

PROCESS FOR INVESTIGATION OF COMPLAINTS REGARDING THE POLICE AND CRIME COMMISSIONER

CUMBRIA POLICE AND CRIME PANEL

Introduction

This is the process that will be followed by the Monitoring Officer on receipt of a complaint about the Police and Crime Commissioner ('PCC'), acting on the delegated authority noted in the **PROTOCOL**.

The role of the Monitoring Officer in dealing with complaints about the PCC is to review every complaint received and take a decision as to whether it merits further review and informal resolution as required by the Elected Local Policing Bodies (Complaints and Misconduct) Regulations 2012 ('the Regulations').

In order to reach an informal resolution of a complaint about the PCC, the Monitoring Officer will ordinarily follow the procedure set out below.

The Monitoring Officer may vary this process, including any of the timescales noted below, when he/she considers it desirable in the interests of justice or fairness or the effective conduct of the matter to do so. Any such variations will be communicated to the parties to any complaint.

Process

Stage One

1. All complaints must be on a properly completed complaints form or the complaint will be rejected. The Monitoring Officer will ensure that reasonable arrangements are in place to assist any prospective complainant to submit a complaint in the correct format.
2. A complainant must provide their full name and address to the Monitoring Officer when making their complaint, however, they may request that their identity and/or other personal details are not disclosed further during this process. A complainant's details will only be withheld from others involved in this process where there are clear and relevant reasons not to divulge this information. The decision whether or not to grant anonymity to the complainant will be made by the Monitoring Officer and be at his/her discretion in accordance with the Regulations. Should the Monitoring Officer be minded to refuse a request from a complainant for anonymity, he/she will inform the complainant before progressing their complaint any further.

3. The Monitoring Officer will review the properly completed complaints form and decide whether the complaint is appropriate for informal resolution in accordance with paragraph 4.28 of the **Protocol**.
4. If necessary, the Monitoring Officer will consult with the Chairman and Vice-Chairman to seek agreement to treat a complaint as habitual or vexatious and will therefore follow the **Habitual or Vexatious Complaints Protocol**.
5. If the complaint is rejected at this stage, the Monitoring Officer will inform the complainant of their decision and the reasons for it in accordance with paragraph 4.29 of the **Protocol**.

Stage Two

6. The Monitoring Officer will commence a process of enquiry in order to gather the information necessary to make a decision as whether there is substance to the complaint and, if there is, whether an informal resolution is required.
7. The Monitoring Officer may undertake the enquiries him/herself or may ask another appropriate Council Officer to undertake the enquiries on their behalf. If another Council Officer is to undertake the enquiries they will follow the process set out at Stage Three below in place of the Monitoring Officer.

Stage Three

8. If the Monitoring Officer considers that further information or clarification is required from the complainant, the Monitoring Officer will contact the complainant to get that further information or clarification.
9. The Monitoring Officer will send the complaint to the PCC and ask for the PCC's comments. The PCC will be asked to provide those comments within 14 days of the complaint being referred to them, but will be provided the opportunity to explain why such a timescale is insufficient and provide an alternative timescale.
10. If the Monitoring Officer requires further information before proposing an informal resolution of the complaint, such information will be requested from either the complainant or the PCC with a 14 day deadline for the provision of that information.

Stage Four

- 11.If, in the opinion of the Monitoring Officer, an appropriate informal resolution can be identified, that informal resolution will be proposed to the complainant. Within 14 days of the informal resolution being proposed, the complainant will either confirm that the proposal is acceptable or put forward an amended proposal which will be considered in the Monitoring Officer's discretion.

- 12.If the complainant will only agree to the proposal that the Monitoring Officer considers inappropriate, the Monitoring Officer shall refer the complaint to the Complaints Sub-Committee to review the complaint. The Sub-Committee shall consider whether there is an appropriate alternative. If the Sub-Committee opts to discontinue the complaint, the Monitoring Officer shall inform the complainant.

- 13.If a proposal for informal resolution is accepted by the complainant, the Monitoring Officer will within 14 days refer the proposed informal resolution to the PCC. Within 14 days of that referral, the PCC will make a further proposal for the informal resolution of the complaint or take whatever action is required of the PCC in the informal resolution.