

North Yorkshire Police and Crime Panel**17 May 2018****Update to the Panel's complaints handling leaflet****1.0 Purpose of Report**

- 1.1 To invite the Panel to agree a revision to its leaflet on complaints handling.

2.0 Background

- 2.1 At the last Panel meeting on 19th April 2018, the Panel agreed to some updates and changes to its three key pieces of literature which set out for the public how the Panel deals with complaints made regarding the Police and Crime Commissioner (PCC) or Deputy Police and Crime Commissioner (DPCC).
- 2.2 It has subsequently been brought to the attention of the Panel's Lead Officer on complaints that the short guidance leaflet would benefit from further clarity around the potential for disapplication of complaints in certain circumstances. As is made clear within the Panel's governing procedure on complaints handling, there are a number of specified circumstances under the appropriate complaints regulations where the Panel may choose to disapply a complaint.
- 2.3 It has been identified that the shorter leaflet made available to the public does not wholly clarify this point and as such fully reflect the procedure. A minor change has therefore been made to the wording under "Step 2 – Recording your complaint" to ensure avoidance of any doubt on the Panel's ability to use its discretion in such matters. The revised leaflet has been provided at Appendix A, for agreement.

3.0 Recommendation

- 3.1 That the Panel agree the revised complaints handling leaflet at Appendix A.

Diane Parsons
Principal Scrutiny Officer
County Hall
Northallerton

9th May 2018

Background Documents:

Appendix A - "Making a complaint about the North Yorkshire Police and Crime Commissioner or Deputy Police and Crime Commissioner"

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).

Appendix A

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 first consider whether to record it. 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).

The duty to record a complaint does not apply where the complaint has been, or is already being, dealt with by criminal proceedings. Additionally, we may decide not to record your complaint if 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 we will let you know and explain why.

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 the matter is already the subject of a complaint or because the matter referred to occurred more than 12 months ago (see also 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

 101

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