



VERA BAIRD^{QC}
POLICE & CRIME COMMISSIONER

**POLICE AND CRIME PANEL
REPORT OF THE MONITORING OFFICER**

28 FEBRUARY 2016

**COMPLAINTS AGAINST THE POLICE AND CRIME COMMISSIONER – UPDATE
REPORT JANUARY 2017**

1. Purpose of the Report

- 1.1 To provide the Police and Crime panel with information about the complaints and purported complaints received and every conduct matter recorded by the Monitoring Officer since November 2012.

2. Background

- 1.2 The Police and Crime Panel has the statutory role of overseeing all complaints against the PCC and informally resolving non-criminal complaints, as well as criminal complaints or conduct matters that are referred back to the Panel by the Independent Police Complaints Commission (IPCC).
- 2.2 The Elected Local Policing Bodies (Complaints and Misconduct) Regulations 2012 (the Regulations) make provision regarding the Panel's powers and duties in regard to complaints made about the conduct of the PCC. The aim of the complaints system is to deliver resolution as quickly and effectively as possible for the majority of complainants through local resolution.
- 2.3 In accordance with the Regulations, the Panel is required to maintain suitable arrangements for handling complaints, recording conduct matters where there is an indication that the PCC may have committed a criminal offence and prescribing the manner in which any complaints alleging conduct which constitutes or involves, or appears to constitute or involve, the commission of a criminal offence and conduct matters are handled.
- 2.4 A procedure for dealing with complaints against the PCC was approved by panel members in November 2012 appointing the Chief Executive of the Office of the Police and Crime Commissioner as the Monitoring Officer
- 2.5 In respect of record keeping the panel agreed in this procedure that the Monitoring Officer will keep records of: every complaint and purported complaint received and every conduct matter recorded by the Monitoring Officer. In addition the Monitoring Officer is to report, on a regular basis, the summary details (such as can be reported in public), on the exercise of any and all of these functions to the Police and Crime Panel for monitoring purposes. As a consequence, overleaf is list of complaints received in December 2016 and January 2017 providing an update on the last report submitted to the Panel.

Received	Nature of Complaint	Recorded / Action Taken
23 rd December 2016	<p>4 complaints:</p> <ul style="list-style-type: none"> i. PCC refused to release an investigative report. ii. PCC failed to comply with her Equality Duty. iii. PCC failed in her duty to hold the CC to account. iv. PCC has neglected duty in failing to respond appropriately to correspondence. 	<p>Complaint not upheld as it did not meet the criteria set down in legislation.</p> <ul style="list-style-type: none"> i. PCC has dealt with the matter fully and the complainant was advised how the report would be used. ii. An external review dismissed the allegations made in the complaint. iii. An external review dismissed the allegations made in the complaint. iv. Data Protection Act prohibited a response in this circumstance.
20 th January 2017	<p>4 complaints:</p> <ul style="list-style-type: none"> i. PCC has failed to act fairly/transparently and discriminated against the complainant. ii. PCC appointed someone who is not the appropriate authority to investigate a complaint against the CC. iii. PCC failure to deal appropriately with a complaint against the CC. iv. PCC referring a complaint to the IPCC where the local resolution process was not complete. 	<p>Complaint not upheld as it did not meet the criteria set down in legislation:</p> <ul style="list-style-type: none"> i. The PCC or her office have responded to all emails and kept the complainant updated in respect of how the case is progressing. ii. The PCC complied with IPCC guidelines which state that under local resolution the resolving officer must be under the direction and control of the CC. A further review took place and it was determined that the best course of action was for the IPCC to make an independent ruling on this complex case, we await the outcome of this referral. iii. Addressed in point ii. iv. Complainant was informed by the PCC that his complaint would be dealt with by the IPCC rather than through local resolution. The PCC determined

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		that the best course of action was for the IPCC to make an independent ruling on this complex case, we await the outcome of this referral.