

This is the policy followed by the Equality Impact Assessment.

LEICESTERSHIRE POLICE AUTHORITY

COMPLAINTS & DISCIPLINE GUIDANCE FOR POLICE AUTHORITY MEMBERS

Purpose

1. This guidance note informs members of their responsibilities when dealing with complaints against police officers. It also provides guidance where a member is approached either by a third party, or a complainant, about the way a complaint is being, or has been, dealt with. It has been prepared by the Chief Executive of the Police Authority and the Chief Constable as an aide-mémoire to members of the Professional Standards Committee. The Deputy Chief Constable, on behalf of the Chief Constable, has responsibility for the handling of complaints from the public against police officers up to and including the rank of Superintendent. This responsibility is discharged through the Professional Standards Department, under the day to day control of a Chief Superintendent. The practice followed by the Department on receipt of a complaint is laid down by statute (particularly Part 2 of the Police Reform Act 2002) and by regulations.

Background

2. The role of members in relation to complaints is governed by Section 15 of the 2002 Act. This bestows a duty on each police authority to ensure it is kept informed of matters in Part 2 of the 2002 Act. Part 2 covers the handling of complaints against police officers.
3. In order to discharge its responsibilities under Section 15, the Police Authority has delegated its responsibilities to the Professional Standards Committee. It has been the practice for a number of years for members of this Committee to be given the opportunity to view all completed complaint files.
4. The statutory provisions regarding complaints apply only to those against officers up to and including the rank of Chief Superintendent. Although members of the Special Constabulary are not bound by the misconduct regulations, complaints about their conduct are dealt with in the same way as regular officers.
5. Police staff are subject to a separate regime for the handling of complaints, which is the responsibility of the Director of Human Resources.
6. Leicestershire Constabulary reviews its policies and procedures to reflect experience and improve the quality of service it provides. Complaints against police officers and service related complaints are regarded as opportunities to further improve procedures. In short, a positive approach is taken in respect of all complaints, both in pursuance of the truth of an allegation and to improve policy. Members of the Professional Standards Committee have an important role in support of the Leicestershire Constabulary.

The Examination of Files

7. The responsibility of members of the Committee is to ensure that the procedures relating to the handling of complaints have been properly followed. Although the statutory requirement is only for members to "keep themselves informed", this is generally interpreted as enabling Police Authority members to express a view if they feel that the procedures have not been correctly applied. It is important to remember that the issue is not whether members agree with a decision taken in a particular case, but only to ensure that such decisions have been properly arrived at in accordance with the prescribed procedures.
8. To discharge this responsibility, agreement has been reached with the Chief Constable that access will be given to all completed complaint files. Members of the Committee will be

expected to visit the Professional Standards Department between each meeting of the Committee in order to make a random choice of at least two files for detailed inspection and comment.

9. A prior appointment should be made with the Office Manager, Professional Standards Department. Files on all complaints, the investigation of which has been completed within the last twelve months will be available for inspection. The only information given will be the file reference number and the ethnic background and gender of the complainant. The whole of the file will be made available and facilities will be given for members to read the papers in the department at their leisure and to make notes. This will be done during normal office hours on weekdays. To facilitate this, members will be provided with a comment sheet which should be completed. This, together with a brief summary of the complaint will be prepared for the information of all members of the Professional Standards Committee. Files, notes and copies of papers must not be taken away. Members should be mindful that the examination of files must take place well in advance of the next meeting date to enable the necessary papers to be prepared and circulated.
10. Staff of the Professional Standards Department will be available to answer any questions which a member may have. If it is not possible to deal with a question at the time, a response will be prepared and sent to the member as soon as possible.
11. Members are entitled to make whatever notes they choose and to discuss their findings with a member of the Professional Standards Department. In the event of a member having a significant criticism of the way a complaint has been dealt with, the matter should first be discussed with either the Superintendent of the Professional Standards Department or the Deputy Chief Constable.
12. The Professional Standards Committee will discuss members' written reports and may agree, or disagree, with any comments made in it. If the Committee make a suggestion about the treatment of complaints in the future, it will be a matter for the Chief Constable to decide whether or not to follow such a suggestion.
13. Some complaint files will deal with matters which have been supervised by the Independent Police Complaints Commission (IPCC). In addition, from time to time, matters are passed to the Crown Prosecution Service (CPS) who may, or may not, decide to institute criminal proceedings. The involvement of the IPCC is covered by Section 9 and 10 of the 2002 Act. Although the Professional Standards Committee may make observations on the way in which either the IPCC or CPS have discharged their responsibilities, these comments can only be passed on to the appropriate body. It is a matter for those bodies to decide whether or not any further action is taken on receipt of these views.

Complaints Received Direct from the Public on the Handling of Complaints

14. Occasionally a member of the Committee may receive a complaint from a member of the public about the way in which a complaint has been handled. In these circumstances, subject to paragraphs 15, 16 & 17 below, the following procedure will apply:-
 - The member receiving the complaint should initially discuss the matter with the Deputy Chief Constable.
 - If that does not resolve the issue, the member will be given the opportunity of reading the file. The result of this inspection should be discussed with the Deputy Chief Constable.
 - If the member is satisfied as to the way in which procedures have been followed, then a suitable reply should be given by the member to the complainant as agreed by the Deputy Chief Constable.

- If the member is of the view that shortcomings are apparent then the member will make this clear to the Deputy Chief Constable. Thereafter, the Chief Executive will prepare a report for the Professional Standards Committee, summarising the issues and giving the views of the member involved and the Deputy Chief Constable. It is then a matter for the Committee to decide what views to express.
15. The inspection of files following individual referrals could be sensitive and give rise to problems. Further civil proceedings could arise and issues of personal privacy and data protection are also relevant. Because of this it is important that information from the file does not find its way back to individual complainants and any response to a complainant should be limited to a reply agreed with the Deputy Chief Constable.
 16. Where the complainant is known to the member it is essential that a conflict of interest or even the appearance of a conflict of interest is avoided. A member in this position should apply the same test as is applied in deciding whether or not to declare an interest at a meeting – would a member of the public, knowing all the facts, think that the member might be influenced? If the answer to the question is “yes” then the member should refer the complaint to another member of the Professional Standards Committee with the request that they carry out the steps specified above.
 17. If a member, who is not a member of the Professional Standards Committee receives a complaint of this nature, s(he) should always refer it to a member of the Professional Standards Committee for action to be taken as set out in paragraph 14.
 18. Procedures outlined in paragraph 14-17 above apply to complaint investigations that have been finalised. When a member of the Police Authority receives a complaint about a current investigation, the member concerned should in the first instance discuss the matter with the Deputy Chief Constable, who will decide, in the circumstances, whether any action is necessary, or appropriate, at that stage.

‘Service Related’ Complaints

19. The term ‘complaint’ encompasses a range of concerns – the conduct of individual officers, the manner in which incidents have been dealt with, and also the Force’s policies and procedures which are classified as ‘service related’. All are treated seriously and in addition to fulfilling their statutory role in relation to complaints about the conduct of individual officers, members of the Committee are also given the opportunity to examine service-related complaints.

THIS POLICY WILL BE REVIEWED NO LATER THAN SPRING 2012

APPROVED BY MINUTE 42/08 OF PROFESSIONAL STANDARDS COMMITTEE 15DEC08

Impact Assessment Template

Purpose

The purpose of an Equality Impact Assessment is to work out how a policy will affect people from different groups, both externally in terms of our communities and internally in terms of our staff. This is so that we can ensure as far as possible our policies are developed in full recognition of the diverse needs, circumstances and concerns of the people who will be affected by them.

Policy Title	Complaints and Discipline Guidance for Police Authority Members	
Version	Appendix 2, paper C Professional Standards Committee 15 December 2008	
Publication	Yes	External
Policy Owner	Police Authority	R Swinfield
Date Impact assessment completed	26 November 2008	
Policy Review Date	Spring 2012	
Impact Assessment Author	R Swinfield	

Summary Overview

This guidance is an internal for Members of the Authority. It reminds Members of their obligation to oversee the complaints process and undertake dip sampling. It deals with how they might react if provided with a complaint direct from a member of the public. In performing this function the Authority Members are adding to the trust and confidence members of the public will have in the complaints system being handled effectively and fairly. However in itself the guidance is limited to explaining how Members can perform their duties, in particular the dip sampling of complaints files. The guidance itself therefore does not promote equality of opportunity or eliminate discrimination and harassment or promote good relations between different groups or impact on disabled people unless the Members themselves were disabled. However, in that event the Member's disability would be known to the Authority and reasonable adjustments would continue to be made to ensure that they could fulfil their duties.

N.b. The function of overseeing complaints and discipline would be subject to a separate impact assessment.

Section 1: Screening for Relevance to Equality

Section 1 should be completed for all policies.¹

On the basis of existing knowledge, data, and best estimates does this policy have an adverse impact on any of the following 4 areas:

(Please tick those areas in which there is adverse impact or potential for it.)

Area 1: Promote Equality of Opportunity					
Age	Disability	Gender	Race / Ethnicity	Religion / Belief	Sexual Orientation
Area 2: Eliminate Discrimination and Harassment					
Age	Disability	Gender	Race / Ethnicity	Religion / Belief	Sexual Orientation
Area 3: Promote Good Relations Between Different Groups					
Age	Disability	Gender	Race / Ethnicity	Religion / Belief	Sexual Orientation

¹ Note: A policy may be defined as a set of principles or a criterion an organisation develops to help carry out its functions as such, procedures and guidance is included also.

Area 4: Does the Policy Impact on Disabled People?					
Yes No ✓					
If YES, and to comply with legislation, please answer the following:					
Have measures been taken to meet the needs of disabled people (even if this requires more favourable treatment)? Please answer here:					
Does the policy encourage participation by disabled people? Yes No Please summarise the findings by source: Please answer here:					

If there is no evidence of adverse impact to equality issues highlighted in any of the 6 equality strands above and the research data supports this, there is no need to complete the rest of this template. However, if the screening assessment shows there to be an adverse impact in any of the areas a full impact assessment will be required. You will need to complete the rest of this template. Please determine whether this policy is one that is deemed high, medium or low priority².

High Medium Low

²
High: Policies which have an impact on three of the four areas of Section1 (Promote Equality of Opportunity; Eliminate Discrimination and Harassment; Promote Good Relations Between Different Groups; Does the Policy Impact on Disabled People) and where there are concerns.
Medium: Policies which only apply to two of the areas of the general duty.
Low: Policies which may have an impact on one of the general duties, but which monitoring has not indicated issues of concern.
Note High priority policies require a full impact assessment within a 6 month period, medium in 12 months and low in 18 months.