

Agenda item

Police and Crime Panel

Meeting to be held on 8th March 2016

Review of the procedure for dealing with Complaints about the Police and Crime Commissioner and the Deputy Police and Crime Commissioner.

David Fairclough (01254) 585642 HR, Legal & Corporate Services,
david.fairclough@blackburn.gov.uk

Executive Summary

This report reviews the current procedures for dealing with complaints against the PCC, and recommends a procedure for adoption by the Panel as regards the handling of such complaints.

Recommendation

The Panel is asked to consider the report for the handling of complaints and to agree that the procedure as set out in the Appendix be adopted

Background and Advice

The Complaints Procedure was last considered by the Panel at their meeting on 7th July 2014, when it was agreed that the Complaint Procedure should be reviewed every two years.

The Complaint Procedure accords with Elected Local Policing Bodies (Complaints and Misconduct) Regulations 2012 (which are issued under the Police Reform and Social Responsibility Act 2011)

As members will know the Secretary has been delegated the responsibility for the handling all complaints at the initial stages, and for reporting the outcome direct to the Panel.

Furthermore the Panel at their meeting on 28th November 2012 set up a Complaints Sub Committee to consider informal resolution of complaints which the Secretary considers should be dealt with by the sub-committee under Regulation 28. The sub-committee can also consider complaints referred back to the Panel by the Independent Police Complaints Commission (IPCC). It is felt that the sub-committee is still the best way of handling such resolution matters.

Complaint Procedures

The Procedure as set out in the Appendix has been amended to try to make it easier for the public to understand and to reflect experience and issues that have arisen over the last two years.

The procedures follow closely the guidance issued by the Secretary of State and accords with the regulations.

Members will find that that a number of notes have been added to the procedures to:

- a) Explain briefly the role of the PCC.
- b) Emphasis that the Lancashire Constabulary Professional Standards Department handle complaints against individual police officers, not the PCC and not the Panel.
- c) That the Secretary may decide not to register a complaint, if the complaint is one that falls within the exceptions or is outside of the Panel's remit
- d) That if the complaint is investigated by the IPCC then the IPCC produce a report and the report outcome is not a matter for consideration by the Panel.

Members will also find a flow chart has been added to assist those wishing to make a complaint.

Consultations

Officers of the PCC have been consulted as regards the revisions to the Complaint Procedure.

Implications:

The procedures set out the process to be followed when handling complaints against the PCC & DPCC.

Legal Implications

The procedures set out the Panel's responsibilities for handling complaints and conduct matters about the PCC and to meet the requirements of the Elected Local Policing Bodies (Complaints and Misconduct) Regulations 2012 (which are issued under the Police Reform and Social Responsibility Act 2011)

Financial Implications

N/A

Risk management

The provision of a written Complaint Procedure enables the public to understand, and the Panel to properly apply, the requirements of the Elected

Local Policing Bodies (Complaints and Misconduct) Regulations 2012 issued under the provisions of the Police Reform and Social Responsibility Act 2011.

Local Government (Access to Information) Act 1985
List of Background Papers

None as all background papers are public documents and can be found on the Home Office and Local Government Association Websites.