

THE ROLE OF THE OPCC IN THE POLICE COMPLAINTS PROCESS

FREQUENTLY ASKED QUESTIONS (FAQs)

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1.1

Can I complain to the OPCC about Cumbria Constabulary?

No. The OPCC cannot become involved in complaints against Cumbria Constabulary as we are not the appropriate authority to do so. Legislation prohibits the OPCC from becoming involved in operational policing which includes the handling of complaints about the force. This includes complaints about force policy, investigations, complaint handling and also the conduct of police officers and police staff.

The OPCC cannot step outside of this legal framework.

1.2

Why has the OPCC passed my complaint to Cumbria Constabulary?

If you make a complaint to us about Cumbria Constabulary or its officers or staff, we are legally obliged to send it to Cumbria Constabulary at the earliest opportunity. That is because the Chief Constable is the appropriate authority. They delegate their authority for complaint handling to the Professional Standards Department.

You will be informed that your correspondence has been passed to Cumbria Constabulary with an explanation that the OPCC is not the appropriate authority to handle your complaint. This is our legal duty and consent is not required.

Once you have been advised that your complaint has been passed to Cumbria Constabulary, the OPCC's handling of the matter is concluded.

1.3

Can I complain to the OPCC about the Chief Constable?

Yes. But it's important to understand that the OPCC is only the appropriate authority when a complaint is about the Chief Constable's personal actions; that is where the Chief Constable has had direct personal involvement in the matters you raise.

In order for your complaint to be assessed, we'll need to know:

- What specifically is your allegation – what did the Chief Constable personally say or do?
- What were the circumstances and when did it happen?
- What impact has it had on you? What was your involvement in what happened?

Once we have this information, your complaint will be assessed and dealt with in line with statutory guidance from the IOPC. You'll be updated throughout the process and advised of any right to review when the complaint is concluded.

1.4

I've complained about the Chief Constable. Why has the OPCC sent it to the force?

The OPCC is the appropriate authority to investigate or handle a complaint only when it relates to the personal conduct or actions of the Chief Constable.

When a complaint is made about the Chief Constable which does **not** relate to their own personal actions or personal conduct, the OPCC is **not** the appropriate authority.

It may be that the concern you have raised relates to a delegated authority. An example of this would be complaint handling; whilst the Chief Constable is the appropriate authority for complaints about the force, they delegate that authority to their Professional Standards Department. They are not personally involved in the handling of complaints. This is an example of delegated authority.

In such cases, the OPCC is not the appropriate authority and must pass your complaint to the force, in line with statutory guidance. This is a legal duty and consent is not required. You will be advised in writing and an explanation of our assessment provided to you.

Once you've been advised that your complaint has been passed to Cumbria Constabulary, the OPCC's handling of the matter is concluded.

1.5

Can the OPCC review the outcome of my complaint about the police?

Yes – where there is a right of review to the OPCC if we are the correct review body. The IOPC also conducts reviews of complaints. The correct review body for your complaint will be explained to you when you are told the outcome by Cumbria Constabulary.

The OPCC cannot lawfully review a complaint outcome unless your application is valid, there is a right of review for the complaint and the OPCC is the relevant review body.

Your review will be carried out by an independent review officer to ensure openness and transparency.

All decisions the OPCC make are final. There is no right of appeal against our decision following a review. Once a final decision has been determined, there will be no further consideration of a concluded review. Our decisions can only be overturned by the courts through the judicial review process.

FAQs in relation to the review process can be accessed on our website here

<https://cumbria-pcc.gov.uk/contact/police-complaint-reviews/>

1.6

I have a question about operational policing. Why can't the OPCC help me?

The OPCC has no remit in operational policing and we are not permitted to become involved in operational policing matters. We cannot operate outside this legal framework. The OPCC does not have access to police systems and we don't have direction or control over police officers or staff who work for Cumbria Constabulary. Correspondents making enquiries that relate to operational policing will be signposted to Cumbria Constabulary.

1.7

What can I do if I'm not happy with the OPCC's response?

Police complaints: If the matter you raise does not sit within the OPCC's remit to address, there is no action that can be taken to challenge our decision to forward it to the appropriate authority. Doing

so is our legal obligation. We simply cannot become involved in issues that sit outside our legal remit and it would be unlawful for us to do so.

Chief Constable complaints: Formally recorded complaints against the Chief Constable's personal conduct carry a right of review. The OPCC will advise you how to apply for a review to the IOPC, if you do not agree that the outcome of your complaint is reasonable and proportionate. This is the only route to challenge the outcome of a formal complaint concluded by the OPCC.

Reviews: Review decisions made by the OPCC are final. There is no right of appeal against our decision following a review. Our decisions can be overturned only by the courts through the judicial review process. Please note that there is a three-month time limitation if you wish to judicially review an OPCC decision. You may wish to seek your own independent legal advice if you intend to pursue this course of action.

1.8

What will happen if I continue to pursue an issue that's been concluded?

Repeated demands for the OPCC to revisit matters which have been concluded or which sit outside our remit are unreasonable and impact greatly on our ability to manage other business.

If you disagree with an OPCC decision and wish to challenge it, you **must** follow the correct route advised to you. Such matters cannot be pursued through persistent contact, requests or demands to the OPCC.

The OPCC reserves the right to cease contact in relation to concluded matters where a final decision and rationale have already been provided. You will be advised where this is the case. Further written contact from you may be logged but not responded to.

The OPCC reserves the right to implement a bespoke contact strategy, should your contact persist or your behaviour escalate. Contact strategies are applied on a case-by-case basis, in line with OPCC policy and the IOPC's guidance on managing unacceptable and unreasonable complainant behaviour.

The OPCC will remain accessible to you for fresh matters. Your right to complain and your right to review will not be affected.

The IOPC's [Guidance on managing unacceptable and unreasonable complainant behaviour](#) can be accessed on their website

The OPCC's [Managing Service User Contact Policy](#) can be accessed on our website

1.9

What if I'm not happy with the service I've received from the OPCC?

If you are unhappy with the service you have received, you can make a complaint to the OPCC Chief Executive. They will assess your complaint and look at the service you have received from our staff.

It is important to understand that they will **not** address concerns or queries about **decisions** made by the OPCC. **Making a service complaint cannot be used as a mechanism to overturn a decision.**

You can contact the Chief Executives by sending an email to commissioner@cumbria-pcc.gov.uk