

Cheshire Police and Crime Panel

Date of Meeting: 28 September 2018

Report of: Monitoring Officer

Subject : Update on complaints

1. Report Summary

- 1.1 This report updates Panel Members on how conduct matters and complaints against relevant office holders (the Police and Crime Commissioner and his Deputy) falling within the Panel's remit are handled.

2. Recommendation

- 2.1 The Panel is recommended to endorse the progress in relation to the handling of complaints and conduct matters during the period 1 January 2017 to 31 August 2018.

3. Background information

Process

- 3.1 The Police Reform and Social Responsibility Act 2011 placed a statutory obligation on the Police and Crime Panel to deal with complaints about the personal conduct or behaviour of the Police and Crime Commissioner and any appointed Deputy. The Act also provided for the publication of regulations in relation to this responsibility ("The Elected Local Policing Bodies (Complaints and Misconduct) Regulations 2012" – the Regulations).
- 3.2 The Regulations give the Panel three specific key functions in relation to such complaints:-
- Initial handling of complaints and conduct matters;
 - Informal resolution of relevant complaints within the Panel's remit;
 - The provision and recording of information.

- 3.3 The Panel has adopted Procedure Rules, which are reviewed on a regular basis, in relation to the management of complaints about the Police and Crime Commissioner and his Deputy. The procedure has been developed to ensure compliance with the Regulations.
- 3.4 There are separate procedures for complaints against the PCC's office and staff, and complaints regarding operational policing, the Chief Constable and other Police Officers. The Panel has no role in these procedures. It is also not responsible for investigating or determining whether a crime has been committed.
- 3.5 The Panel has delegated the authority for the initial handling of complaints, together with other aspects of the process, to the Host Authority's Monitoring Officer (Cheshire East Council's Monitoring Officer). The Head of Democratic Services and Governance assists with this process.
- 3.6 The Monitoring Officer assesses complaints and determines, in accordance with the authority delegated to him, how any complaint should be handled. The options open to the Monitoring officer are:-
- forwarding complaints that may amount to criminal conduct to the Independent Office for Police Conduct (IOPC, formally the Independent Police Complaints Commission);
 - taking no further action;
 - referring the complaint for informal resolution.
- 3.7 The Monitoring Officer can only determine that no further action is appropriate in the following circumstances:
- The complaint has been made by a member of the PCC's staff, arising from their work;
 - The complaint is more than 12 months old and there has been no good reason for the delay or the delay would be likely to cause injustice;
 - The complaint is about conduct that is already the subject of another complaint;
 - The complaint has been made anonymously;
 - The complaint is vexatious, oppressive or otherwise an abuse of process for dealing with complaints;
 - The complaint is repetitious.
- 3.8 If a complaint is not referred to the IOPC or is rejected by them it must be dealt with by informal resolution. This 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 a flexible process that may

be adapted to the needs of the complainant and the individual complaint. The Chairman or Deputy Chairman of the Panel, supported by the Monitoring Officer and Head of Democratic Services and Governance of the host authority has delegated authority to deal with the informal resolution of such (non-criminal) complaints.

- 3.9 The handling of the process can be delegated to a sub-committee (comprising the Chairman, Deputy Chairman and an Independent Co-opted Member); or another person, such as the PCC's Chief Executive or the Host Authority's Monitoring Officer.
- 3.10 The Panel may wish to consider the frequency of updates on complaint handling, which could be added to the work programme of the Panel.

Complaints

- 3.11 In the period 1 January 2017 to August 2018 a total of ten complaints were received by the Monitoring Officer. A summary of these complaints is provided in Appendix I.
- 3.12 Given the limited number of complaints received it is difficult to identify trends however:
- 1 complaint referred to Police Professional Standards Department as the complaint related to the conduct or behaviour of police officers;
 - 0 complaints referred to the Independent Office for Police Conduct / Independent Police Complaints Commission;
 - 8 complaints formally concluded, as set out in Appendix 1, of which:
 - 0 concluded by Informal resolution;
 - 3 in which it was determined there should be no further action;
 - 3 withdrawn;
 - 2 where no fault was found
 - 1 complaint is currently being assessed by the Monitoring Officer of the Host Authority (Cheshire East Council).

4. Financial Implications

- 4.1 There are no financial implications.

5. Equality Implications

- 5.1 There are no equality implications.

6. Contact Information

Contact details for this report are as follows:-

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Appendix I

Anonymised summary of the complaints received in the period 1 January 2017 to 31 August 2018

Nature of Complaint	Outcome
Process followed in the appointment of Deputy Police and Crime Commissioner	<p>Referred to IPCC / IOPC who decided not to act.</p> <p>The Deputy Monitoring Officer determined on 6 April 2018 that no further action should be taken and the Complainant was advised to direct questions to the PCC.</p>
Process followed in the appointment of Deputy Police and Crime Commissioner	<p>Referred to IPCC / IOPC who decided not to act.</p> <p>The Complainant did not respond to follow up letter, complaint treated as being withdrawn</p>
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Failure of PCC to hold Chief Constable to account	No fault found
Collusion and cover up by the PCC	Decision made by Monitoring Officer to take no further action.
Unfair and potentially illegal Police procedures	Decision made by Monitoring Officer that this was a policing issue therefore referred to the Cheshire Constabulary Professional Standards Department.
Allegations of corruption	The Monitoring Officer determined that this complaint was historic in nature, relating to the former Police and Crime Commissioner and therefore no further action would be taken.

Failure of PCC to hold the Chief Constable to account.	The Monitoring Officer was unable to identify any complaint within the correspondence from the Complainant and the Complainant was advised to refer any questions to the PCC directly.
Failure of PCC to respond to letter	Ongoing