



**Luton**

## **PROCEDURE FOR DEALING WITH COMPLAINTS ABOUT THE POLICE AND CRIME COMMISSIONER FOR BEDFORDSHIRE**

### **1. Background**

- 1.1 This procedure has been adopted to ensure that complaints about the Police and Crime Commissioner for Bedfordshire are dealt with in accordance with the requirements of the Elected Local Policing Bodies (Complaints and Misconduct) Regulations 2012 (the Regulations).
- 1.2 The procedure covers complaints against the Police and Crime Commissioner for Bedfordshire (the Commissioner) and Deputy Police and Crime Commissioner (the Deputy Commissioner) only. It does not cover complaints against the Commissioner's office and staff, or complaints regarding operational policing, the Chief Constable and other Police Officers. There are separate procedures for these, details of which are available on the Commissioner's website.

### **2. Purpose of this Procedure**

- 2.1 To set out the way in which complaints about the conduct of the Commissioner and Deputy Commissioner will be handled by the Police and Crime Panel (PCP).
- 2.2 To reassure the public that complaints against the Commissioner and Deputy Commissioner are dealt with independently, fairly and appropriately.
- 2.3 To reassure the public that any complaint against the Commissioner and Deputy Commissioner which relates to a criminal offence will be referred by the PCP to the Independent Office for Police Conduct (IOPC).

### **3. Definitions**

- 3.1 This procedure uses the following terms to describe the matters with which the Panel is able to deal. The definitions provided below are those used in legislation and the Panel is required to apply these when dealing with relevant complaints. It cannot substitute its own definitions or requirements.

**“Complaint”** is any complaint about the conduct of the Commissioner or Deputy Commissioner. A complaint is not just an observation or an expression of dissatisfaction. The complainant is required to state clearly that they are making a complaint about the Commissioner. Unless there are extraordinary circumstances which prevent this, a complaint should be made in writing (see paragraph 4, “Making a complaint”) in order that the complaint may be fully understood and acted upon.

**“Conduct”** includes acts, omissions, statements and decisions, whether actual, alleged or inferred. It does not however include complaints about the merits of a decision, for example where somebody disagrees with a policy the Commissioner has introduced. The PCP can consider whether a decision was taken properly and in accordance with procedures, but it cannot substitute another view for that of the Commissioner. **“Conduct matter”** is an indication that the Commissioner or Deputy Commissioner may have committed a criminal offence, which comes to light otherwise than by way of a complaint (for example, through legal proceedings or media reporting). The expected standards of conduct are set out in the Nolan Principles for those in public life, which are:

- Selflessness
- Integrity
- Objectivity
- Accountability
- Openness
- Honesty
- Leadership

The Nolan Principles can be found here: [The Seven Principles of Public Life - GOV.UK \(www.gov.uk\)](http://www.gov.uk)

**“Serious complaint”** is a particular type of complaint – one which alleges that the Commissioner or Deputy Commissioner has committed a criminal offence.

#### **4. Making a Complaint**

- 4.1 The PCP has delegated authority for the initial handling of complaints, together with other administrative aspects of the process, to Bedford Borough Council’s Monitoring Officer, in accordance with the Regulations. (Bedford Borough Council is responsible for the administration of the PCP).

A complaint form is available on Bedford Borough Council’s webpages for the PCP.

[Bedfordshire Police and Crime Panel - Overview | Bedford Borough Council](#)

This may be submitted electronically, or alternatively downloaded for completion. Forms submitted through the Panel’s webpages will

automatically be forwarded to the Council's Monitoring Officer. Complaints submitted by e-mail or in hard copy should be sent to [Beds.PCP@bedford.gov.uk](mailto:Beds.PCP@bedford.gov.uk) or:-

The Monitoring Officer  
Bedford Borough Council  
Borough Hall  
Cauldwell Street  
Bedford  
MK42 9AP

- 4.2 Remember that when submitting a complaint, it is helpful to provide as much information as possible and to be specific regarding, for example what was allegedly said or done, the date it happened, and whether there were any witnesses. Screenshots of social media comments may be included as evidence. However if any complaint is longer than two sides of A4 paper (or email equivalent) the complainant should include a concise summary of all key points at the top of the complaint to minimise time demands of officers and members to read and absorb the content of a complaint.
- 4.3 When submitting a complaint as outlined in paragraphs 4.1 – 4.2 there is no need to send a copy to Panel Members as, should this be necessary, it will be actioned by Officers supporting the Panel.

## **5. Timescales**

- 5.1 Wherever possible complaints will be acknowledged within 2 working days and concluded within 40 working days if dealt with through informal resolution (see paragraph 13 below).

## **6. Notification and Recording of Complaints**

- 6.1 If a complaint relates to the conduct of the Bedfordshire Commissioner or Deputy Commissioner, the Monitoring Officer will record the complaint. (See paragraph 1.2 for complaints about other people.)
- 6.2 If a complaint relates to the Commissioner for another Police Force area, the Monitoring Officer will forward the complaint to the PCP for that Force area.
- 6.3 Once a complaint has been recorded, the complainant and the person complained against will be provided with a copy of the record of complaint. However:-
- If the Monitoring Officer considers it appropriate, these copies of the record may be altered to protect the identity of the complainant or any other person.
  - In some cases the Monitoring Officer may decide not to provide a copy of the record, if doing so might prejudice any criminal investigation or pending proceedings or would in some other way

not be in the public interest. Any decision not to provide the record will be kept under regular review.

- A copy of the record will not be provided if the complaint has been, or is already being, dealt with by criminal proceedings, or where the complaint is withdrawn.
- If a decision is taken not to notify or record a complaint, the Monitoring Officer will advise the complainant that it has not been notified or recorded and the reason(s) for that decision.

## **7. Duty to Preserve Evidence**

- 7.1 Where a complaint is made, the Monitoring Officer will ensure that all appropriate steps are taken to obtain and preserve evidence relating to the complaint. This duty is ongoing until or unless arrangements are made for the complaint to be dealt with through informal resolution (see paragraph 13 below). This is the exception because informal resolution does not involve the investigation of the complaint (i.e. obtaining evidence about it).

## **8. Notification and Recording of Conduct Matters**

- 8.1 If an issue arises, for example as a result of a media report or legal proceedings, and it appears that the Commissioner may have committed a criminal offence, this is referred to as a “conduct matter” (see paragraph 3.1 for definition) and must be recorded as such.
- 8.2 A “conduct matter” is therefore where no formal complaint has been received, but the matter should be treated in the same way as if there was a complaint.
- 8.3 Such matters will be recorded in the same way as a complaint unless it has already been recorded as a complaint or is the subject of criminal proceedings.

## **9. Reference to the Independent Office for Police Conduct (IOPC)**

- 9.1 The PCP is not responsible for investigating or determining whether a crime has been committed. The PCP has delegated to Bedford Borough Council’s Monitoring Officer responsibility for filtering complaints and deciding which complaints and which conduct matters may amount to criminal conduct and should be referred to the IOPC. The Monitoring Officer may take advice from the IOPC before making a referral.
- 9.2 The Monitoring Officer must refer any serious complaint (i.e. a complaint about conduct that constitutes or involves, or appears to, the commission of a criminal offence) to the IOPC as soon as possible and in any event no later than the close of business the day after he/she becomes aware that the matter should be referred.

- 9.3 The Monitoring Officer must also refer any other complaint to the IOPC if the IOPC so requires.
- 9.4 The complainant and the person complained about will be notified of any referral, unless doing so might prejudice a future investigation.
- 9.5 The IOPC may refer any complaint back to the PCP for Informal Resolution (see paragraph 13 for details of the Informal Resolution process).

## **10. Circumstances in which a Complaint may not be dealt with**

- 10.1 The Monitoring Officer can decide not to refer a complaint to the Panel's Complaints Sub-Committee for informal resolution, or to take no action at all in respect of a complaint, if any of the following exclusion criteria apply:-
- The complaint is from a member of the Commissioner's staff, arising from their work.
  - The complaint relates to matters which are more than 12 months old and there is no good reason for the delay, or the delay would be likely to cause injustice.
  - The complaint relates to a former Commissioner or Deputy Commissioner or anyone else other than the current Commissioner or Deputy Commissioner.
  - The complaint is about conduct that is already the subject of another complaint.
  - The complaint is anonymous.
  - The complaint is frivolous, repetitious, vexatious, oppressive, politically motivated or otherwise an abuse of process for dealing with complaints.
  - The complaint is repetitious.
  - The complaint is unclear or overly lengthy with no clear focus.
- 10.2 The Monitoring Officer will advise the complainant in writing if he decides not to deal with a complaint.
- 10.3 A complaint might be deemed to be repetitious, vexatious, oppressive or politically motivated if it appears that the motive behind the complaint is to cause harassment, annoyance, frustration, worry, financial cost or political harm. Complaints might also fall into this category if a number of very similar complaints, or very lengthy complaints, are received from the same person and/or their associates, irrespective of the motive. In assessing whether a complaint falls into this category, consideration will be given to the merits of allocation of officer time. Where complaints are deemed to fall into this category additional measures may be implemented which may include asking that the complainant corresponds only with a single named officer.

10.4 In instances where a complaint is received in the period leading up to the pre-election period prior to PCC elections, there will be additional vigilance to ascertain whether the complaint might be politically motivated and legal advice may be sought to provide assurance on the best steps to be taken, in order to minimise the risk of complaints against the Commissioner being used for political purposes.

## **11. Withdrawn Complaints**

11.1 A complainant can withdraw or discontinue their complaint at any time, by notifying the Monitoring Officer in writing and signing the notification. The Monitoring Officer must record the withdrawal of a complaint. If the complaint has been referred to the IOPC, the Monitoring Officer will advise the IOPC of its withdrawal.

11.2 The Monitoring Officer may decide not to treat the complaint as withdrawn, but to treat it as a serious complaint and refer it to the IOPC in accordance with the procedure set out in paragraph 8.

11.3 If this happens, the person who is the subject of the complaint will be kept informed, unless to do so might prejudice a criminal investigation or pending proceedings or would in some other way not be in the public interest.

## **12. Conduct occurring outside England and Wales**

12.1 The Commissioner and Deputy Commissioner are under a duty to notify the Monitoring Officer, of any allegation, investigation or proceedings relating to their conduct outside England and Wales. The Monitoring Officer may take whatever action he thinks fit in these circumstances. This decision will be made by the Monitoring Officer following consultation with the Chair of the PCP's Complaints Sub-Committee.

## **13. Process for Informal Resolution of Complaints**

**[Note: please read paragraph 4 'Making a complaint' before submitting any complaint.]**

13.1 If any complaint received falls within any of the exclusion criteria set out in paragraph 10.1 the Monitoring Officer or support officer will write to the complainant setting out the reasons why the complaint is not being taken further.

13.2 If any complaint received appears to be a "serious complaint" or "conduct matter" in which a criminal offence may have been committed, the matter will be referred to the IOPC (see paragraphs 3 and 9).

13.3 If a complaint has already been satisfactorily dealt with by the time it comes to the Monitoring Officer's attention, the complaint may be considered resolved and no further action taken. The Monitoring Officer

can take this decision following consultation with the Chair of the Panel's Complaints Sub-Committee and, where this is the case, will write to the complainant setting out details of his decision, including the reason.

13.4 If none of the above paragraphs 13.1 to 13.3 apply, then the complaint will be dealt with through the process of Informal Resolution

13.5 Informal Resolution is a way of dealing with a complaint through the PCP itself resolving, explaining, clearing up or settling the matter directly with the complainant, without an investigation or formal proceedings (*note: the PCP does not have the legal power to undertake investigations or commence any proceedings*). Informal Resolution is a flexible process that may be adapted to the needs of the complainant and the individual complaint. The PCP has established a Complaints Sub-Committee to which it has delegated responsibility for the Informal Resolution of complaints.

13.6 If the complaint is referred to the Panel's Complaints Sub-Committee, the following procedure will apply:-

(1) The Panel Secretariat will:-

- write to the Commissioner or their Office to obtain their comments in response to the complaint. Both the complainant and the Commissioner will also be asked for their comments in relation to publication of the outcome of the complaint. (Note: This would be where an outcome was considered by the Sub-Committee to be in the public interest.
- convene a meeting of the Complaints Sub-Committee, to be held normally, and where feasible given Officer and Member time constraints, within three weeks of the Secretariat's receipt of the complaint or of any referral back by the IOPC.
- write to the complainant, setting out timescales for the meeting, providing details about the informal resolution procedure, and giving the complainant an opportunity to make further comments in support of his/her complaint. Where the Panel's Monitoring Officer believes that the circumstances of the case are such that the Complaints Sub-Committee itself may decide to treat the complaint as having been resolved, the complainant will be asked to provide his/her representations in this regard for the Complaints Sub-Committee to take into account.
- write to the person complained about, setting out timescales for the meeting, providing details about the informal resolution procedure, and giving him/her an opportunity to make comments in response to the complaint.

- (2) The Monitoring Officer will compile a report for the Complaints Sub-Committee, setting out the pertinent details of the complaint, recording any failure by the person complained about to comment on the complaint and making suggestions for the next steps. The report will include the original complaint and any further comments provided by the complainant and the Commissioner as part of the process set out in paragraph 13.6 (1).
- (3) At its meeting the Complaints Sub-Committee will first consider whether the complaint has been dealt with satisfactorily. Subject to any representations by the complainant and comments provided by the Commissioner, the Sub-Committee may decide to treat the complaint as having been resolved. In such a case, the Complaints Sub-Committee's reasons will be recorded and notified to the parties.
- (4) If, on considering the report, the Complaints Sub-Committee feels that the matter needs to be resolved, it will decide its course of action. Neither the PCP nor the Complaints Sub-Committee has the power to conduct an investigation. The Complaints Sub-Committee may however require the person complained against to provide information or documents or attend before it to answer questions or give evidence, as this is not regarded as an investigation. However, any other step intended to gather information about the complaint, other than inviting the comments of the complainant and the person complained against, will be likely to amount to investigation and cannot therefore be undertaken.
- (5) Having considered the complaint report, the Complaints Sub-Committee will consider whether to devise an action plan (to be drawn up by the Panel's Secretariat) and in so doing will take into account any relevant guidance issued by the Secretary of State and/or by the Director General of the IOPC on local resolution. An action plan may include (for example):-
  - An indicative timeframe.
  - An explanatory letter being written by the Panel's Secretariat (or on behalf of the Complaints Sub-Committee)
  - An explanatory letter being written by an Officer of the OPCC
  - A suggested change to OPCC policy; or
  - A request that an apology is tendered (*note: the Complaints Sub-Committee cannot tender an apology on behalf of the person complained against unless that person has admitted the alleged conduct and agreed to the apology*)



- (6) The Complaints Sub-Committee will also decide whether it wishes to:-
- Reconvene on a subsequent date to take any steps identified in the action plan itself
  - Authorise any named individual (who may not be the PCC or the DPCC) to take any steps in accordance with the action plan; or
  - Refer the matter to the full PCP recommending that the identified action be taken.
- (7) Once the actions from the plan have been completed, the Monitoring Officer, following consultation with the Chair of the Complaints Sub-Committee may determine that the matter has been resolved or the matter may be referred back to the Complaints Sub-Committee. The Panel's Secretariat will make a record of the outcome of the Informal Resolution as soon as practicable, normally within three working days, after the process is completed and will provide copies to the complainant and the person complained against. The matter will then be closed.
- (8) By law, no part of the record may be published by the Complaints Sub-Committee unless, having given the parties an opportunity to make representations about the proposed publication and having considered any such representations, the Complaints Sub-Committee considers that publication is in the public interest.
- (9) If, at any stage, the IOPC advises the Panel's Monitoring Officer that it requires a complaint which is subject to Informal Resolution to be referred to them, or if the Complaints Sub-Committee decides that the complaint should be referred to the IOPC, the Informal Resolution process will be discontinued. *(Note: the Complaints Sub-Committee may only decide that a complaint should be so referred if matters come to light during the Informal Resolution process which indicate the commission of a criminal offence, thus leading to the earlier decision as to whether or not the complaint was a serious complaint being reversed).*

#### **14. Keeping Records**

- 14.1 The Monitoring Officer will keep a record of all complaints received until 12 months after the Commissioner concerned leaves office. The record will include the name of the complainant, details of the complaint and how the matter has been dealt with.

## 15. **Appeals**

- 15.1 There is no right of appeal against the outcome of the Informal Resolution process.
- 15.2 However, a complaint can be made about the way a complaint has been handled, for example if it was delayed or if there was a failure to record a complaint. In the first instance the complaint should be addressed to the Chair of the PCP:-

The Chair of the Bedfordshire Police and Crime Panel  
c/o The Manager for Democratic and Electoral  
Services  
Bedford Borough Council  
Borough Hall  
Cauldwell Street  
Bedford  
MK42 9AP

E-mail: [Beds.PCP@bedford.gov.uk](mailto:Beds.PCP@bedford.gov.uk)

If the complainant is not satisfied with the response s/he receives, s/he is able to refer the matter to the Local Government and Social Care Ombudsman whose address is as follows:-

The Local Government and Social  
Care Ombudsman  
PO Box 4771  
Coventry  
CV4 0EH

Telephone: 0300 061 0614

Website: <https://www.lgo.org.uk>

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