

Polisiâu a Gweithdrefnau / Policies and Procedures

Summary

This Policy will provide guidance on how a complaint about staff and services provided by the Office of the Police and Crime Commissioner will be processed.

This Policy has been adopted by the OPCC North Wales.

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Contents

1. Introduction	2
2. Aim	2
3. Terms and Definitions.....	2
4. Complaints about the OPCC or about a member of OPCC staff	3
4.1. Who can a complaint be made about?	3
4.2 Who can make a complaint?	3
4.3 Invalid complainants	4
4.4 Who to send your complaint to.....	4
4.5 Dealing with your complaint	5
5.0 Legal Requirement	6
6.0 Human Resources.....	6
7.0 Training	7
8.0 Monitoring.....	7
9.0 Consultation.....	7
10.0 Associated Documentation	7
11.0 Review Period.....	7

Polisïau a Gweithdrefnau / Policies and Procedures

1. Introduction

- 1.1. The Police (Complaints and Misconduct) Regulations 2020 make provisions for the handling, including the investigation and right for a review, of complaints about police officers and police staff and related matters which are under the direction and control of the Chief Constable.
- 1.2. There is no legislative direction in relation to the handling of complaints against those who work for the Office of the Police and Crime Commissioner (OPCC) other than for the Police and Crime Commissioner (PCC) and Deputy Police and Crime Commissioner (DPCC). Therefore, the following procedure has been developed in order to provide clarity to all staff and to the complainant about the procedure that will be followed when dealing with any such complaints.

2. Aim

- 2.1. The aim of this procedure is to ensure that there is a set process in place to deal with any complaints received against the OPCC as an organisation eg against its policies and procedures or lack of them, and against any member of staff.
- 2.2. This procedure does not cover complaints made against the PCC or DPCC. Complaints about the PCC or DPCC are dealt with by the Police and Crime Panel in accordance with The Elected Local Policing Bodies (Complaints and Misconduct) Regulations 2012.

3. Terms and Definitions

Term	Definition
Adversely affected	A person will be considered to have been adversely affected if they have suffered any form of loss, damage, distress or inconvenience as a result of the matter complained about, if they have been put in danger or otherwise unduly put at risk of being adversely affected.
Complaint	A complaint is any expression of dissatisfaction that is expressed by or on behalf of a member of the public. It must be made by a person who meets the definition of a complainant in para 4.2 below. A complaint does not have to be made in writing, nor must it explicitly state that it is a complaint for it to be considered as one.
Witness	A person can be said to be a witness to the conduct if, and only if: <ul style="list-style-type: none"> ➤ They have acquired their knowledge of the conduct in a manner which would make them a witness capable of giving evidence of the conduct in criminal proceedings, ➤ They possess or have in their control anything that could be used as admissible evidence in such proceedings.

Polisiâu a Gweithdrefnau / Policies and Procedures

4. Complaints about the OPCC or about a member of OPCC staff

4.1. Who can a complaint be made about?

- A complaint can be made about any member of OPCC staff.
- Complaints can also be made about the OPCC and the way it conducts its business.
- **Complaints about Welsh Language Standards**

The Chief Executive will deal with any complaints that relate to compliance with the Welsh Language Standards or complaints regarding a failure to provide Welsh Language Services.

Complaints about the Welsh Language Standards will be treated in the same manner as all other complaints in accordance with our Complaints Policy.

You also have a right to direct a complaint that relates to the Welsh Language Standards directly to the Welsh Language Commissioner

Please note:- Complaints about the PCC and DPCC are dealt with by the Police and Crime Panel (PCP). Any complaints received by the OPCC about the PCC and/or DPCC will be sent to the PCP to be progressed in accordance with The Elected Local Policing Bodies (Complaints and Misconduct) Regulations 2012

4.2 Who can make a complaint?

Complaints about policies, procedures and our service delivery

A member of the public who:

- Was adversely affected by the matter complained about; or
- Someone acting on behalf of someone who was adversely affected by the matter complained about. This can be a family member, friend, legal representative or any other person.

A young person under 16 years old should not normally need to provide written permission for a parent or guardian to act for them in this way.

Polisïau a Gweithdrefnau / Policies and Procedures

Complaints about the conduct of members of staff within the OPCC

A member of the public who:

- Claims to be the person in relation to whom the conduct took place,
- Claims to have been adversely affected by the conduct,
- Claims to have witnessed the conduct,
- Is acting on behalf of someone who satisfies one of the above. This can be a family member, friend, legal representative or any other person.

A young person under 16 years old should not normally need to provide written permission for a parent or guardian to act for them in this way.

4.3 Invalid complainants

- A member of the public who has been given the right to a review to the Independent for Police Conduct following a complaint where the Police and Crime Commissioner was the appropriate authority.
- A member of the public who has been advised to seek independent legal advice following a review of a complaint where the Police and Crime Commissioner was the relevant review body in accordance with the IOPC Statutory Guidance on the police complaints system.
- Staff and Officers under the direction and control of the Chief Constable may not use this Policy to complain, they should refer to para 5.7 of the IOPC Statutory Guidelines on the police complaints system.
- Staff employed by the Office of the Police and Crime Commissioner North Wales should refer all dissatisfactions to their immediate Line Manager or Chief Executive.

4.4 Who to send your complaint to

- Complaints about OPCC staff (other than the Chief Executive or Chief Finance Officer) or about the organisation should be in writing and should be sent to the Chief Executive using the contact methods detailed below. The Chief Executive is the Appropriate Authority for these complaints.

Email: OPCC@nthwales.pnn.police.uk

Post: Chief Executive
Office of the Police and Crime Commissioner
Police Headquarters
Glan y Don
Colwyn Bay LL29 8AW

Polisiâu a Gweithdrefnau / Policies and Procedures

Social Media: Complaints can be made via social media if they are sent by a direct message. We do not scan social media platforms for complaints

- Complaints against the Chief Executive and Chief Finance Officer should also be sent using the contact details above, but highlighted for the attention of the PCC. The PCC is the Appropriate Authority for these complaints.
- Complaints against the PCC/DPCC should be sent to the PCP using the contact details below. The PCP is the Appropriate Authority for these complaints.

Email: policepanel@conwy.gov.uk

Post: Monitoring Officer
Police and Crime Panel
Conwy County Borough Council
Bodlondeb
Conwy LL32 8DU

Please let us know if you need assistance to submit your complaint and we will do what we can to provide the support required.

4.5 Dealing with your complaint

What to expect

The Appropriate Authority will review the complaint and will decide on the relevant action to take. The options are:-

- If no performance issue or conduct is identified: No Further Action will be taken.
- The Appropriate Authority will deal with the complaint as Management Action or refer to the relevant line manager as appropriate.
- If the Appropriate Authority considers that the matter cannot be dealt with as Management Action and may be considered to be Misconduct, Gross Misconduct or On Duty Conduct he will refer the matter to the Head of the Force's Professional Standards Department for a formal assessment and possible investigation.
- If an investigation is required, a plan will be drawn up, and actions logged as the investigation progresses.

Possible outcomes to a complaint include, but are not restricted to:

- An apology and actions to prevent recurrence
- Individual or/and Organisational learning

Polisïau a Gweithdrefnau / Policies and Procedures

- Referring the matter to be dealt with under criminal, disciplinary or performance proceedings in accordance with the Police Staff Council regulations
- Taking no further action

What we will do

We will log your complaint on our systems and provide you with an acknowledgement within 5 working days. We will also provide you with the contact details of the person nominated to keep you informed of progress. At the same time, we will seek clarification to ensure that we properly understand your complaint, the outcome you want and any adjustments that may be required to enable you to participate effectively in the process, as required.

Depending on the nature of your complaint, we may need to share information with other organisations such as North Wales Police in order to come to a resolution. Further information can be found in our [privacy notice](#).

We will inform you in writing of the outcome to your complaint as soon as is reasonably practicable. You will be provided with an update on progress with your complaint at least every 28 days. This will be sent to you in the same format you used to contact us unless agreed otherwise.

Outcome of your complaint

You will receive a letter from the person investigating your complaint to inform you of the outcome. We will include an explanation of how the matter has been handled, the actions taken and the findings. If appropriate, it will also include a clear rationale for not taking certain actions.

The outcome of your complaint will be final, there is currently no right to request a review.

5.0 Legal Requirement

Although there is no legal requirement for specific processes to be followed for complaints against the OPCC or its staff as there is for complaints against police forces and their staff, we have aligned this procedure as closely as possible to the Police (Complaints and Misconduct) Regulations 2020.

6.0 Human Resources

The OPCC does not have its own human resources policies and procedures but utilises those of North Wales Police and will be supported by their People Services Group and/or Professional Standards Department if a complaint leads to disciplinary or performance proceedings.

Polisiâu a Gweithdrefnau / Policies and Procedures

7.0 Training

All line managers will be provided with training on how to deal with complaints.

8.0 Monitoring

The monitoring of this document will be undertaken by the Executive Officer who works regularly with police complaints and will keep up to date with any legislative requirements that may require changes to be made.

9.0 Consultation

The Chief Executive was consulted during the drafting of this procedure.

10.0 Associated Documentation

Police Staff Council Handbook

The Police (Complaints and Misconduct) Regulations 2020

11.0 Review Period

This document will be reviewed every 4 years, when changes are identified or required by legislation. The next review date is September 2026.

Polisiâu a Gweithdrefnau / Policies and Procedures