime Panel's website - www.cumbriapcp.org.uk

The Police & Crime Panel can only deal with complaints about the behaviour of the Police & Crime Commissioner. It will not deal with complaints about things that are not covered by the Police & Crime Commissioner's Code of Conduct. If you make a complaint to the Police & Crime Panel, you must explain fully the reasons for your complaint against the Police & Crime Commissioner.

If you feel that the Police & Crime Commissioner has committed a criminal offence then this should be reported to the Police & Crime Panel. They will then refer the matter to the Independent Police Complaints Commission (IPCC) who will investigate the matter. Alternatively such a criminal offence could be reported to the Constabulary who will then deal with the matter appropriately.

How to complain about decisions made by the Police & Crime Commissioner

If you wish to make a complaint about the decisions of the Police & Crime Commissioner, you must first approach the Police & Crime Commissioner to ask them to review their actions.

If you are not satisfied with the outcome of that process, you can then make a complaint to the Local Government Ombudsman on 0845 602 1983. The Ombudsman's website can be accessed www.lgo.org.uk .

How to complain about a member of staff of the Office of Cumbria Police & Crime Commissioner

While the Office of Cumbria Police & Crime Commissioner's staff are not representatives of the community, they are still expected to maintain the highest standards of conduct.

The staff of the Office of the Police & Crime Commissioner have adopted a code of ethics which includes:

- Honesty and integrity
- Authority, respect and courtesy
- Equality and diversity
- Ensuring Confidentiality

The Office of the Police & Crime Commissioner's staff all undertake to adhere to an anti-discrimination code. They also follow a Police & Crime Commissioner-Officer Protocol which ensures good relations between the Police & Crime Commissioner, any appointed deputies and the staff who work for them.

If your complaint is about the actions of the staff of the Office of the Police & Crime Commissioner, your complaint must be referred to the Chief Executive, by writing to them at the Office of the Police & Crime Commissioner, Carleton Hall, Penrith CA10 2AU, or telephoning 01768 217734 or e-mailing commissioner@cumbria-pcc.gov.uk

If you wish to complain about the Chief Executive, you should address your complaint to the Police and Crime Commissioner, by writing to them at the Office of the Police & Crime Commissioner, Carleton Hall, Penrith CA10 2AU, or telephoning 01768 217734 or e-mailing commissioner@cumbria-pcc.gov.uk

How to complain about a member of the Joint Audit & Standards Committee or a member of the Ethics and Integrity Panel

If your complaint is about the actions of either a member of the Joint Audit & Standards Committee or the Ethics and Integrity Panel, your complaint must be referred to the Chief Executive, by writing to them at the Office of the Police & Crime Commissioner, Carleton Hall, Penrith CA10 2AU, or telephoning 01768 217734 or e-mailing commissioner@cumbria-pcc.gov.uk

How to make a complaint about a Police Officer

Who can complain?

A complaint may be made by any of the following:

- a member of the public who claims that the conduct took place in relation to him or her
- a member of the public who claims to have been *adversely affected* by the conduct, even though it did not take place in relation to him or her (see annex)
- a member of the public who claims to have *witnessed the conduct*
- a person acting on behalf of someone who falls within any of the three categories above.

A person can only be considered as having been authorised to act on behalf of another for the purposes of making a complaint if he or she has and is able to produce written consent from that person. Written consent should be clear and unambiguous. It need not be in English.

Police Officers and Staff

Under the Police Reform Act 2002 Police Officers and staff are not able to submit a complaint if:

- he or she was on duty at the time of the conduct he or she claims to have been a victim of, adversely affected by or to have witnessed; or
- the complaint relates to the conduct of a person who, at the time of the alleged conduct, was under the direction and control of the same chief officer as themselves.

Should they have any issues or wish to complain there are internal systems which can be used in these circumstances.

Partners and relatives

A partner or relative of someone who has served or is serving with the police force will not be able to make a complaint on that person's behalf if the person is serving or who has served with the police.

Alternatively, a partner or relative might legitimately claim to have witnessed or been adversely affected by the conduct alleged and so may become a complainant in his or her own right.

How to complain about the Chief Constable

The Police & Crime Commissioner is responsible for investigating complaints against the Chief Constable. All complaints must be made in writing to the Police and Crime Commissioner at the following address:

Office of the Police & Crime Commissioner
Carleton Hall
Penrith
Cumbria
CA10 2AU
or by e-mail to commissioner@cumbria-pcc.gov.uk

How to complain about the Deputy Chief Constable or Assistant Chief Constables

The Chief Constable is responsible for investigating complaints against the Deputy Chief Constable and Assistant Chief Constable. All complaints must be made in writing to the following address:

Professional Standards Department
Cumbria Constabulary
Carleton Hall
Penrith
Cumbria, CA10 2AU
Telephone: (01768) 217133
or by Email to: PSDAdmin@cumbria.police.uk

How to complain about a Police Officer; Special Constable; PCSO and/or Constabulary Staff.

If you wish to make a complaint about the conduct or behaviour of a police officer, a police community support officer, a member of police staff or a special constable, then you can do so either by writing to the address below, telephoning or e-mailing .

Professional Standards Department
Cumbria Constabulary
Carleton Hall
Penrith, CA10 2AU
Telephone: (01768) 217133; Fax: (01768) 217638
Email: PSDAdmin@cumbria.police.uk

Alternatively the Police Complaints system is overseen by the Independent Police Complaints Commission (IPCC) and governed by the Police Reform Act 2002. You can visit the IPCC website – www.ipcc.gov.uk - for further information and to make a complaint.

If you wish you can direct your complaint to the Office of the Police & Crime Commissioner. While the Office of the Police & Crime Commissioner is not allowed to

investigate complaints against police officers, if you wish we will re-direct your complaint to the Professional Standards Department for them to investigate. We could then monitor the progress of your complaint.

Schedule 14 Section 7 of the Police Reform and Social Responsibility Act 2011 introduces a power for the Police & Crime Commissioner to direct Chief Officers to comply with their obligations with regards to complaints.

Where it appears to the local policing body that

(a) an obligation to act or refrain from acting has arisen by or under this part,
(b) that obligation is an obligation of the chief officer of police of the police force which is maintained by the local policing body; and
(c) the chief officer has not yet complied with that obligation, or has contravened it.

The local policing body may direct the chief officer to take such steps as the local policing body thinks appropriate. The Chief Officer must comply with any direction given under the above.

The Professional Standards Department have also established Complaint Access Points (C.A.P), who will receive details of your complaint and forward them to us on your behalf, e.g. AWAZ (The voice and social network of the black and Minority Ethnic Community in Cumbria), Eden Rural Foyer (Old London Road, Penrith CA11 8ET), or Citizen Advice Bureau.
A further C.A.P. has been established with the Furness and South Cumbria Branch of the National Autistic Society.

The point of contact for this C.A.P. is Janet Rigg, e-mail address: paulandjanet@supanet.com

You can also use your local library if you wish to make a complaint

You can download the Constabulary's leaflet "Your Guide to Complaints", which is currently available in English and Polish. This leaflet will give you more information on how to make a complaint and what will happen if you do.

Your Guide to Complaints (English) Your Guide to Complaints (Polish)

The IPCC produce leaflets in different languages, namely Arabic, Bengali, Punjabi, Gujarati, Urdu, Hindi, Chinese, Vietnamese, Greek, Welsh, Spanish, French, Portuguese, Somali, Turkish and English. They are also available in audio, Braille, large print and easy to read format.

If your query is about the progress of a case or investigation you may be involved in, then you should have been provided with a Help Desk telephone number, but if you are experiencing difficulties, contact the Professional Standards Department and they will chase it up for you.

How to complaint about an Independent Custody Visitor

The Office of the Police & Crime Commissioner operates an Independent Custody Visiting Scheme which is operated by volunteers. Independent Custody Visitors make random, unannounced visits to police stations to check on the welfare of detainees in police custody. On appointment they agree to abide by a Code of Conduct and they have a separate complaints policy.

If you want to make a complaint about an Independent Custody Visitor, please do so by contacting the Independent Custody Visiting Scheme Administrator:

The Independent Custody Visiting Scheme Administrator
Office of the Police & Crime Commissioner
Carleton Hall
Penrith
Cumbria CA10 2AU
Telephone: 01768 217734
or by e-mail to commissioner@cumbria-pcc.gov.uk

Complaints involving Financial Administration by the Police & Crime Commissioner

Under certain circumstances you may complain to the Office of the Police & Crime Commissioner's Internal Auditors (Management Audit Unit) or external auditors (Grant Thornton UK LLP)) particularly if the matter relates to fraud, financial misconduct or financial irregularity. For example if there is concern regarding irregularities within the Statement of Accounts for the Police and Crime Commissioner.

Internal Auditors:
Management Audit Unit
Cumbria County Council
The Courts
Carlisle
CA3 8NA
Tel: 01228 226254
Email: emma.toyne@cumbriacc.gov.uk
Please make it clear that your complaint refers to Cumbria Police & Crime Commissioner

External Auditors:
Grant Thornton UK LLP
C/o Cumbria County Council
Lower Gaolyard
The Courts
Carlisle
Cumbria
CA3 8NA
Tel: 01228 227267
Email: www.grant-thornton.co.uk

Please make it clear that your complaint refers to Cumbria Police & Crime Commissioner.

Complaints involving Victims of Crime

The Code of Practice for Victims of Crime (the Victims' Code) places a statutory obligation on criminal justice agencies to provide a standard of service to victims of crime or, where the victim died as a result of the criminal conduct, their relatives.

If you are a victim of crime in England and Wales and believe a criminal justice agency has failed to provide you with the service set out in the Victims' Code, you should first make your complaint direct to the organisation concerned. If you remain unhappy after that then you should contact an MP and ask them to refer your complaint to the Ombudsman.

The Parliamentary and Health Service Ombudsman can investigate complaints in relation to the Victims' Code. If you have any questions about making a complaint under the Victims' Code then you can contact the Ombudsman via their Helpline on 0345 015 4033.

Quality of Service

If you are not happy with how the police dealt with you but don't want to make a formal complaint or you would like the police to learn from your experience without having to talk to them directly, then you should talk to the Office of Cumbria Police & Crime Commissioner**.**

As the person charged with the governance of the police force in Cumbria, the Police & Crime Commissioner's job is to ensure that the police are delivering an effective and professional service. One of the ways we do this is by talking to members of the public about their experience of dealing with the police. This then allows feedback to be provided to the police to enable them to improve the way in which they provide policing services.

If you want to give feedback on your experiences:

- You can contact us by phone, email, letter or by talking to the Police & Crime Commissioner at one of our events.
- If it is appropriate, then we can arrange to meet you in person at a venue you both agree. We will agree with you who this will be.
- We will listen to your concerns and, if it is appropriate and you wish us to do so, raise them with the Chief Constable or other relevant organisation."
- If you wish, we will contact the police to find out more about what happened but will never pass on your personal details to them unless you want us to.
- We will let you know what happens as a result.

Contact us on:
Telephone: 01768 217734 (Office hours 8:30- 5pm Monday- Thursday, 8:30- 4pm Fridays; please leave a message on our voicemail at other times.

Email - commissioner@cumbria-pcc.gov.uk
Write to:
Office of Cumbria Police & Crime Commissioner for Cumbria
Carleton Hall
Penrith
Cumbria
CA10 2AU

We aim to acknowledge receipt of your correspondence within 5 working days. Any letters, telephone or e-mail messages will only be accessible to the Office of the Police & Crime Commissioner's's own staff.

What to do if you are not happy with how your complaint has been handled

If you are not happy with how we have dealt with your concerns, you may contact one of the following organisations –

Independent Police Complaints Commission
1st Floor
Oaklands House
Washway Road
Sale
M33 6FS

Telephone: 08453 002 002
Mincom: 020 7404 0431
email: enquiries@ipcc.gsi.gov.uk

The Local Government Ombudsman
PO Box 4771
Coventry CV4 0EH
Telephone: 0300 061 0614 or 0845 602 1983
E-mail: advice@lgo.org.uk

General Principles

The OPCC when dealing with complaints will always –

- Take your complaint seriously
- Treat you with dignity and respect
- Acknowledge receipt of your complaint
- Only pass on your details to the Constabulary if you agree that we can or they are the relevant body to deal with the complaint
- Keep you informed about progress on your complaint
- Inform you of the outcome of your complaint
- Advise you if you have a right of appeal against our final decision
- Contact you using your preferred means of communication, usually the way you have first contacted us
- Learn lessons from your complaint to help improve the quality of service provided

Monitoring of Complaints

The Office of the Police & Crime Commissioner has a legal duty to investigate complaints against the Chief Constable.

Any complaints made against the, Deputy Chief Constable, Assistant Chief Constables, Police Officers, or Police Staff, are investigated by the Constabulary's Professional Standards Department, or the Independent Police Complaints Commission (IPCC). The Professional Standards Department is a separate part of Cumbria Constabulary that has no direct working links with any of the other departments. They deal impartially with all the complaints they receive and part of the Office of the Police & Crime Commissioner's role is to ensure that this is the case. The IPCC is completely independent from the Cumbria Constabulary. The Office of the Police & Crime Commissioner will case sample complaints made against Cumbria Constabulary.

Performance Monitoring

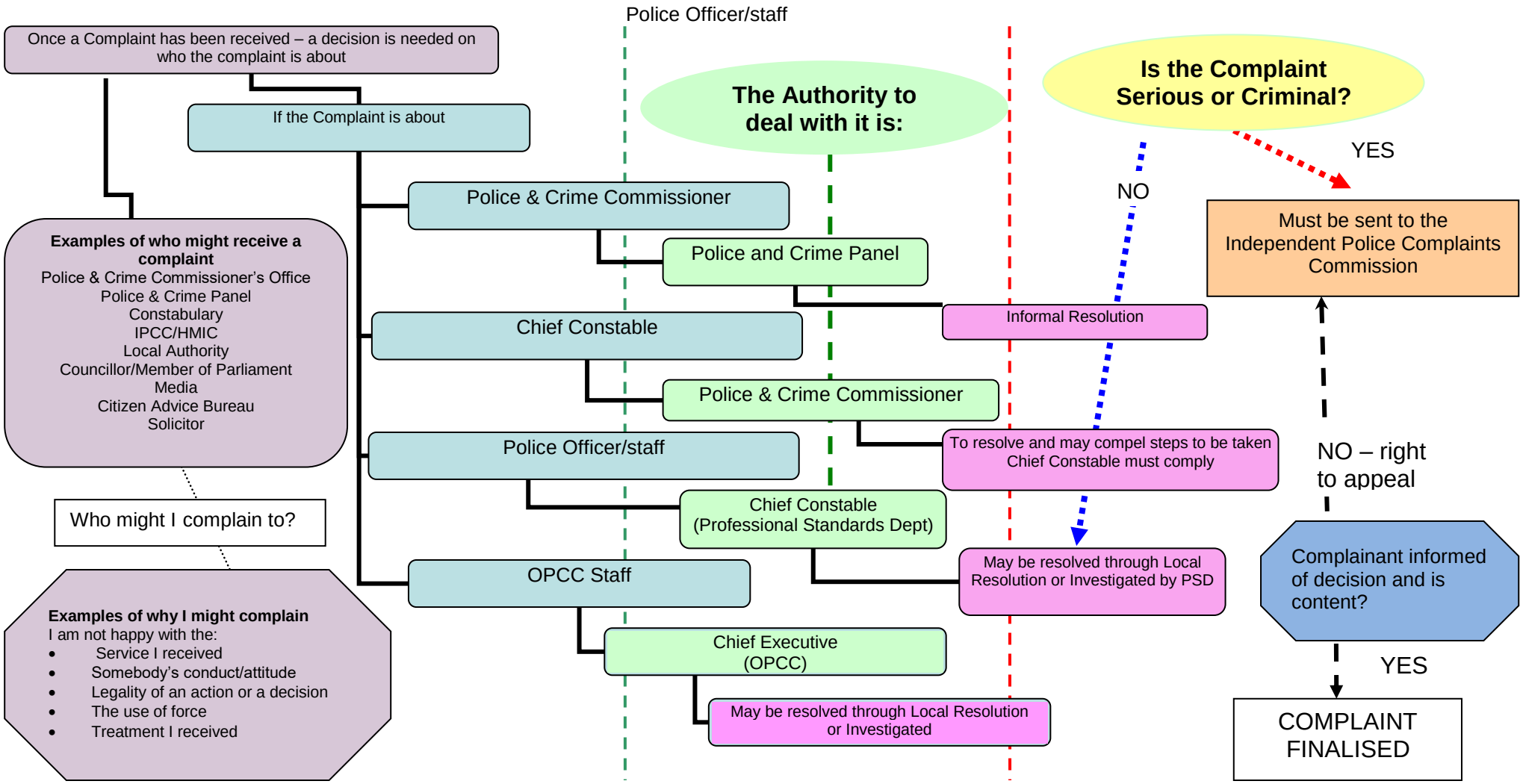
The Police and Crime Commissioner in conjunction with the Chief Constable has appointed an Ethics and Integrity Panel. They receive reports from the Professional Standards Department on all complaints received within a quarter, and how that information compares with previous years. This is broken down by type of complaint and Territorial Policing Area and includes information on which groups within the community are, or are not, making complaints. Both the Police & Crime Commissioner and Constabulary welcome complaints as they provide valuable feedback from the community and enable lessons to be learnt to enable a higher standard of service to be provided in the future.

In addition, members of the Ethics and Integrity Panel undertake spot checks (referred to as dip-sampling) of complaint files. This process provides an independent check that the correct process has been followed, and in particular looks for:

- Whether it has been dealt with according to agreed procedures
- That they are being investigated to agreed timescales
- Treatment of the complainant
- Treatment of the officer
- Proportionality
- Clarity of investigative findings
- Justification for the outcome

Following this process a report is presented to the Police & Crime Commissioner at their public Executive Board meeting to advise of the files that have been sampled and inform of any issues which have been identified.

Appendix 1


Once a Complaint has been received – a decision is needed on who the complaint is about
If the Complaint is about
Examples of who might receive a complaint
Police & Crime Commissioner's Office
Police & Crime Panel
Constabulary
IPCC/HMIC
Local Authority
Councillor/Member of Parliament
Media
Citizen Advice Bureau
Solicitor
Who might I complain to?
Examples of why I might complain
I am not happy with the:
Service I received
Somebody's conduct/attitude
Legality of an action or a decision
The use of force
Treatment I received
Police Officer/staff
The Authority to deal with it is:
Police & Crime Commissioner
Police and Crime Panel
Chief Constable
Police & Crime Commissioner
Police Officer/staff
Chief Constable (Professional Standards Dept)
OPCC Staff
Chief Executive (OPCC)
May be resolved through Local Resolution or Investigated
Is the Complaint Serious or Criminal?
YES
NO
Must be sent to the Independent Police Complaints Commission
Informal Resolution
To resolve and may compel steps to be taken Chief Constable must comply
May be resolved through Local Resolution or Investigated by PSD
NO – right to appeal
Complainant informed of decision and is content?
YES
COMPLAINT FINALISED