

COMPLAINTS MADE TO THE OPCC

OPCC Policy Guidance	Complaints Made to the OPCC
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Table of Contents

- 1.1 Introduction and policy aim
- 1.2 Complaints about OPCC staff and volunteers
- 1.3 Complaints about the OPCC Chief Executive
- 1.4 Complaints about the PCC
- 1.5 Complaints about the Chief Constable
- 1.6 Complaints about Humberside Police Officers and Staff (excluding the Chief Constable)
- 1.7 Complaints about Complaint Review Decisions
- 1.8 Links to relevant legislation and statutory guidance

1.1 Introduction and policy aim

It is important that any service or conduct complaints received by the OPCC are dealt with effectively and efficiently and that service users can have confidence in the complaints processes we follow.

This policy document is intended to provide transparency in respect of those processes. It sets out the duties of the Humberside OPCC, in accordance with their responsibilities under the Police Reform and Social Responsibility Act 2011, Elected Local Policing Bodies (Complaint and Misconduct) Regulations 2012 and Police (Conduct) Regulations 2020.

As well as providing clear and accessible routes of complaint for service users, this document is intended to provide OPCC staff with guidance to ensure that they are empowered to:

- ✓ route complaints to the appropriate authority at the earliest stage
- ✓ confidently address complaint matters concerning OPCC staff, policy and processes
- ✓ provide a fair, reasonable and proportionate approach when considering complaint allegations
- ✓ ensure that service users are provided with a route of appeal where applicable

This document does not aim to replace other relevant guidance or working practices, including our obligations under the Equality Act 2010. It does not negate consideration of other policy guidance where it is appropriate and necessary to do so, such as *Managing Unreasonably Persistent Contact and Unacceptable Behaviour*.

The policy provides guidance in respect of making a complaint about:

- Staff, volunteers or service from the Office of the Police and Crime Commissioner (OPCC)
- Chief Executive Officer of Humberside OPCC

- Police and Crime Commissioner (PCC) for Humberside
 - Chief Constable of Humberside Police
 - Humberside Police officers, staff and operational matters
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1.2 Complaints about OPCC service and/or staff (including volunteers)

OPCC staff strive to uphold high standards of professionalism with a fair and consistent approach when dealing with service users including members of the public, partners and service providers. Should a service user feel it necessary to complain about the conduct or level of service provided by a member of the OPCC, their complaint should be put in writing to:

Office of the Police and Crime Commissioner for Humberside
The Lawns, Cottingham, East Yorkshire HU16 5SN

Email: pcc@humberside.pnn.police.uk

Complaint Handling

The Chief Executive and Monitoring Officer will consider who is the most appropriate member of staff to address the issues of concern and will delegate the complaint accordingly. This may be the line manager of the subject of the complaint or the relevant business manager within the organisation, depending upon the issue(s) raised and the level of severity of any allegation(s).

The member of staff dealing with the complaint should look into the allegations and may make contact with the complainant in order to discuss issues of concern and ensure that they are fully understood. They will endeavour to resolve the complaint and provide a response as soon as possible and within twenty working days. Timescales may vary dependent upon the complexity of issues raised within the complaint, but should more time be required, the complainant should be informed of the need for an extension. Any right of appeal should be notified at the conclusion of complaint handling and provided with the outcome.

Right of Appeal by a Reviewing Manager

Should a complainant disagree with the outcome decision at the conclusion of complaint handling, they have a right to appeal. To appeal a complaint decision, the complainant should write to the OPCC at the above address, detailing why they disagree with that outcome decision.

A member of the OPCC management team will be assigned as Reviewing Manager and provide an independent review of the outcome decision. Reviewing Managers should endeavour to provide a final appeal decision to the complainant within 10 working days. Should more time be required, the complainant should be notified of the need for an extension.

The appeal decision of the reviewing manager is final.

1.3 Complaints about the Chief Executive Officer (CEO)

Should a service user wish to submit a formal complaint about the personal conduct of the CEO they should do so in writing to the Police and Crime Commissioner at:

PCC for Humberside, The Lawns, Cottingham, East Yorkshire, HU16 5SN
Email: pcc@humberside.pnn.police.uk

The complaint should outline the CEO's own personal actions, the date that the incident occurred and how the complainant has been adversely affected.

Complaint Handling

The complaint will be assessed to ensure that it is valid, ie that it concerns the personal actions or conduct of the CEO. Should complaint matters relate to delegated responsibilities where there has been no personal involvement from the CEO, it will be considered a service complaint and will follow the process outlined at 1.2. In either case, the complainant will be informed of how their complaint is being handled.

Right of Appeal by a Reviewing Manager

To appeal a complaint outcome decision, the complainant should write to the PCC at the above address, detailing why they disagree with that outcome decision.

The PCC will appoint an independent Reviewing Manager to provide an impartial review of the outcome decision. Reviewing Managers should endeavour to provide a final appeal decision to the complainant within 10 working days. Should more time be required, the complainant should be notified of the need for an extension.

The appeal decision of the reviewing manager is final.

1.4 Complaints about the PCC

The OPCC is not the appropriate authority to address complaint allegations made about the PCC. Should a complaint be received by the OPCC which relates to the conduct of the PCC, the complainant will be signposted to the appropriate authority at the earliest opportunity, which is the Humberside Police and Crime Panel:

Humberside Police and Crime Panel, c/o Service Manager – Democracy, North Lincolnshire Council, Church Square House, 30 – 40 High Street, Scunthorpe, North Lincolnshire, DN15 6NL

Email: policeandcrimepanel@northlincs.gov.uk

Tel: 01724 296014

1.5 Complaints about the Chief Constable

The OPCC is the appropriate authority for complaints about the personal actions of the Chief Constable of Humberside Police. The process for dealing with complaints about the Chief Constable are statutory and set out in the Police Reform Act 2002.

Should a service user wish to submit a formal complaint about the personal conduct of the Chief Constable they should do so in writing to:

Office of the Police and Crime Commissioner for Humberside
The Lawns, Cottingham, East Yorkshire HU16 5SN

Email: pcc@humberside.pnn.police.uk

The complaint should outline the Chief Constable's own personal actions, the date that the incident occurred and how the complainant has been adversely affected.

Complaint Handling

The complaint will be assessed to ensure that it is valid and that we are the appropriate authority. A recording and handling decision will be made in accordance with Statutory Guidance from the Independent Office for Police Conduct (IOPC). The complainant will be informed of how their complaint is being handled.

Should complaint matters relate to delegated responsibilities where there has been no personal involvement from the Chief Constable, the OPCC is not the appropriate authority. In such instances, complaints will be passed to the appropriate authority at the earliest opportunity and an explanation provided to the complainant.

Right of Review

The complaint will be advised of their right to review to the IOPC only if the complaint is valid and meets the criteria for recording (ie the allegations are about the Chief Constable's own personal actions).

1.6 Complaints about Humberside Police Officers, Staff (excluding the Chief Constable) and operational matters

The OPCC cannot address complaints about operational policing matters which includes the service provision and conduct of officers and staff who work under the direction and control of the Chief Constable. The appropriate authority in such cases is the Chief Constable. They delegate that authority to their Professional Standards Department (PSD).

In accordance with Statutory Guidance from the Independent Office for Police Conduct (IOPC), complaints about operational matters, officers and staff will be passed to the Humberside Police PSD at the earliest opportunity. This is our legal duty and consent is not required. The complainant will be informed and provided with contact details for PSD to enable them to make further contact directly, should they need to. No further action can be taken by the OPCC.

1.7 Complaints about Complaint Review Decisions

Complaint review decisions made by the OPCC are final and cannot be challenged or otherwise escalated by means of the complaints process. Any such complaint will be assessed to look at the level of timeliness, professionalism and service which has been provided by OPCC staff. Concerns or queries about decisions made by the OPCC will not be addressed. Review decisions carry no further right of review and can be overturned only by way of judicial review. In such circumstances, complainants will be advised to seek independent legal advice.

1.8 Relevant Legislation and Statutory Guidance

Links to relevant legislation and Statutory Guidance which underpins this policy guidance is provided here:

- <https://www.legislation.gov.uk/ukpga/2011/13/contents/enacted>
- <https://www.legislation.gov.uk/uksi/2012/62/contents/made>
- <https://www.legislation.gov.uk/uksi/2020/4/made>
- https://www.policeconduct.gov.uk/sites/default/files/Documents/statutoryguidance/2020_statutory_guidance_english.pdf