

North Yorkshire Police and Crime Panel**19 April 2018****Updates to the Panel's complaints handling literature****1.0 Purpose of Report**

- 1.1 To agree updated versions of the Panel's complaints handling literature.

2.0 Panel's guidance documentation on complaints handling

- 2.1 The Panel has three key pieces of documentation which it makes available to the public to assist in explaining its procedures for the handling of complaints received regarding the Police and Crime Commissioner (PCC) and their Deputy (DPCC). These are a leaflet, a lengthier guidance document on procedures and a process flowchart (see Appendices A, B and C, respectively).
- 2.2 These documents now require updating, principally because of recent changes to other organisations' contact details for the purposes of complaints handling, such as the new Independent Office for Police Conduct, which replaces the former IPCC. In the process of looking to update these documents – some of which have changed little or undergone a full review since 2013/14 – it has been identified that they would benefit from a couple of other revisions to help clarify the Panel's remit around complaints and to help better manage resource given to complaints handling. This follows from the Panel now being better placed than it was a few years ago to form a picture of the kinds of complaints received and how best to ensure that individuals are clear about whether and how their complaint may be dealt with.
- 2.3 In particular, the revisions made within the attached documents are intended to:
- a) Clarify what the complaints process is and isn't for (leaflet);
 - b) Clarify when people may complain to the Panel (leaflet); and
 - c) Give additional clarity to the courses of action legally available to the Lead Officer (leaflet, guidance and flowchart).
- 2.4 The Panel is asked to adopt the three documents in the appendices as the basis for its complaints handling guidance documentation.

3.0 Recommendation

- 3.1 That the Panel:

- (a) agree to adoption of the updated leaflet, guidance document and process flowchart for complaints handling purposes.

Diane Parsons
Principal Scrutiny Officer
County Hall
Northallerton

10th April 2018

Background Documents:

Appendix A - "Making a Complaint about the Police and Crime Commissioner or Deputy Police and Crime Commissioner" (Panel leaflet);

Appendix B - Procedure for the Handling of Complaints about the Police and Crime Commissioner and Deputy Police and Crime Commissioner;

Appendix C - NY Police and Crime Panel Complaints Handling Flowchart.

Making a Complaint about the North Yorkshire Police and Crime Commissioner or Deputy Police and Crime Commissioner

This leaflet explains what type of complaints the North Yorkshire Police and Crime Panel can consider and the process that will be followed in handling and resolving these complaints.

We aim to:

- Handle complaints in a fair and independent way.
- Deal with complaints as quickly and effectively as we can.
- Keep all parties informed of progress until the complaint reaches a conclusion.

What complaints can we look at?

The Panel is responsible for dealing with complaints about the conduct of the Police and Crime Commissioner (PCC) and Deputy Police and Crime Commissioner (DPCC) for North Yorkshire.

“Conduct” means the way things are done or not done, statements are made and the way decisions are taken.

All complaints received about the PCC or DPCC will first be reviewed to determine if they should be recorded by the Panel (see also “How we deal with your complaint”, below).

For complaints which allege that the PCC or DPCC have committed a criminal offence, we will also consider whether to pass the complaint on to the Independent Office for Police Conduct (IOPC) for investigation. Where the IOPC decides that a complaint does not need to be investigated, it will refer the matter back to the Panel to consider further.

Other complaints about the conduct of the North Yorkshire PCC or DPCC which are recorded are then handled by the Panel, sometimes through a process called Informal Resolution.

If what you raise is already the subject of a complaint, for example with the PCC or Police, we would normally require that complaint process to be completed before we look into the matter.

What we can't do

There are separate procedures for the following complaints:

- Complaints about operational policing matters, the performance of the North Yorkshire Police or any of its officers, are dealt with by the North Yorkshire Police's Professional Standards Department.
- Complaints about the Chief Constable or Police and Crime Commissioner staff are dealt with by the PCC.

Complaints about the administration of the Panel are dealt with by North Yorkshire County Council and should be sent to <https://www.northyorks.gov.uk/complain-about-another-service> (see address on page 7).

For complaints about the conduct of elected Members of the Panel, where that individual represents a local authority, please consult the website of the authority that appointed them.

For complaints against the Panel's co-opted members – whether community or elected – please contact the Panel Secretariat for further information (see address on page 8).

If we decide your complaint should be directed to another body because it falls beyond our remit, we will explain why and offer to pass it on.

We cannot consider complaints about the merits of a PCC decision, for example where someone disagrees with a policy the PCC has introduced, although we could consider whether a decision was made properly and in accordance with the PCC's rules and procedures.

If you have a concern about a particular policy, this is something the Police and Crime Panel might wish to reflect upon as it scrutinises the PCC's policies. However, these concerns cannot be taken up through this complaints procedure.

Similarly, the complaints procedure cannot be used to bring about a quicker response to correspondence which has been sent to the PCC's office; particularly where the office is still working within their notified timeframes for responding and have acknowledged your correspondence.

We have no power to investigate complaints in any way, but we can ask the PCC or DPCC to provide information or invite him/her to answer questions.

When to complain

If you have a concern about something the PCC or DPCC has said or done, the first step is to raise it with them. Their contact details are set out below.

If you are still not satisfied, you can make a complaint to us, the Police and Crime Panel. You can make a complaint if:

- the conduct you are concerned about has been directed at you;
- you have been adversely affected by the conduct, even if it wasn't directed at you;
- you have witnessed the conduct.

Submitting a complaint

Complaints should be sent in writing to:

nypcp@northyorks.gov.uk

North Yorkshire Police and Crime Panel Secretariat

North Yorkshire County Council

County Hall

Northallerton
North Yorkshire
DL7 8AD

We cannot accept complaints via Twitter, Facebook, or telephone.

However, in line with the requirements of the Equality Act 2010 we can make reasonable adjustments to assist you if you have a disability that prevents you from making your complaint in writing. Please contact us on 01609 532750 or email: nypcp@northyorks.gov.uk

You can arrange for someone to act on your behalf, such as a friend or relative. However, you must write to tell us you have given your consent before we can discuss your case with them.

How we will deal with your complaint

When we receive a complaint we take the following three steps:

Step 1- Redirecting out of scope complaints

We will first check your complaint is about the conduct of the North Yorkshire PCC or DPCC.

If your complaint relates to another Police and Crime Commissioner, we will pass it to the relevant Police and Crime Panel and tell you we have done that.

If the complaint is about operational policing matters, the performance of North Yorkshire Police or any of its officers, we will explain why the Panel can't handle such a complaint and offer to pass it to the North Yorkshire Police Professional Standards Department (see address on page 6).

If the complaint is about the Chief Constable or Police and Crime Commissioner staff, we will offer to pass it to the PCC (see address on page 6).

If the complaint relates to a PCC policy or the merits of a PCC decision, we will explain why this can't be taken through our complaints procedure – though we would, ordinarily, advise the PCC of the circumstances. The Panel might also feel something that has been raised is a matter in which it should take an interest as part of its programme of work.

Step 2 - Recording your complaint

If your complaint relates to the conduct of the PCC or DPCC, we will record it, unless the matter has been or is currently being dealt with by criminal proceedings, or unless it falls within one of the following categories:

- the complaint is entirely about the PCC's or DPCC's conduct towards someone who was a member of their staff at the time the conduct took place;
- more than 12 months have passed from the incident occurring to the complaint being made;
- the matter is already the subject of a complaint;
- the complaint is anonymous;
- the complaint is vexatious, oppressive or an abuse of the complaints process;

- the complaint is repetitive (it is substantially the same as a previous complaint made).

If we decide not to record your complaint, either because it is not about the conduct of the PCC/DPCC, or because we have decided that it falls within one of the above categories, we will let you know and explain why.

If we record your complaint, we will notify you of this. We will also notify the PCC/DPCC as appropriate and provide them with a copy of your complaint. (In certain circumstances your complaint will be kept anonymous or confidential).

Step 3 – Deciding how your recorded complaint will be handled

If we have recorded your complaint at Step 2, we will then decide how to deal with your complaint. This will be one of the following three options below:

Option A - Is it a Serious Complaint that should be passed to the Independent Office for Police Conduct (IOPC)?

If your complaint alleges criminal conduct, (or which appears to involve a criminal offence that can be triable in England and Wales) we will consider whether to pass the complaint to the IOPC. It is possible that we will need to request further detail from you to help us determine how to proceed. We will tell you if we have passed your complaint to the IOPC.

It is possible for the IOPC to refer any complaint back to us for a resolution. The IOPC will let you know if it does this. If the Panel has decided not to record your complaint, the IOPC can also require the Panel to do this if it thinks this is necessary.

Option B - Has the complaint already been satisfactorily dealt with?

If it appears your complaint has already been satisfactorily dealt with by the time it comes to the Panel's attention, we may decide to take no further action.

Option C - Should the complaint be taken forward to Informal Resolution?

If your complaint has not been passed to the IOPC, rejected, or already been dealt with, the Panel will consider how best to handle your complaint. This may involve further consideration through a Panel Complaints Sub-Committee (see below).

We may not be able to deal with your complaint

Under certain circumstances we may decide no action should be taken, for example because it is an employment issue, it is more than 12 months old, the matter is already the subject of a complaint, it is anonymous, vexatious, oppressive or an abuse of the procedures or repetitious (see exemptions listed under Step 2 – Recording your complaint).

If we decide to take no action regarding your complaint, we will notify you and give you the reason for the decision.

What is Informal Resolution of Complaints?

Informal resolution is a way of dealing with a complaint by solving, explaining, clearing up or settling the matter directly with the complainant, without investigation or formal proceedings.

This will be done by the Complaints Sub-Committee. It is a flexible process that may be adapted to the circumstances.

In advance of the sub-committee meeting, both parties will be invited to make a statement to support their position and answer questions.

In attempting to secure a resolution we will consider whether further information, clarification or explanation is required and/or whether any actions are required and can be agreed with all parties.

We cannot tender an apology on behalf of the PCC or DPCC.

The Panel has no powers to investigate complaints but is allowed to ask the PCC or DPCC to provide information and documents and answer questions.

We cannot impose formal sanctions on the PCC or DPCC because we do not have the power to do so. However, we may publish a report or recommendation.

Potential outcome of Informal Resolution

(These are not specified in the regulations)

- No fault by the PCC/DPCC (for example - the PCC has followed the correct procedure in reaching a decision even though the complainant disagrees with it).
- Insufficient injustice (for example - even if the PCC/DPCC is at fault, the effect on the complainant is not serious enough to justify continuing to look into the complaint).
- The PCC is asked to consider giving an apology and/or to reflect upon current procedures and practices within her Office.
- Accept that something went wrong, but no other action is appropriate.

A record of the outcome of your complaint will be sent to you and the PCC/DPCC. If it is deemed in the public interest, and usually after you and the PCC/DPCC have been given the chance to comment, a report may be published.

Timescales for Handling Your Complaint

Wherever possible we will acknowledge receipt of your complaint within 5 working days.

We aim to conclude a complaint within 12 weeks if it is dealt with through informal resolution. However, each case is different and the time taken to reach a conclusion will depend on the nature of the complaint.

We will keep you and the PCC/DPCC regularly updated of progress until the complaint reaches a conclusion.

Withdrawing a Complaint

If you wish to withdraw your complaint, you (or someone authorised to act on your behalf) must tell us in writing via post or email.

If we believe that any matter raised by the complaint constitutes and/or would result in a criminal offence, then that would be dealt with as a “conduct matter”. If we make this decision, we will pass the “Conduct Matter” to the IOPC to look into. We will tell you if we do this.

Appeals

There is no right of appeal regarding the outcome of the complaint, although the Local Government Ombudsman has the power to investigate the administration of Police and Crime Panels.

If you are unhappy with the way your complaint was handled, you can refer the matter to the Local Government Ombudsman (see address on page 7). The Panel’s complaints procedure will need to be followed to its conclusion, before the Local Government Ombudsman will become involved.

How to obtain this information in other formats

Please contact us on 01609 532750 or email: nypcp@northyorks.gov.uk if you need this document in a different format. Other contact details:

North Yorkshire Police and Crime Commissioner (and Deputy Commissioner)

Website: www.northyorkshire-pcc.gov.uk/how-can-we-help/complaints/

Email: info@northyorkshire-pcc.gov.uk



01423 569562

Office of Police and Crime Commissioner
12 Granby Road
Harrogate
North Yorkshire
HG1 4ST

North Yorkshire Police Professional Standards Department

Website: www.northyorkshire.police.uk/contact/complain-to-us/

Email : ProfessionalStandardsDepartment@northyorkshire.pnn.police.uk




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Professional Standards Department
North Yorkshire Police
Alverton Court
Crosby Road
Northallerton
DL6 1BF

Independent Office for Police Conduct (IOPC)

Website: www.policeconduct.gov.uk/complaints-and-appeals/make-complaint

Email: enquiries@policeconduct.gov.uk

 : 0300 020 0096

Independent Office for Police Conduct


PO Box 473

Sale

M33 0BW

Local Government Ombudsman

Website: www.lgo.org.uk/contact-us

 : 0300 061 0614

The Local Government Ombudsman


PO Box 4771

COVENTRY

CV4 0EH

North Yorkshire County Council

Website: www.northyorks.gov.uk/complain-about-another-service

 : Telephone: 01609 532272

Minicom (for hearing impaired individuals): 01609 779838

Fax: 01609 532009

North Yorkshire County Council

County Hall


Northallerton

North Yorkshire

DL7 8AD

North Yorkshire Police and Crime Panel

Further information about the North Yorkshire Police and Crime Panel and details of our complaints handling process can be found www.nypartnerships.gov.uk/pcp or by calling

 : 01609 532750.

Send details of your complaint, along with any supporting documents, to:

nypcp@northyorks.gov.uk or by post to:

North Yorkshire Police and Crime Panel Secretariat

North Yorkshire County Council

County Hall

Northallerton

North Yorkshire

DL7 8AD

NORTH YORKSHIRE POLICE AND CRIME PANEL
Procedure for the Handling of Complaints about
the Police and Crime Commissioner
and Deputy Police and Crime Commissioner

1. Background

- 1.1. This procedure has been agreed by the North Yorkshire Police and Crime Panel ('the Panel') in accordance with the requirements set out in the Elected Local Policing Bodies (Complaints and Misconduct) Regulations 2012 ('the Regulations'), for the initial handling of all complaints about the Police and Crime Commissioner ('the PCC') and his/her deputy ('the DPCC') and for the informal resolution of non-criminal complaints. Reference is made in the procedure to the relevant provision in the Regulations determining the requirements.
- 1.2. The procedure does not deal with the investigation of serious complaints and conduct matters. It does however make provision for the referral of serious complaints to the Independent Office for Police Conduct ('the IOPC'), and in some cases referral back.
- 1.3. The Regulations permit the Panel to delegate some or all of its functions in the handling of complaints (see paragraph 3 below) and the Panel has decided:
 - a) To delegate the initial handling of complaints and conduct matters to the lead officer for the Panel within the host authority (see paragraph 3.3 below).
 - b) To appoint a sub-committee of any three members of the Panel to carry out the informal resolution (see paragraph 6.3 below).
- 1.4. References in this procedure to duties and responsibilities on the part of the Panel should be interpreted as duties and responsibilities on the part of any person to whom those duties and responsibilities are delegated to.
- 1.5. The panel has adopted a Habitual and Vexatious Complaints Policy which identifies situations where complainants, either individually or as part of a group, or a group of complainants, might be considered to be "habitual or vexatious". The policy outlines ways of responding to these situations.
- 1.6. Definitions:
- 1.7. The following are key terms used in this procedure:
 - a) A 'complaint' is a complaint about the conduct of the PCC or DPCC.
 - b) A 'serious complaint' is a particular type of complaint – one which alleges that the PCC/DPCC has committed a criminal offence.

- c) A 'conduct matter' is an indication that the PCC/DPCC may have committed a criminal offence, which comes to light otherwise than by way of a complaint (for example through legal proceedings or media reporting).
- 1.8. These procedures aim to secure the proper initial handling of all complaints, and the informal resolution of a complaint concerning non-criminal behaviour in accordance with Part 4 of the Regulations. The Panel cannot impose sanctions but may choose to use their powers to require the PCC/DPCC to attend a hearing to answer questions, request information and documents from the PCC/DPCC, and publish a report or recommendation.
- 1.9. Informal resolution is a way of dealing with a complaint by solving, explaining, clearing up or settling the matter directly with the Complainant, without an investigation or formal proceedings. It is not a disciplinary process, and does not involve the imposition of any sanction.

2. General

- 2.1. The Panel has the following general duties:
- a) To ensure it is kept informed about complaints and conduct matters and their handling (Regulation 6).
 - b) Where the Panel delegates any or all of its functions in accordance with paragraph 3 of this procedure, it must ensure that measures are in place to check that the complaints are being dealt with in an appropriate way.
 - c) This procedure is not concerned with the investigation of serious complaints, but the Panel must ensure that anyone undertaking an investigation either carried out directly by, or on behalf of, the IOPC is given the assistance and co-operation they reasonably require (Regulation 6).

3. Delegation of Powers and Duties in Relation to the Handling of Complaints

- 3.1. Apart from the resolution of complaints, the Panel may delegate its powers and duties in relation to the handling of complaints under the Regulations.
- 3.2. The Panel may delegate all, some, or none of its functions, or delegate them only in particular circumstances.
- 3.3. The Panel has delegated the initial handling of complaints and conduct matters to the lead officer for the Panel within the host authority, who will determine whether the complaint is:
- a) An issue about operational policing matters rather than about the PCC/DPCC. Such matters will be referred to the police force to be dealt with through their normal channels rather than under these procedures,
 - b) A complaint (other than a serious complaint) for informal resolution by the Panel; or

- c) A serious complaint which must be referred to the IOPC.
- d) One which should be disappplied in accordance with Regulation 15 (paragraph 4.18 of the procedures).

3.4. The designated lead officer for the Panel within the host authority is:

Neil Irving
Assistant Director (Policy and Partnerships)
Central Services
North Yorkshire County Council
County Hall
Northallerton
DL7 8AD
Email: nypcp@northyorks.gov.uk

4. Initial handling of Complaints

4.1. Notification and recording of complaints

- 4.2. Where a complaint is made to the IOPC, chief constable, or the PCC/DPCC, they must notify the Panel of the complaint, unless they are satisfied the complaint is being, or has been, dealt with through criminal proceedings, or where the complaint has been withdrawn (Regulation 9).
- 4.3. Where a complaint is made, the Panel must decide whether it is the relevant Panel i.e. the Panel for the police area for which the PCC/DPCC has been appointed. If it is not the relevant Panel, it must notify the Panel for the police area involved of the complaint.
- 4.4. Where the Panel is the relevant Panel, it must first consider whether to record the complaint. If the Panel does record the complaint, it
 - a) must notify the Complainant and the person complained against that a recording decision has been taken,
 - b) may alter the record to hide the identity of the Complainant or any other person (Regulation 31),
 - c) may decide not to provide a copy of the record if it believes that doing so might prejudice any criminal investigation or pending proceedings or otherwise be contrary to the public interest, but must keep such a decision under regular review (Regulation 31).
- 4.5. The duties to notify or record complaints do not apply where the complaint has been, or is already being, dealt with by criminal proceedings, if the complaint has been withdrawn (Regulation 9) or if the complaint does not pertain to the conduct of the PCC or DPCC. The Panel (or, by delegation, the lead officer) may also take a decision

not to record and to take no further action if the complaint falls within one or more of the categories detailed at section 4.18 (Disapplication of the Regulations).

- 4.6. Where a decision is taken not to notify or record a complaint, the person taking the decision must notify the Complainant of it, and of the grounds on which it the decision was made (Regulation 10).
- 4.7 Notification and recording of conduct matters
- 4.8 If a the Panel is notified that civil proceedings are being brought, or are likely to be brought, by a member of the public against the PCC or DPCC and it appears the proceedings involve or will involve a conduct matter, the Panel must record the matter.
- 4.9 If a conduct matter comes to the attention of the Panel, otherwise than in the context of civil proceedings, the Panel must record it (Regulation 12).
- 4.10 If the Panel is satisfied that the matter has already been recorded as a complaint, or is the subject of past or present criminal proceedings the obligation to record does not arise (Regulations 11 and 12).
- 4.11 Reference to the IOPC
- 4.12 The Panel must refer a complaint to the IOPC if:
- a) the Panel determines that it is a serious complaint i.e. about a criminal offence, or
 - b) the IOCC requires it to be referred (Regulation 13).
- 4.13 The Panel must also refer any conduct matter (defined in paragraph 1.7c) above) it has recorded, or that has been called in by the IOPC, to the IOPC. A referral must be made as specified in advice notes issued by IOPC. The reference to the IOPC must be made as soon as is practicable and no later than the end of the day after the day when it became clear that the matter had to be referred. (Regulation13).
- 4.14 Where the Panel refers a complaint or conduct matter to the IOPC they must notify:
- a) the Complainant, and,
 - b) the person whose conduct the complaint or matter relates, except where doing so might prejudice the possible future investigation of the complaint or conduct matter.
- 4.15 The IOPC may refer the complaint or conduct matter back to the Panel. The IOPC must notify the Complainant and the person complained against if it refers a complaint or conduct matter back to the Panel (Regulation 14).

- 4.16 A conduct matter referred back shall be dealt with in any manner that the Panel determines which may include taking no action in relation to it.
- 4.17 If a complaint is referred back, it must be dealt with by informal resolution, unless the Regulations are disapplied in accordance with paragraph 4.18 below.
- 4.18 Disapplication of the Regulations
- 4.19 Where the Panel decides that a complaint does not need to be referred to the IOPC, or where the IOPC has referred a complaint back, the Panel may decide that the complaint should not be subjected to informal resolution or, indeed, that no action should be taken in relation to it at all where the complaint falls within the following categories (Regulation 15):
- a) A complaint regarding the conduct of the PCC or DPCC towards a member of their staff,
 - b) A complaint that is more than 12 months old, where there is no good reason for the delay or the delay would be likely to cause injustice,
 - c) A complaint about conduct that is already the subject of another complaint
 - d) An anonymous complaint,
 - e) A complaint which is vexatious, oppressive or otherwise an abuse of process for dealing with complaints,
 - f) A repetitious complaint as defined in Regulation 15.
- 4.20 The Panel must notify the Complainant if it decides not to handle a complaint by informal resolution or to take no action in relation to it (Regulation 15(5)). The Complainant must also be informed of their right to refer the matter to the Local Government Ombudsman.

5. Special Cases – Withdrawn Complaints and Conduct outside England and Wales

- 5.1 Withdrawn and discontinued complaints
- 5.2 At any stage a Complainant may decide that they wish to withdraw their complaint or that they wish to discontinue it.
- 5.3 If the Panel receives written notification to this effect, signed by the Complainant or someone authorised to act on his behalf, the Panel must record the fact (Regulation 16).
- 5.4 If the Complainant notifies (in writing, signed by the Complainant, his solicitor or someone authorised to act on his behalf) the IOPC that they are withdrawing their complaint or wish it to be discontinued, but does not inform the Panel, the IOPC must send a copy of this notification to the Panel and the Panel must record the fact.

- 5.5 Where the complaint is one which was referred to the IOPC and has not been referred back to the Panel, the Panel must inform the IOPC that it has recorded the fact that the complaint has been withdrawn or discontinued.
- 5.6 The IOPC will then consider whether the complaint should be treated as a conduct matter, and if the IOPC so determines, they will notify the Panel.
- 5.7 In the case of a complaint which was not referred to the IOPC, or was referred back to the Panel by the IOPC, the Panel must decide whether the complaint should be treated as a conduct matter. A complaint is to be treated as a conduct matter if the Panel determines that it is about conduct which constitutes or involves, or appears to constitute or involve, the commission of a criminal offence.
- 5.8 Where it is determined (whether by the IOPC or the Panel) that a withdrawn or discontinued complaint should be treated as a conduct matter, the Panel must record it as a conduct matter and the Regulations apply to it accordingly.
- 5.9 If the Complainant indicates that they wish to withdraw or discontinue their complaint but does not provide signed notification in writing to that effect, the Panel must write to ask the Complainant to determine whether or not they wish to withdraw or discontinue.
- 5.10 If the Complainant confirms that s/he wishes to withdraw or discontinue the complaint, or does not reply within 21 days, the Panel should treat it as if it had received signed, written notification of the Complainant's wish to withdraw or discontinue the complaint.
- 5.11 If the Complainant indicates that they do not, in fact, wish to withdraw or discontinue the complaint, the Panel must continue to deal with the complaint in accordance with the Regulations.
- 5.12. The Panel must notify the person complained against if:
- a) it records a complaint as being withdrawn or discontinued,
 - b) if the complaint is to be treated as a conduct matter, or
 - c) if the Regulations cease to apply to the complaint on the basis that it has been withdrawn or discontinued.
- 5.13 The duty to notify in 5.12 does not apply if the Panel has previously decided not to notify the person complained against of the complaint on the basis that it might prejudice a criminal investigation or pending proceedings, or be contrary to the public interest (Regulation 16(10)).
- 5.14 Conduct occurring outside England and Wales

- 5.15 Conduct occurring outside England and Wales may be the subject of investigation or proceedings in the jurisdiction where it occurs.
- 5.16. The PCC has a duty to notify the Panel of any allegation, investigation or proceedings relating to his/her conduct occurring outside England and Wales (Regulation 17).
- 5.17. If the Panel receives such a notification they may take whatever action they see fit (Regulation 17).

6. Resolution of Complaints

- 6.1. This procedure applies where the Panel:
 - a) has recorded a complaint;
 - b) has decided not to refer the complaint to the IOPC (because it is not a serious complaint) or the IOPC has referred it back; and
 - c) the lead officer has chosen not to exercise the authority delegated to him/her under paragraph 3 (d) of the procedures to disapply a complaint in accordance with the regulations.
- 6.2 The Panel must make arrangements for informally resolving these complaints.
- 6.3 The Panel has appointed a sub-committee of any three members of the Panel to: determine whether a complaint should be disappplied where the lead officer has chosen not to exercise that authority; to carry out the informal resolution. The lead officer to determine the names of the three members following consultation with the Chairman, Vice-Chairmen and Monitoring Officer.
- 6.4. The Panel cannot appoint the PCC/DPCC to informally resolve a complaint.
- 6.5. The Panel as a whole can resume responsibility for the informal resolution at any time if it considers that this will lead to a more satisfactory resolution of the complaint.
- 6.6. The informal resolution of any complaint must be discontinued if the IOPC notifies the Panel that they require the complaint to be referred to them, or if the Panel itself decides that the complaint should be referred, where matters come to light during informal resolution which indicate the commission of a criminal offence, and therefore that the matter has become a serious complaint.
- 6.7 Procedures for Informal Resolution
- 6.8 Informal resolution must be undertaken in accordance with procedures approved by the Secretary of State and issued in guidance (Regulation 28).

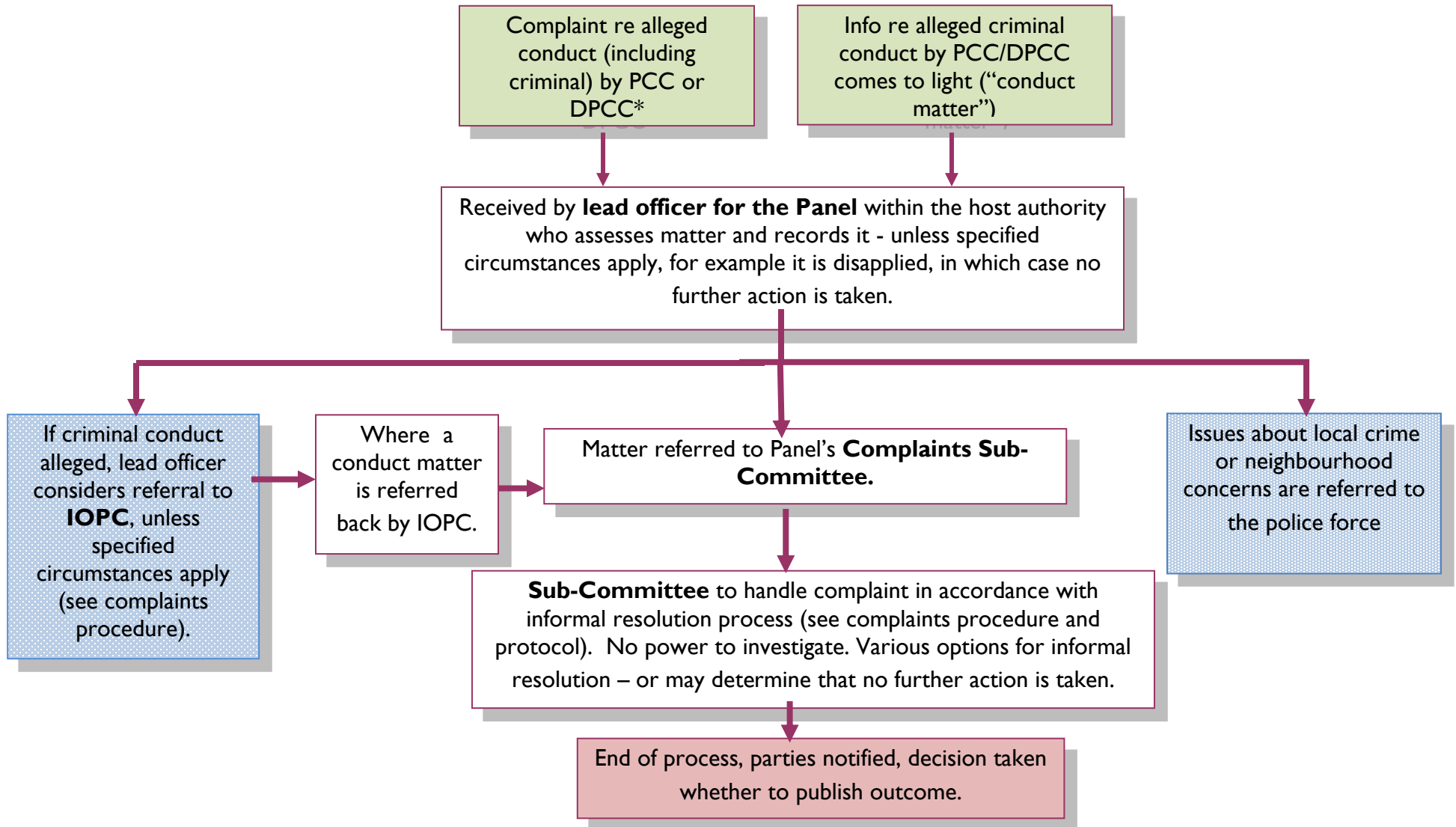
- 6.9 Informal resolution cannot involve formal investigation, but the Panel requiring the person complained against to provide information and documents to the Panel and attend before the Panel to answer questions does not amount to investigation for these purposes.
- 6.10 Any other step intended to gather information about the complaint, other than inviting the comments of the Complainant and the person complained against, will amount to investigation and is prohibited.
- 6.11 Informal resolution is a way of dealing with a complaint by solving, explaining, clearing up or settling the matter directly with the Complainant, without an investigation or formal proceedings. It is not a disciplinary process, and does not involve the imposition of any sanction.
- 6.12 The Panel cannot impose sanctions but may choose to use their powers to require the PCC/DPCC to attend a hearing to answer questions, request information and documents from the PCC, and publish a report or recommendation.
- 6.13 If a complaint has already been satisfactorily dealt with by the time it comes to the Panel's attention, the Panel may consider it to be resolved and take no further action in relation to it.
- 6.14. Complainants and any person complained about must be sent a copy of any resolution. The Panel may publish its record of the outcome of the informal resolution of the complaint, where it considers publication to be in the public interest having considered the views of the Complainant and person complained against.
- 6.15. The only part of a statement made to the Panel for the purpose of informally resolving a complaint, that is admissible in any subsequent criminal or civil proceedings, is an admission in relation to another matter which was not the subject of the informal resolution.

7. Provision and Recording of Information

- 7.1 Address for receipt of complaints
- 7.2 The Panel must notify the PCC of the name and address of the person to whom members of the public should address complaints. The PCC must publish the name and address by such means as the Panel specifies (Regulation 30).
- 7.3 Informing the Complainant and PCC/DPCC
- 7.4 Where a complaint is recorded, the Panel should notify the recording decision to the Complainant and the person the complaint has been made against, along with providing a copy of the complaint to the PCC or DPCC.

- 7.5 The identity of the Complainant and any others can be kept anonymous. If the Panel considers that it may prejudice criminal investigations or proceedings, or is contrary to the public interest to supply a copy of a complaint, they do not have to provide a copy, but must review that decision regularly.
- 7.6 Keeping of records, and the provision of information and access to the IOPC
- 7.7 A Panel must keep a record (of every complaint and purported complaint it receives, every conduct matter it records and every action taken under the Regulations) (Regulation 34). The record should include the name, details of the complaint/conduct matter and how the matter has been dealt with. The record must be in a format which is auditable.
- 7.8 The Panel, PCC, DPCC and chief constable must provide information, documents, evidence or other material to the IOPC when required to do so (Regulation 35).
- 7.9 The Panel, PCC or his/her deputy must allow a person nominated by the IOPC to have access to any premises occupied, and to documents and other things on the premises (Regulation 36).
- 7.10 Where the access is required for the purposes of an examination by the IOPC of arrangements for handling complaints or conduct matters under the Regulations, at least 48 hours' notice must be given.
- 7.11 Manner of notifications
- 7.12. Any notification required to be given under these procedures or the Regulations must be given in writing (Regulation 37).

NY POLICE AND CRIME PANEL COMPLAINTS HANDLING FLOWCHART



*PCC and DPCC refers to Police and Crime Commissioner and Deputy Police and Crime Commissioner respectively