

**PART ONE**

**ITEM 14**

**To:** Joint Audit Committee  
**Date:** 22<sup>nd</sup> June 2015  
**By:** Sam Meyer, Policy Officer, Office of the PCC  
**Title:** Complaints Process Report

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**Purpose of report**

As requested by the Committee, to provide further information on the number of complaints received and how they are handled.

**Recommendation**

The Committee notes the report.

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**Equality and Human Rights Implications:** None arising

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**Risk:** No specific risks arise from this report.

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## 1. Introduction

- 1.1 Under the Police Act 1996 and the Police Reform & Social Responsibility Act 2011, the Office for the Police and Crime Commissioner for Surrey (OPCC) has a number of specific duties in relation to the handling of complaints.
- 1.2 The Commissioner's Office has a responsibility to manage complaints it may receive against Chief Officers of the Force, its own members of staff, contractors, the Deputy Commissioner and the Commissioner itself.
- 1.3 The OPCC also has a duty to keep itself informed about complaint and discipline matters within Surrey Police Force (as set out in section 15 of the Police Reform Act 2002). Similarly, it is the responsibility of the Chief Constable of a Force, by delegated authority through its Professional Standards Department (PSD), to manage complaints against its officers and staff.

## 2. Complaints policy:

- 2.1 The OPCC has a complaints policy that ensures it complies with the legislative and regulatory requirements and associated advice on managing and effectively handling complaints against the Force or Commissioner to ensure that all forms of complaints are dealt with properly and effectively.

## 3. How the policy is implemented

- 3.1 In order that its policy regarding complaints is adhered to, the OPCC together with the Force, has set out a number of procedures and guidance documents for the recording, handling and oversight of complaints. Copies of these are attached as **Appendix A: Annexes A–E**.

## 4. Day to day management

- 4.1 Due to the public facing nature of the OPCC, it regularly receives complaints from members of the public that it has no jurisdiction to investigate. Therefore,

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arrangements are in place so that when the OPCC receives a complaint that relates to the conduct and performance of a Surrey Police officer or member of staff, it will forward the complaint to Surrey Police's Professional Standards Department (PSD) as soon as possible and contact the complainant to inform them of this. PSD will then update the OPCC on what action has been taken.

- 4.2 Although many of the complaints/incidents reported to the OPCC do not, legislatively speaking, fall into its remit, the Commissioner is committed to responding to peoples' concerns. Therefore, on occasion the OPCC will closely monitor the progression of certain complaints, asking PSD to provide it with certain information.
- 4.3 Occasionally the OPCC receives requests for action/update on on-going operational matters. These requests are sent to Surrey Police's Strategic Planning Department, which is the OPCC's Single Point of Contact (SPOC) into the Force. These requests are recorded on the OPCC Contact Log.

### 5. Complaint's overview 2014/15

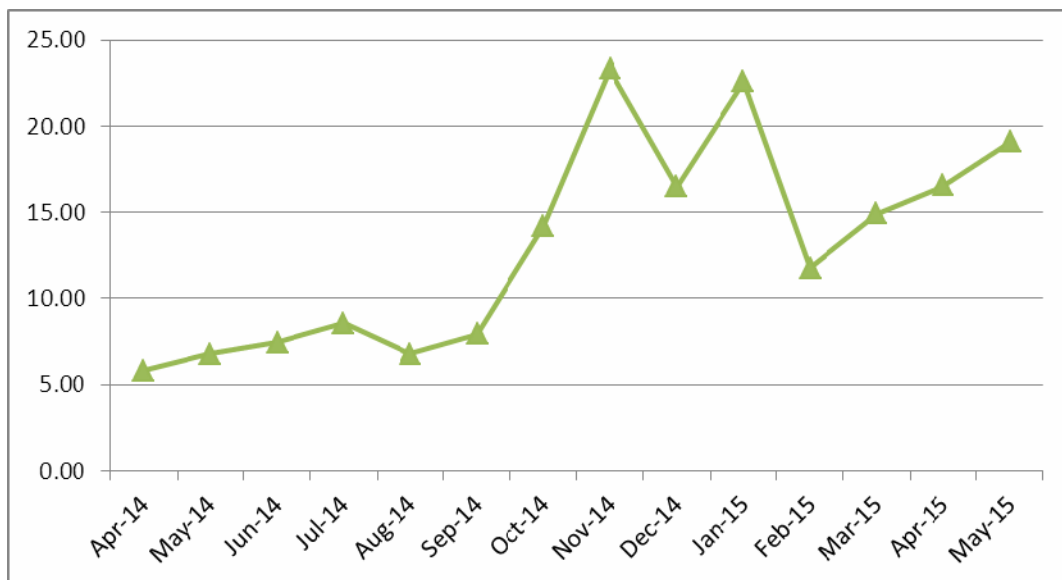
- 5.1 The OPCC keeps a record of all contact it receives on the Contact Log. In the last financial year (April 2014 to March 2015), the OPCC has been contacted 1,008 times. Of these, 638 were complaints or expressions of dissatisfaction. Below is a table showing the breakdown of contact received in this period.

<b>Date</b>	<b>Total</b>	<b>Complaints / Dissatisfaction</b>	<b>Average a week</b>
Apr-14	42	25	5.83
May-14	58	30	6.77
Jun-14	40	32	7.47
Jul-14	42	38	8.58
Aug-14	65	30	6.77
Sep-14	53	34	7.93
Oct-14	77	63	14.23

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Nov-14	105	100	23.33
Dec-14	95	73	16.48
Jan-15	117	100	22.58
Feb-15	236	47	11.75
Mar-15	78	66	14.90

5.2 The large increase in contact in February was as a result of a campaign by the Countryside Alliance that saw 172 emails come to the OPCC with concerns about hunt-saboteurs wearing face masks when protesting. Even accounting for this, it is interesting to note that the average number of contacts received each week by the OPCC has almost tripled in the last six months. Early indications show that this increase has continued in to April and May as this graph illustrates:



**6. Recent activity**

6.1 In the last quarter (January to March 2015) the OPCC was contacted 431 times. 213 of these were direct complaints against an officer’s behaviour or expressions of dissatisfaction about the way Surrey Police managed its policing. There is inevitably some duplication in these figures, as every contact is recorded. For instance, within this quarter one complainant contacted the OPCC 17 times about an investigation by Surrey Police that led to their conviction for theft, another has contacted the OPCC 15 times about their concern they are the victim of hate-

crime, and another complainant has contacted the OPCC 7 times about the actions taken by an officer when their partner was stopped for speeding.

## **7. A breakdown of 2014/15 complaints**

7.1 Although the issues people contact the OPCC about are very varied, there are some trends that can be identified. One of the more common complaints is around the lack of investigation or time it takes for Surrey Police's PSD to pick up complaints and deal with them. This leads to people contacting the OPCC in frustration. PSD have undergone a review in the last few months and changed its practices, introducing a "triage system" which means complainants are contacted immediately and, where possible, dealt with by the local Neighbourhood Inspector or Sergeant quickly. Further information on the number of complaints handled by PSD and the new triage arrangements are attached in **Appendix B**.

7.2 Another trend is the increasing number of complainants who contact the OPCC suffering from some form of mental ill-health. For instance, one correspondent regularly contacts the office concerning perceived harassment from neighbours. These telephone conversations often last hours as the individual needs to keep repeating themselves in order to get out everything they wish to say. In instances like this, the OPCC liaises with the Force and other partners to ensure that the individual is receiving all the help and support they require.

7.3 People have also contacted the OPCC with complaints about how delayed answering of 101 calls (non-emergency number). This is something that the Force has been challenged on by the OPCC and additional resources are now being invested in this area.

## **8. Gross misconduct and Appeal Tribunals**

8.1 The OPCC is responsible for recruiting and training independent members for gross misconduct hearings and for arranging the Police Appeal Tribunals (PATs) should officers be dismissed. The number of hearings and PATs has increased in

the last year, rising from three or four between November 2012 and March 2014, to seven/eight in the last year.

8.2 This increase is mainly due to misuse of police computer systems, such as looking up family members, neighbours or friends, to see if they have any convictions. For instance, one officer, who was charged and acquitted for using excessive use of force in an arrest, looked up the details of the person he allegedly assaulted 91 times, which is a breach of section 55 of the Data Protection Act.

## **9. Complaint's future**

9.1 The Government has indicated that the management of police complaints is set to change in the next few years. Gross-misconduct hearings and subsequent appeal tribunals will now be held in public, and these will have to be chaired by legally qualified chairs from January 2016. Work is underway with regional colleagues to do this in the most cost-effective way possible.

9.2 Furthermore, the Government has indicated that PCCs should have greater involvement in the recording, management and investigation of complaints. A number of consultations have taken place recently and the outcomes of these are expected this summer, with draft legislation and further consultation in the next year or so.

## Complaints Policy

### Introduction

Under the Police Act 1996 and the Police Reform & Social Responsibility Act 2011, the Office for the Police and Crime Commissioner's for Surrey has a number of specific duties in relation to the handling of complaints. The Commissioner's Office has a responsibility to manage complaints it may receive against Chief Officers of the Force, its own members of staff, contractors, the Deputy Commissioner and the Commissioner itself. The Commissioner's Office also has a duty to keep itself informed about complaint and discipline matters within Surrey Police Force (as set out in section 15 of the Police Reform Act 2002).

### Purpose of this document

This document sets out the policy of the Commissioner's Office in relation to the above and is addressed to Members of the Public, Senior Police Officers, Police and Crime Panel Members, the Commissioner, the Deputy Commissioner, Staff and Contractors.

### Risk

If the Commissioner's Office does not have a policy and procedure that it adheres to in relation to complaints this could have a detrimental impact on the perception that the public and partners have of the Commissioner and the Force. This would impact on the ability to deliver against the strategic priorities.

### What is a complaint?

## Complaints Policy

The Office of the Police and Crime Commissioner for Surrey will:

- a) Comply with legislative or regulatory requirements and associated advice on managing and effectively handling complaints against the Force or Commissioner to ensure that all forms of complaints are dealt with properly and effectively.
- b) Provide clear information and guidance regarding the policies and procedures of the Commissioner's Office for handling complaints received against senior police officers, the Commissioner, the Deputy Commissioner or members of its staff including the Chief Executive and/or Monitoring Officer and Chief Financial Officer.
- c) Ensure that the lessons from such complaints are considered and assessed to inform the development of practice and procedure and the effectiveness of policing in Surrey.
- d) Promote an open a responsive complaints system that supports the delivery of the National Policing Requirement.

## **Policy Principles**

The Office of the Police and Crime Commissioner for Surrey in establishing this policy and associated procedures is:

- a) Supporting the Office of the Police and Crime Commissioner for Surrey's goal to be an organisation that inspires trust and confidence, listens, responds and meets the needs of individuals and communities.
- b) Supporting the delivery of its strategic aims and the National Policing Pledge.
- c) Embracing the principles of public life and supporting the proper use of public resources.
- d) Promoting equality and diversity within the Force and the Commissioner's Office to help eliminate discrimination, and promote equality of opportunity.
- e) Complying with the statutory requirements to oversee complaints against the police and handle complaints against the chief constable.
- f) To work with the Independent Police Complaints Commission (IPCC) to intervene in the handling of those complaints where the Commissioner's Office believes that the response provided by the Force is unsatisfactory.

## **How this Policy is implemented**

In order that its policy regarding complaints is adhered to, the Commissioner's Office together with the Force, has set out a number of procedures and guidance documents for the recording, handling and oversight of complaints. These documents set out the roles and responsibilities of individuals and organisations within the complaints process:

- a) Complaints Procedure (Annex A)
- b) Persistent Complainants Policy (Annex B)
- c) Guidance to staff on Handling Complaints (Annex C)
- d) Complaints relating to the Conduct of the Chief Constable (Annex D)
- e) Complaints Protocol with the Force (Annex E)

## **Human Rights and Equality**

In implementing this policy, the Commissioner's Office will ensure that its actions are in accordance with the requirements of the Human Rights Act 1998 and the Convention Rights embodied within it, in order to protect the human rights of complainants, other users of the police services and the Office of the Police and Crime Commissioner for Surrey.

## **Freedom of Information Act Assessment**

This policy is suitable for access by the General Public.



## Complaints Procedure

## Office of the Police and Crime Commissioner for Surrey

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We want people to be safe and feel safe in the county and for the police to provide you with the best service possible. Everyone has a right to fair and honest treatment by the police. Sometimes, something goes wrong in the Force's day-to-day dealings with the public. When this happens, we want to hear about it and this document has been produced to make it easier for you to make a formal complaint.

We'd also like to hear if you believe any of our staff or officers have exceeded your expectations and gone further to help resolve your query, question or crime.

### **Do you wish to make a Complaint against the Office of the Police and Crime Commissioner for Surrey?**

Whenever you come into contact with the Office of the Police and Crime Commissioner for Surrey you have the right to expect a professional service that meets your needs. Should the level of service fall below expectations you have the right to complain about:

- The Commissioner's Office itself, our policies or practice;
- The Commissioner or Deputy Commissioner (more details below);
- A Member of Staff of the Commissioner's Office, including contractors; and
- A Volunteer working on behalf of the Commissioner's Office.

If you wish to make a complaint you must do so in writing to:

The Chief Executive  
Office of the Police and Crime Commissioner for Surrey  
PO Box 412  
Guildford  
Surrey  
GU3 1BR

If you wish to make a complaint against the Chief Executive you may write directly to the Police and Crime Commissioner at the above address.

Complaints against the Commissioner should be made in writing to the Chief Executive of the Commissioner's Office as detailed above. Once a complaint is received it will be forwarded to the Police and Crime Panel to consider. However, complaints can also be made directly to the Police and Crime Panel by writing to:

Chairman of the Police and Crime Panel  
Surrey County Council  
Democratic Services  
County Hall  
Kingston-upon-Thames  
Surrey  
KT1 2DN

**Do you wish to make a Complaint against Surrey Police Force, including its officers and staff?**

Complaints against Surrey Police are handled in two ways.

Complaints against the Chief Constable

The Commissioner has a statutory duty to consider complaints the Chief Constable. If you wish to make a complaint against the Chief Constable please write to:

The Chief Executive  
Office of the Surrey Police and Crime Commissioner  
PO Box 412  
Guildford  
Surrey  
GU3 1BR

Please note that the Commissioner's Office cannot investigate complaints made anonymously.

Further information on how to complain against the Chief Constable and how this will be dealt with is included in Annex D.

Other Complaints against Surrey Police

While the Commissioner's Office has a role in monitoring how the police respond to complaints, it does not become involved in complaint investigations. If you are dissatisfied with the service you have received from Surrey Police we would recommend that in the first instance you try and take up any issue with the officer concerned and/or their line manager. Often this is the most straightforward way of resolving a matter. However, if this is not possible or appropriate, the Force's Professional Standards Department is responsible for handling all complaints against Officers and Staff below Chief Constable as well as general complaints regarding the provision of the policing service in Surrey.

If you wish to make a complaint against Surrey Police please contact its Professional Standards Department:

By letter:  
Professional Standards Department  
Surrey Police  
PO Box 101  
Guildford  
GU1 9PE

By telephone:  
101 (when dialling from within Surrey)  
01483 571212 (when dialling from outside of Surrey)

By email:  
[PSD@surrey.pnn.police.uk](mailto:PSD@surrey.pnn.police.uk)

You also have the right to make a complaint against Surrey Police direct to the Independent Police Complaints Commission (IPCC). Information on the work of the IPCC and the complaints process can be found on the IPCC website ([www.ipcc.gov.uk](http://www.ipcc.gov.uk)).

## **How to make a complaint against Surrey Police**

Complaints about the police will either be about police policies and procedures or about the conduct of a specific officer or member of police staff. The two types of complaints are dealt with differently and this document explains how to make either type of complaint against the police in Surrey.

### **Making a complaint about a Surrey Police officer or member of police staff**

You should complain if you have been treated badly by the police or if you have witnessed the police treating someone in an unacceptable manner. There are many ways to make your complaint and you can choose the one that suits you best:

- Contact the police directly (by going to a police station or by telephoning, emailing, faxing or writing);
- Contact one of the following:
  - The Police and Crime Commissioner
  - A solicitor
  - Your local MP
  - Your local councillor
  - A “Gateway” organisation (such as the Citizen’s Advice Bureau)
- Ask a friend or relative to make the complaint on your behalf (they will require your written permission); or
- Contact the national Independent Police Complaints Commission (IPCC).

### **Making a complaint about a Surrey Police policy or procedure**

For complaints about the overall policies or procedures of the police, you should contact the Force’s Professional Standards Department (see above).

## **What happens next**

Whatever type of complaint you make, the police will need to know as much as possible about the circumstances so that they can deal with it as quickly and efficiently as possible. They may ask you to fill in a form or make a written account of the issues involved, and someone will be on hand to provide any help you may need to do this. An official record will be made and you will be told how the complaint is going to be dealt with, what action may be taken as a result and how the decision will be made.

Most complaints will be dealt with by Surrey Police, but the more serious complaints are likely to involve the IPCC. The Force will agree with you how often – and by which method – you would like to be kept updated of progress.

The Commissioner’s Office monitors closely how complaints are handled by the Force, and receives monthly updates on the Force’s performance. Random dip-checks of PSD

files will also be carried out to ensure that procedures are followed properly. The findings from these are regularly reported to the Police and Crime Panel meetings.

The Force and the Commissioner's Office welcome your comments and use the information to improve the service offered to all our communities.

### **Human Rights and Equality**

In implementing this policy, the Commissioner's Office will ensure that its actions are in accordance with the requirements of the Human Rights Act 1998 and the Convention Rights embodied within it, in order to protect the human rights of complainants, other users of the police services and the Office of the Police and Crime Commissioner for Surrey.

### **Freedom of Information Act Assessment**

This policy is suitable for access by the General Public.

## Persistent Complainants Policy

## Office of the Police and Crime Commissioner for Surrey

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### Introduction

The Commissioner's Office is committed to dealing with all complaints fairly and impartially and to providing a high quality service to those who make them. As part of this service it does not normally limit the contact complainants have with its offices.

However there are a small number of complainants who, because of the frequency of their contact with the Commissioner's Office, hinder the consideration of their or other people's complaints. The Commissioner's Office refers to such complainants as 'unreasonably persistent complainants' and exceptionally, will take action to limit their contact with its offices.

### Purpose of this Document

This document sets out the policy of the Commissioner's Office in relation to the above and is addressed to Members of the Public, Senior Police Officers, Police and Crime Panel Members, the Commissioner, the Deputy Commissioner, Staff and Contractors.

### Risk

If the Commissioner's Office does not have a policy and procedure that it adheres to in relation to complaints this could have a detrimental impact on the perception that the public and partners have of the Commissioner and the Force. This would impact on the ability to deliver against the strategic priorities.

### Persistent Complainants Definition

For the purpose of the policy;

- a) A 'persistent complainant' is a member of the public who complains about issues that the complainant considers to be within the remit of the Commissioner's Office and whose behaviour is characterised by:
  1. A person who makes the same complaint repeatedly (with minor differences), but never accepts the outcomes;
  2. A person who seeks an unrealistic outcome and persists until it is reached;  
or
  3. A person with a history of making other unreasonably persistent complaints.
- b) An 'unreasonably persistent complaint' is likely to include some or all of the following:
  1. The complaint arises from a historic and irreversible decision or incident;
  2. Contact with the Commissioner's Office is frequent, lengthy, complicated and stressful for staff;
  3. The complainant behaves in an unreasonably aggressive manner to staff when he/she presents his/her complaint or is unreasonably verbally abusive or threatening;

4. The complainant changes aspects of the complaint partway through the investigation or review;
5. The complainant makes and breaks contact with the Commissioner's Office on an on-going basis; or
6. The complainant persistently approaches the Commissioner's Office through different routes about the same issue in the hope of getting different responses.

### **Persistent Complainants Policy**

The decision to restrict access will be taken by the Monitoring Officer in consultation with the Commissioner and the Chief Executive and will normally follow a prior warning to the complainant. Any restrictions imposed will be appropriate and proportionate.

In all cases where the Commissioner's Office decides to treat someone as an unreasonably persistent complainant, we will write to tell the complainant why we believe his or her behaviour falls into that category, what action we are taking and the duration of that action. We will also tell them how they can challenge the decision if they disagree with it.

If we decide to carry on treating someone as an unreasonably persistent complainant and we are still investigating their complaint six months later, we will carry out a review and decide if restrictions will continue.

Where a complainant whose case is closed persists in communicating with the Commissioner's Office about it, we may decide to terminate contact with that complainant. In such cases, we will continue to read all correspondence from that complainant, but unless there is fresh evidence which affects our decision on the complaint we will simply acknowledge it or place it on the file with no acknowledgement.

New complaints from people who have come under the unreasonably persistent complainant policy will be treated on the merits of each new complaint.

In implementing this policy the Office of the Police and Crime Commissioner for Surrey will:

- a) Comply with legislative or regulatory requirements and associated advice on effectively managing persistent complainants, to ensure that all forms of complaints are dealt with properly and effectively;
- b) Provide clear information and guidance regarding the policies and procedures of the Commissioner's Office for managing persistent complainants;
- c) Ensure that the lessons from such matters are considered and assessed to inform the development of practice and procedure and the effectiveness of the Commissioner's Office.
- d) Promote an open and responsive complaints system.

## **How this Policy is Implemented**

In order that its policy regarding persistent complainants is adhered to, the Commissioner's Office has included a persistent complainant's procedure in the Office of the Police and Crime Commissioner for Surrey's Complaints Policy.

## **Policy Principles**

The Office of the Police and Crime Commissioner for Surrey in establishing this policy and associated procedures is:

- a) Supporting the goal of the Commissioner's Office to be an organisation that inspires trust and confidence, listens, responds and meets the needs of individuals and communities;
- b) Embracing the principles of public life and supporting the proper use of public resources;
- c) Promoting equality and diversity within the Force and the Commissioner's Office to help eliminate discrimination, and promote equality of opportunity.

## **Human Rights and Equality**

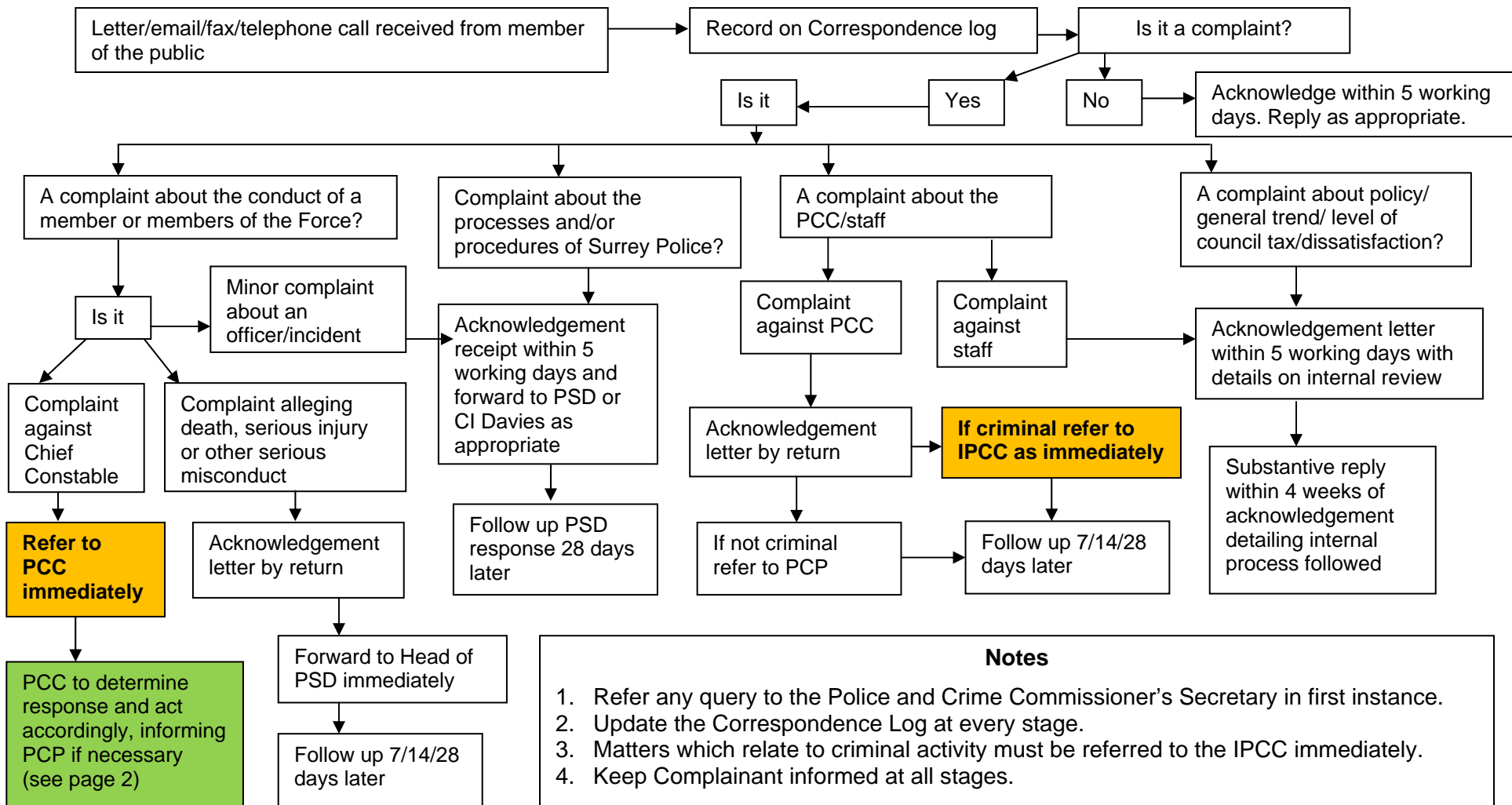
In implementing this policy, the Commissioner's Office will ensure that its actions are in accordance with the requirements of the Human Rights Act 1998 and the Convention Rights embodied within it, in order to protect the human rights of complainants, other users of the police services and the Office of the Police and Crime Commissioner for Surrey.

## **Freedom of Information Act Assessment**

This policy is suitable for access by the General Public.

## Complaints Handling Procedure

The purpose of this procedure is to ensure that letters addressed to the Police and Crime Commissioner or the Chief Executive are dealt with in a proper and timely manner. Issues of policy, including setting council tax, and complaints against the Chief Constable are matters for the Police and Crime Commissioner. Complaints about the conduct of members of the Force fall within the framework set out in the Police Act 1996 and must be handled within the formal complaints procedure. Complaints about the conduct of the Police and Crime Commissioner fall within the framework set out in the Police Reform and Social Responsibility Act 2011 and will be referred to the Police and Crime Panel and the Independent Police Complaints Commission.



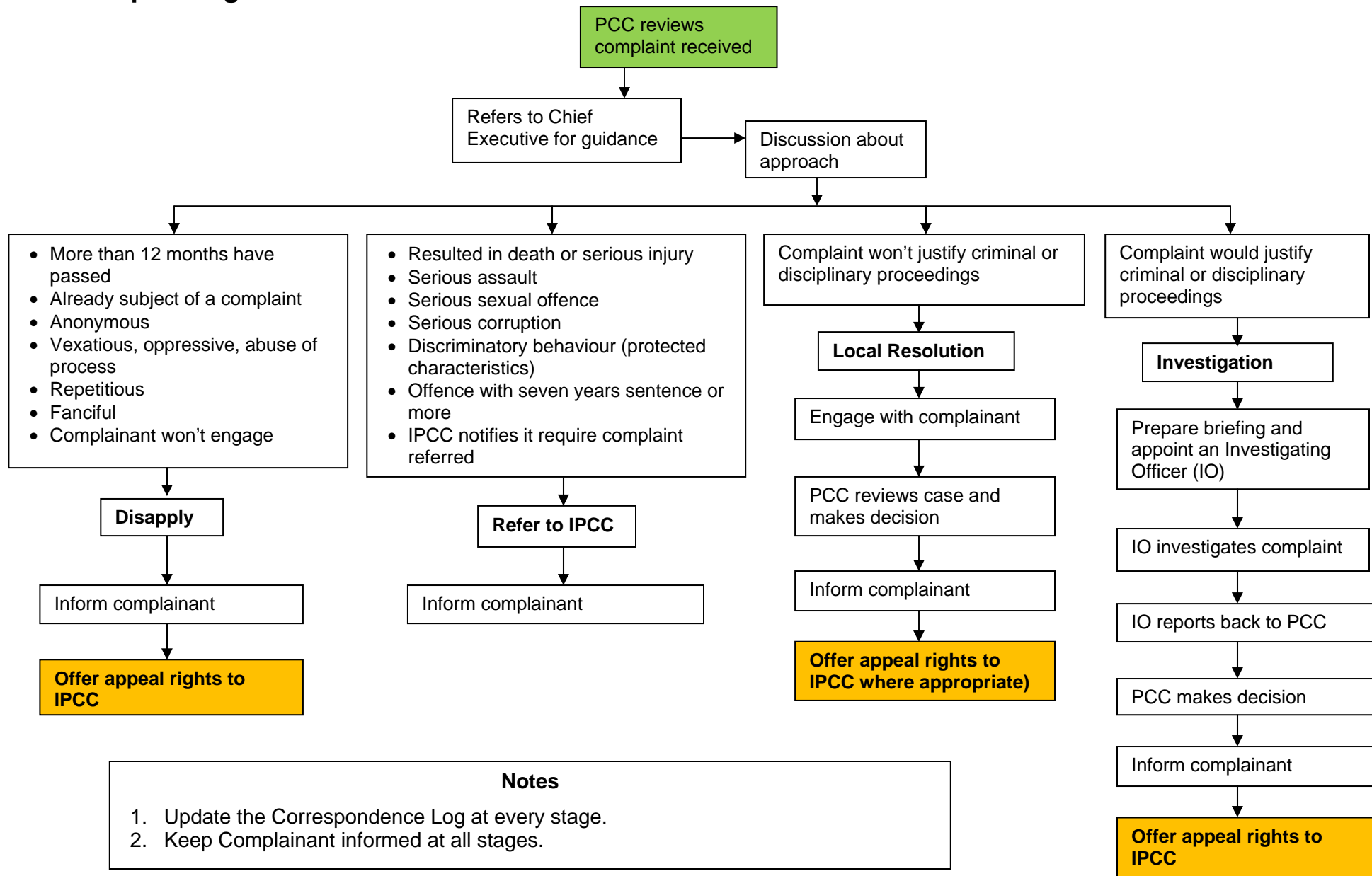
- Notes**
1. Refer any query to the Police and Crime Commissioner's Secretary in first instance.
  2. Update the Correspondence Log at every stage.
  3. Matters which relate to criminal activity must be referred to the IPCC immediately.
  4. Keep Complainant informed at all stages.

Sam Meyer – October 2014

\*\*\* NOT PROTECTIVELY MARKED \*\*\*



# Complaint against Chief Constable





## Office of the Police and Crime Commissioner for Surrey

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### **Complaints relating to the Conduct of the Chief Constable**

The Police and Crime Commissioner's for Surrey and Sussex have a statutory duty to dealing with complaints made by members of the public about the individual conduct of their respective Chief Constable (or acting Chief Constable).

#### **How to make a complaint**

If you wish to make a complaint against your Chief Constable please write to:

The Chief Executive  
Office of the Police and Crime Commissioner for Surrey  
PO Box 412  
Guildford  
Surrey  
GU3 1BR

Or:

The Chief Executive  
Office of the Police and Crime Commissioner for Sussex  
Sackville House  
Brooks Close  
Lewes  
East Sussex  
BN7 2FZ

Please note that the Commissioner's Office cannot investigate complaints made anonymously.

#### **Recording a complaint**

The Police and Crime Commissioner (PCC) will ascertain if a complaint relates to an allegation of criminal behaviour and refer it to the Independent Police Complaints Commission (IPCC) for investigation if it does so. Any non-criminal complaint relating to the conduct of the Chief Constable will be investigated by someone appointed by the PCC to investigate the complaint on their behalf (see Investigation of Complaint). The PCC will confirm if the complaint is recordable within 10 working days.

Where a complaint is recorded, the PCC will provide the complainant with a reference number and a copy of the record of complaint. The Chief Constable will also be informed of the complaint and the recording decision unless to do so could:

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- Prejudice any criminal investigation; and/or
- Is contrary to the public interest.

The PCC must record the complaint unless:

- He is satisfied that the subject matter of the complaint has been or is being, dealt with by criminal or disciplinary proceedings against the person whose conduct it was;
- The complaint has been withdrawn; or
- The complaint falls within a description of complaints specified by the Police (Complaints and Misconduct) Regulations 2012. The complaints that are covered by these regulations:
  - The matter is already the subject of a complaint made by or on behalf of the same person;
  - The complaint is anonymous;
  - The complaint is vexatious, oppressive or otherwise an abuse of the complaints process;
  - The complaint is repetitious; and
  - The complaint is fanciful.

Once a complaint has been recorded, the PCC will determine the most suitable method of dealing with it and notify the complainant accordingly. The options are:

- Disapplication
- Referral to IPCC
- Local Resolution
- Investigation

Should the PCC decide not to record the complaint, complainants have a right to appeal this decision to the IPCC:

Independent Police Complaints Commission  
PO Box 473  
Sale  
M33 0BW

0300 020 0096  
[enquiries@ipcc.gsi.gov.uk](mailto:enquiries@ipcc.gsi.gov.uk)

## Disapplication

Having recorded a complaint the PCC may decide to use regulation 5 of the Police (Complaints and Misconduct) Regulations 2012 and IPCC statutory guidance to disapply the complaint on the following grounds:

- More than 12 months have elapsed between the incident, or the latest incident, and no good reason for the delay has been shown or injustice would be likely to be caused by the delay;
- The matter is already the subject of a complaint made by or on behalf of the same person;
- The complaint is anonymous;

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- The complaint is vexatious, oppressive or otherwise an abuse of the complaints process;
- The complaint is repetitious;
- The complaint is fanciful; and
- It is not reasonably practicable to complete the investigation of the complaint because;
  - It is not possible to communicate with the complainant or a person on his behalf; or
  - It is not possible to complete a satisfactory investigation due to a refusal or failure on the part of the complainant to make a statement.

If a decision to disapply is made, the complainant will be notified of this decision and why, what steps will be taken (if any) in relation to the complaint and their right of appeal to the IPCC (as outlined above).

### **Referral to IPCC**

The Police (Complaints and Misconduct) Regulations 2012 specifies which complaints must be referred to the IPCC by the PCC. These include the following:

- Where the complainant alleges that the conduct complained of has resulted in death or serious injury; or
- Where the alleged complaint constitutes:
  - A serious assault;
  - A serious sexual offence;
  - Serious corruption;
  - A criminal offence or behaviour which is liable to lead to misconduct proceedings and which, in either case, is aggravated by discriminatory behaviour on the grounds of a person's protected characteristics, such as race, sex or religion;
- A relevant offence for which the sentence is a term of imprisonment for seven years or more; or
- Where the IPCC notifies the PCC that it requires the complaint to be referred.

These complaints must be passed to the IPCC by the end of the day on the day it becomes clear that it requires referral.

### **Local Resolution**

Some complaints may be suitable for handling via local resolution. Local resolution is a way of understanding the complaint and resolving it directly with the complainant. It cannot result in misconduct proceedings being taken against an officer or member of police staff and once the local resolution process is completed, the complaint will be closed. It is still possible to appeal to the IPCC if the process followed for local resolution was incorrect or not made clear, or if the complaint was dealt with by local resolution without the complainants consent.

A complaint is suitable for local resolution where the conduct complaint about would not justify bringing criminal or disciplinary proceedings. Before pursuing the local resolution

route, reasonable attempts to secure the complainants consent ought to be tried, including an explanation of why local resolution is appropriate. Where it is suitable, local resolution will be carried out by the PCC and a record of the outcome will be made and sent to the complainant and the Chief Constable and the complainant will be notified of their right to complain to the IPCC as outlined above.

## Investigation

Any complaint which is not dealt with by the methods outlined above will be investigated. The PCC will appoint an investigating officer in these cases. The person appointed must:

- Have an appropriate level of knowledge, skill and experience to plan and manage the investigation;
- Not work directly or indirectly under the management of the Chief Constable;
- Be a person whose appointment could reasonably give rise to a concern as to whether they could act impartially.

In order to satisfy the requirements of impartiality, the Surrey and Sussex PCCs have agreed to appoint their counterparts Chief Constables to investigate complaints against their Chief Constables. This approach has been agreed with the IPCC. In most instances the Chief Constable of the opposing force will delegate this authority to the Head of their force's Professional Standards Department.

On receipt of a complaint that qualifies for investigation, the investigating force will be given a copy of the complaint, any relevant documentation, and a full briefing which will include, where possible:

- Details and remit of the brief;
- Details of access to any material, ensuring the appropriate security vetting arrangements;
- Arrangements for interviewing the Chief Constable, the complainant, and any other witnesses;
- A timetable for interim statements/update reports; and
- A proposed date for the completion of the investigation and submission of the final report.

The expectation is that the investigating officer will have:

- Full access to any material required and requested;
- Full cooperation from all staff and officers.

It is also expected that the investigating officer will keep the complainant, the PCC and the Chief Constable updated at regular intervals.

## **Reporting**

Once the investigating officer has completed their investigation, they will submit their report to the PCC setting out their findings and details of evidence considered. It is understood that this report be suitable for disclosure to all parties and include a recommendation on whether to uphold the complaint or not. The PCC will then consider the report and make a decision within ten working days.

The decision will identify whether to agree the findings and recommendation in the report and what, if any, action should be taken. This will include a decision about whether to uphold the complaint, what steps will be taken and whether, if necessary, it will be referred to misconduct proceedings if gross misconduct is identified.

The complainant and all parties will then be informed of the PCCs decision and the complainant will be given their appeal rights to the IPCC.

## **Human Rights and Equality**

In implementing this policy, the Commissioner's Office will ensure that its actions are in accordance with the requirements of the Human Rights Act 1998 and the Convention Rights embodied within it, in order to protect the human rights of complainants, other users of the police services and the Office of the Police and Crime Commissioner for Surrey.

## **Freedom of Information Act Assessment**

This policy is suitable for access by the General Public.

## Complaints Protocol with the Force

## Office of the Police and Crime Commissioner for Surrey

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### Introduction

Under the Police Act 1996 and the Police Reform & Social Responsibility Act 2011, the Office for the Police and Crime Commissioner's for Surrey has a number of specific duties in relation to the handling of complaints. The Commissioner's Office has a responsibility to manage complaints it may receive against Chief Officers of the Force, its own members of staff, contractors, the Deputy Commissioner and the Commissioner itself. The Commissioner's Office also has a duty to keep itself informed about complaint and discipline matters within Surrey Police Force (as set out in section 15 of the Police Reform Act 2002).

### Purpose of this Document

This document sets out the protocol of the Commissioner's Office and Surrey Police's Professional Standards Department (PSD) for handling and sharing information relating to complaints.

### Complaints Sharing Protocol

When the Office of the Police and Crime Commissioner for Surrey receives a complaint that relates to the conduct and performance of a Surrey Police officer, it will:

- a) Forward the complaint to PSD as soon as possible and write/contact the complainant and inform them of this.
- b) PSD will then update the Commissioner's Office on what action has been taken.

### Requests for Information

The Office of the Police and Crime Commissioner for Surrey frequently receives correspondence about complaints/incidents that are, strictly speaking, not part of its remit. However, the Commissioner is keen to be seen to be responding to people's concerns. Therefore, on occasion the Commissioner or his Office will investigate the background to complaints. In these instances the Commissioner's Office will ask PSD to provide it with the information it requests and keep PSD informed of how that information is used.

Occasionally the Commissioner's Office receives requests for action/update on on-going operational matters. These requests are sent to Chief Inspector Clive Davies, who is the Commissioner's Office "SPOC". These requests are recorded on the Commissioner's Office Contact Log, which is shared with PSD weekly.

## **Updating the Log**

The Commissioner's Office keeps a record of all contact it receives. It records this on the Contact Log. It sends the Log to PSD on a weekly basis for PSD to update with any action they have taken.

## **Quarterly Performance Reports**

PSD will provide the Commissioner's Office with a quarterly breakdown of the complaints received by type, location, ethnicity, along the same lines as the reports that were sent to the Police Authority's Professional Standards Panel. A summary of this report and the quarterly dip-checks (below) are provided to the Police and Crime Panel.

## **Dip-Checks**

On a quarterly basis the Commissioner's Office will dip-check a number of PSD files to ensure that learning points are being taken forward and that PSD are following the correct policies and procedures when investigating complaints.

## **Human Rights and Equality**

In implementing this policy, the Commissioner's Office will ensure that its actions are in accordance with the requirements of the Human Rights Act 1998 and the Convention Rights embodied within it, in order to protect the human rights of complainants, other users of the police services and the Office of the Police and Crime Commissioner for Surrey.

## **Risk**

If the Commissioner's Office and PSD do not have a protocol that they adhere to in relation to complaints this could have a detrimental impact on the perception that the public and partners have of the Commissioner and the Force. This would impact on the ability to deliver against the strategic priorities.

## **Freedom of Information Act Assessment**

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