# DYFED-POWYS POLICE AND CRIME PANEL

# COMPLAINTS PROTOCOL

INTRODUCTION

1. Schedule 7 of the Police Reform and Social Responsibility Act 2011 ('2011Act') makes provision for Police and Crime Panels to deal with certain types of complaints against the Police and Crime Commissioner in their area.
2. The Elected Local Policing Bodies (Complaints and Misconduct) Regulations 2012 ('2012 Regulations') prescribe how Panels should deal with such complaints.
3. The Panel has no power to 'investigate' any complaint against the Commissioner nor can it impose any sanction upon him, require him to take any particular action or stop him from doing anything.
4. When dealing with a complaint there are 3 options open to the Panel;
   (a) Refer any 'serious complaint' to the Independent Office for Police Conduct ('IOPC')
   (b) Deal with a 'non-serious' complaint by way of informal resolution
   (c) Dis-apply the 2012 regulations where the requirements of regulation 15 are met.
5. Upon receipt of a complaint, the Lead Officer to the Panel will formally record the complaint and carry out an initial assessment in conjunction with the Panel Chairman.

SECTION A – INITIAL ASSSESSMENT

6. The initial assessment of any complaint will be based upon the information available at the time the assessment takes place.
7. If the complaint is assessed as a valid 'serious complaint' (i.e. one which genuinely amounts to an allegation that the Commissioner has committed a criminal offence) then the Lead Officer shall notify the Commissioner and Members of the Panel accordingly and refer the matter to the IOPC
8. If a complaint is assessed as not being a valid 'serious complaint' the Panel Chairman and Lead Officer will consider whether the complaint is suitable for informal resolution or whether the 2012 Regulations should be dis-applied in accordance with Regulation 15.
9. A complaint will not normally be considered suitable for informal resolution if;
   (a) It does not relate to the personal conduct of the Commissioner towards the complainant
   (b) It does not reveal the existence of any corroborating evidence or witnesses
   (c) The Commissioner has previously tendered an apology in relation to the substance of the complaint
   (d) No meaningful resolution appears to be likely on the facts of the case.
10. The 2012 Regulations will normally be dis-applied and no further action taken in relation to a complaint if;

(a) The complaint relates entirely to a staffing issue within the Commissioner's Office
(b) There is no clear evidence that the matter complained of occurred within the 12 months prior to the complaint being received
(c) The matter complained of is already subject to a complaint
(d) The complaint is an anonymous complaint
(e) The complaint is vexatious or oppressive
(f) The complaint is an abuse of the procedures for dealing with complaints.
(g) The complaint is repetitious (i.e. substantially the same as a previous complaint)

11. A complaint will normally be considered to be vexatious, oppressive or an abuse of the complaints procedure if;
    (a) It relates to the refusal of the Commissioner to interfere in operational decision making by the Chief Constable
    (b) It relates to the refusal of the Commissioner to interfere in individual complaints against police officers below the rank of Chief Constable or civilian police staff
    (c) It requires the Panel or Commissioner to take steps that go beyond their statutory powers
    (d) There is an alternative form of redress available to the complainant which has either not been exercised or has been exhausted.
12. If a complaint is assessed as not being suitable for informal resolution or that the 2012 Regulations should be dis-applied and no further action taken in relation to the complaint the Lead Officer shall update the complaints register accordingly and inform the Complainant, Commissioner and Panel Members. No further action will then be taken in relation to the complaint.
13. If a complaint is assessed as being suitable for informal resolution the Lead Officer to the Panel will notify the Commissioner of the complaint and request a written response. The matter will then be referred to the full Panel for a final decision.

SECTION C – FINAL DECISION

14. If a complaint is referred to the Panel for a final decision the Lead Officer shall prepare a report for the next meeting of the Panel enclosing the complaint, the Commissioner's response and setting out the options available to the Panel
15. The Panel will consider the complaint in private session
16. The Panel will make its decision solely upon the written report and supporting documents. The Complainant will not be entitled to attend the meeting and address the Panel.
17. After consideration of the report the Panel will either;
    (a) determine what form any informal resolution should take and make appropriate recommendations to the Commissioner or,
    (b) take no further action in relation to the complaint.
18. Once the Panel has made its final decision the Lead officer will notify the complainant and update the complaints register accordingly.
19. The complaint will thereafter be considered closed and the Panel will not re-open or review its decision.