

STAFFORDSHIRE POLICE, FIRE AND CRIME PANEL

Below Relates to Complaints Against the Police, Fire and Crime Commissioner and/or the Deputy Police, Fire and Crime Commissioner.

This Process note has been updated to reflect non-statutory advice issued by the Independent Office for Police Conduct (IOPC) in December 2018

1. Introduction

The Police Reform and Social Responsibility Act 2011 (updated by the Policing and Crime Act 2017) established the Police, Fire and Crime Panel ('The Panel') and gives the Panel the responsibility for the handling of complaints and conduct matters against the Police, Fire and Crime Commissioner ('The Commissioner') and/or the Deputy Police, Fire and Crime Commissioner ('The Deputy Commissioner').

The Elected Local Policing Bodies (Complaints and Misconduct) Regulations 2012 set out the way in which complaints or conduct matters about a Commissioner or a Deputy Commissioner should be handled.

Staffordshire County Council's Monitoring Officer acts as the Secretary and Monitoring Officer to the Panel and has been appointed by the Panel to receive and deal with complaints and conduct matters against the Commissioner or Deputy Commissioner on its behalf. The Monitoring Officer is independent and experienced in handling complaints.

The Monitoring Officer reports annually to the Panel on complaints and conduct matters dealt with by him.

2. Definitions

(a) Complaint

A *complaint* is an expression of dissatisfaction. The Panel will **only** consider complaints against the personal actions/conduct of the Commissioner or the Deputy Commissioner.

Complaints about decisions or actions of the Commissioner or his Deputy in relation to Policy matters or operational policing matters will not be considered by, or on behalf of, the Panel

(b) Conduct Matters

A *conduct matter* is where there is an indication (whether from circumstance or otherwise) that the Commissioner or Deputy Commissioner may have committed a criminal offence.

3. How to Complain About the Commissioner or Deputy Commissioner

(a) Conduct Matters

If your complaint relates to a *conduct matter* that you feel may involve the Commissioner, or his Deputy, then you should contact the Independent Office for Police Conduct (IOPC). You can do this as follows:

Telephone: 0300 020 0096
Email: enquiries@policeconduct.gov.uk
Post: Independent Office for Police Conduct,
PO Box 473, Sale, M33 0BW

(b) Other Complaints

If your complaint *does not relate to a criminal offence*, by the Commissioner or his Deputy *or if you are not sure whether a criminal offence is involved*, you should submit your complaint in writing, giving as much information as possible to Staffordshire Police, Fire and Crime Panel's Monitoring Officer:

Staffordshire Police, Fire and Crime Panel Monitoring
Officer c/o Julie Plant
Member and Democratic Services Unit, Staffordshire County Council
Wedgwood Building, Stafford, ST16 2DH

Tel: 01785 276135 or e mail: julie.plant@staffordshire.gov.uk.

It is important that you sign your complaint and provide your name and address. We will not consider anonymous complaints. You may request that your details are kept anonymous and this will be considered by the Monitoring Officer, who will contact you to discuss that request.

4. How we will handle your complaint

The Monitoring Officer will initially log receipt of all complaints or conduct matters and consider how they should be handled. He will assess your complaint and decide whether he should handle your complaint (on behalf of the Panel) or whether it should be referred elsewhere:

1. Conduct matters (or possible conduct matters) will be referred to the Independent Office for Police Complaints (IOPC)
2. Complaints about the actions of Staffordshire Police will be referred to the Chief Constable of Staffordshire Police.
3. Complaints about the actions of the Staffordshire Fire and Rescue Service will be referred to the Chief Fire Officer
4. Complaints about the policies of the Commissioner will be referred to him to respond directly.
5. Other complaints out of the scope of the Panel will be referred to the appropriate body (eg. Probation Service, Crown Prosecution Service etc...).

Your complaint may be rejected if:

- It is about a staffing matter
- it is about something that happened more than 12 months ago
- the matter has already been the subject of another complaint
- the complaint is made anonymously
- the complaint is vexatious, oppressive or an abuse of the complaints procedures
- the complaint is a repetition of a previous complaint

If your complaint is rejected by the Monitoring Officer you will be informed by letter and given the reason(s) why it has been rejected.

If your complaint is accepted as relating to the personal conduct of the Commissioner or the Deputy Commissioner, it will be formally recorded onto the Complaints database and you will be provided with a copy of that record.

The person that you are complaining about (ie the Commissioner or the Deputy Commissioner) will be provided with a copy of the complaint. The Monitoring Officer will also notify the Chief Executive of the Commissioner's Office of the complaint. (See above if you want your details kept anonymous.)

As soon as the Monitoring Officer and Commissioner/Deputy Commissioner are aware of a complaint or conduct matter they have a duty to ensure that all appropriate steps are taken to obtain and preserve evidence relating to that complaint or conduct matter.

The Monitoring Officer will gather all relevant information.

The Monitoring Officer may call a meeting and ask you and the person complained about to attend a meeting and answer questions.

After considering all relevant information, The Monitoring Officer will make a suggestion as to how your complaint may be resolved and will give you and the person complained about an opportunity to comment on the suggestion.

If the proposal is to uphold your complaint the Monitoring Officer will decide if any of the following sanctions should be imposed.

- Formal apology by the person complained about.
- Formal apology from the Panel on behalf of the person complained about.
- Issue of a press release on the nature of the complaint and the Panel's decision.

The Monitoring Officer has no legal powers to apply sanctions other than to provide an opinion on the conduct of the Commissioner or Deputy Commissioner and request an apology.

If the proposal is not to uphold your complaint no action will be taken against the person you have complained about.

After considering your views on his proposed action, the Monitoring Officer will make a final decision. He will also take into account any comments made by you and the person complained about on his proposed decision before deciding whether or not to publish that decision. He will publish the decision if, after taking account of the comments, he considers publication to be in the public interest.

You will be regularly updated on the handling of your complaint.

5. Withdrawal of Complaints

You can withdraw your complaint at any time. This must be done in writing and must be signed by you or your representative.

If you withdraw your complaint the Monitoring Officer will notify the person complained about that the complaint has been withdrawn and discontinued.

6. Appeals

If you are unhappy about the way in which your complaint has been administered, you can lodge an appeal with the Local Government and Social Care Ombudsman who can be contacted as follows:

Local Government and Social Care Ombudsman

Tel: 0300 061 0614

On-line:

<https://www.lgo.org.uk/contact-us>

7. Review of Arrangements

These arrangements may be amended by resolution of the full Police, Fire and Crime Panel.

8. Contact Details

For further information on these arrangements please contact:

Police, Fire and Crime Panel Monitoring Officer

c/o Julie Plant

Governance and Support Manager

Member and Democratic Services Unit

Staffordshire County Council

Wedgwood Building

Stafford ST16 2DH

Tel: 01785 276135 e mail Julie.plant@staffordshire.gov.uk

Additional Information:

Complaints about Staffordshire Police or the Staffordshire Fire and Rescue Service

The Police, Fire and Crime Panel does not handle complaints about the Police or the Fire and Rescue Service.

For complaints about Staffordshire Police you may:

- Complete the on line [Complaint](#) form.
- Attend a Police Station
- Call the Performance and Standards Unit on 01785 232416
- Write a letter to the Performance and Standards Unit - [click here](#) for postal address
- <https://www.staffordshire.police.uk/article/1994/Making-a-Complaint>

For complaints about the Staffordshire Fire and Rescue Service you may:

- Complete the on line contact form: <https://www.staffordshirefire.gov.uk/contact-us/contact-form/>
- e mail: .contact@staffordshirefire.gov.uk
- Write to: Strategic Risk Management, Staffordshire Fire and Rescue Service HQ, Pirehill, Stone, Staffordshire, ST15 0BS

For complaints about the Chief Constable or Chief Fire Officer you may:

- Call the Staffordshire Commissioner's Office on 01785 232270
- e mail pfcc@staffordshire-pfcc.pnn.gov.uk
- Write to: Staffordshire Commissioner (Matthew Ellis), Staffordshire Commissioner's Office, Ground Floor, Block 9, Weston Road, Stafford ST18 0YY

How to complain about the Police, Fire and Crime Commissioner or the Deputy Police, Fire and Crime Commissioner

Send your complaint to the Police, Fire and Crime Panel (c/o the Monitoring Officer) who will log it and consider who should deal with your complaint.

If your complaint relates to a criminal offence, (or possible criminal offence) the Monitoring Officer will refer it to the Independent Office for Police Conduct (IOPC). You will be informed of the decision and the process which will be followed by the IOPC.

If your complaint is about a police or Fire and Rescue Service matter the Monitoring Officer will refer it to either to the appropriate Chief Officer or the Police and Crime Commissioner. You will be informed of the decision

If the Monitoring Officer decides not to take any action you will be informed and given the reasons why.

If your complaint is outside the scope of the Panel, the Monitoring Officer will refer it to the appropriate body.

If your complaint is within the scope of the Police and Crime Panel, the Monitoring Officer will:

- Formally notify you and send you a copy of his record of your complaint
- Forward a copy of your complaint to the Commissioner and notify the Commissioner's Chief Executive of the complaint
- gather evidence and inform you and the person you have complained about of the next steps to be taken. The Chief Executive of the Police and Crime Commissioner will also be notified.

The Monitoring Officer will consider your complaint and you may be asked to attend a meeting to answer questions about your complaint.

The Monitoring Officer will make a proposed decision. Both you and the person you have complained about will be given an opportunity to comment on the proposed decision.

The Monitoring Officer will make a final decision

If your complaint is dismissed

You and the person you have complained about will be informed

The Monitoring Officer will record the decision and inform the Chief Executive of the Police, Fire and Crime Commission

The Monitoring Officer may publish the decision if he considers publication to be in the public interest.

If your complaint is upheld

The person you complained about may be asked to issue an apology to you
or
The Panel will formally apologise to you on behalf of the person complained about

In addition, a Press Release on the nature of the complaint and the decision *may* be issued.