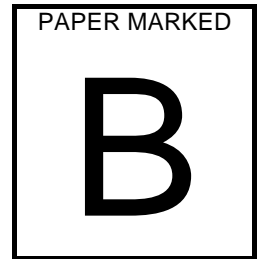


LEICESTERSHIRE POLICE AUTHORITY



Meeting **STANDARDS COMMITTEE**

Date **THURSDAY 1 OCTOBER 2009 – 10.00 A.M.**

Report of **CHIEF EXECUTIVE**

Subject **PROCEDURE FOR COMPLAINTS AGAINST POLICE AUTHORITY
SECRETARIAT OFFICERS**

Purpose of Report

1. This report is to provide members with a draft procedure regarding complaints against officers in the Police Authority secretariat.

Commentary

2. At your last meeting the committee heard how Derbyshire Police Authority had found it beneficial to introduce a procedure dealing with Police Authority complaints. This covers a situation if a member, facing a Code of Conduct complaint, had concerns about how the Monitoring Officer dealt with that issue.
3. A draft procedure has been prepared, based on the Derbyshire model and this appears as Appendix 1 to this report for members' comment. An equality impact assessment appears at Appendix 2.

Recommendation

4. That the procedure for complaints be adopted and the equality impact assessment be publicised on the Authority website.

Implications

Financial: none. Legal: entire report. Diversity: none. Risk Management: none.

Background Papers

None.

Officer to Contact

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D R A F T

LEICESTERSHIRE POLICE AUTHORITY

PROCEDURE for COMPLAINTS AGAINST POLICE AUTHORITY OFFICERS

October 2009

1. PURPOSE OF THE PROCEDURE

1.1 Leicestershire Police Authority seeks to provide a high standard of service to the public for all matters which are within the roles, functions and responsibilities of the Authority. This complaints procedure has the following purposes:

- (a) To reassure the public that any reasonable complaint made about the performance or conduct of an officer of the Authority will be impartially and thoroughly investigated within an appropriate time;
- (b) To ensure that Authority officers who are subject to a complaint have adequate rights and safeguards during the course of investigation and any subsequent disciplinary procedures (if appropriate); and
- (c) To ensure that any investigation and conclusions comply with the requirements of natural justice, rules of evidence, human rights and equal opportunities.

2. HOW THE AUTHORITY DEALS WITH COMPLAINTS

2.1 This procedure applies to a complaint made by a member of the public or a member of the Authority that the level of service provided by an officer of the Authority is unsatisfactory.

2.2 If the complaint relates to a request made for access to information under the Freedom of Information Act 2000, the Authority will consider the complaint in accordance with its procedure for dealing with such complaints.

2.3 The following types of complaint are excluded from the procedure:

- (i) Complaints which amount to a disagreement with a decision of the Authority or one of its Committees.
- (ii) A matter which is currently the subject of litigation or legal proceedings.
- (iii) Any complaint by officers concerning their terms and conditions of service.
- (iv) Malicious or vexatious complaints.
- (v) Repetitious complaints i.e. those which relate to the same circumstances as, or which are substantially similar to, complaints which have already been investigated.

3. MAKING A COMPLAINT

3.1 Complaints must be made in writing. However, if there is a disability related reason, or other good reason, why the complainant cannot provide the complaint in writing, the complaint will be accepted in an appropriate medium and then committed to writing.

- 3.2 If the complaint concerns the conduct or behaviour of the Chief Executive or Treasurer, a complaint can be addressed to the Chairman and sent by email to police.authority@leicestershire.pnn.police.uk, text 07847 359130 or by letter to the Chairman, Leicestershire Police Authority, St Johns, Enderby, Leicester LE19 2BX.
- 3.3 If the complaint concerns the conduct or behaviour of other Authority staff, a complaint can be addressed to the Chief Executive and sent by email to police.authority@leicestershire.pnn.police.uk, or text 07847 359130 or by letter to the Chief Executive, Leicestershire Police Authority, St Johns, Enderby, Leicester LE19 2BX.
- 3.4 All complaints will be acknowledged within 5 working days.

4. **HOW THE AUTHORITY WILL HANDLE THE COMPLAINT**

- 4.1 Initial Discussion. A complaint about the Chief Executive or Treasurer will be considered initially by the Chairman. As complaints can often be resolved quickly through informal discussions, the Chairman may contact the complainant to discuss the complaint. This is often a good way of resolving a complaint and if as a result of any discussions the complainant is satisfied with the outcome, that will conclude the matter.
- 4.2 Investigation. If informal discussion was not in the particular circumstances appropriate, or has failed to resolve the complaint, the Chairman will take such further steps as appear to be necessary to determine the issue. This may include interviewing the complainant and relevant officers and inspecting relevant documents.
- 4.3 The complainant and officer will be notified of the Chairman's determination of the matter.
- 4.5 Review. If the complainant is dissatisfied with the decision a review of the decision shall be made by the Vice Chairman of the Authority.
- 4.6 There is no appeal against the review decision.
- 4.7 In the case of a complaint against any officer of the Authority other than the Chief Executive or Treasurer, paragraphs 4.1 to 4.6 above apply as if "the Chief Executive" is substituted for "the Chairman" and "the Chairman" is substituted for "the Vice Chairman".

APPENDIX 2

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	Procedure for complaints against PA officers	
Version	V1	
Publication	Yes	External
Policy Owner	Police Authority	Author R Swinfield
Date Impact assessment completed	21 September 2009	
Policy Review Date	September 2012	
Impact Assessment Author	R Swinfield	

Summary of Policy and Purpose

Procedure to deal with complaints about Authority officers coming in from public or from PA members (which practice elsewhere shows can arise when a member faces a code of conduct complaint). Process provides for complaint to be received at Authority, dealt in informal way if possible, or else through designated person considering allegation and facts before coming to decision.

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

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 2: Eliminate Discrimination and Harassment					
Age	Disability	Gender	Race / Ethnicity	Religion / Belief	Sexual Orientation
YES	YES	YES	YES	YES	YES
Area 3: Promote Good Relations Between Different Groups					
Age	Disability	Gender	Race / Ethnicity	Religion / Belief	Sexual Orientation
Area 4: Does the Policy Impact on Disabled People?					
Yes					
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: Matter most likely to affect persons with sight difficulties. Complaint can be submitted by text. Complaint usually needed in writing, can be accepted in other medium					
Does the policy encourage participation by disabled people? 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.

Section 2: Full Impact assessment

Identify the aims and proposed outcomes of the policy? Please answer here: fair process for persons making complaint and for officer complained against	
Is the policy being monitored? If no monitoring is taking place, please state what will be implemented? None Please answer here:	
What monitoring data/ information/research has been considered? Please answer here: No complaints received to date	
Age	
Gender	
Disability	
Race/ Ethnicity	
Religion / Belief	
Sexual Orientation	

What gaps in the monitoring data/ information/research have been identified? (Note if gaps have been identified consideration should be given to commissioning new research) Please answer here: None	
Age	
Gender	
Disability	
Race/ Ethnicity	
Religion / Belief	
Sexual Orientation	

From the monitoring data/ information/research has any adverse impact been identified? Not applicable Please answer here:	
Age	

Gender
Disability
Race/ Ethnicity
Religion / Belief
Sexual Orientation

Are there any factors that can explain or justify this adverse impact?
Please answer here:
None

Has the policy been subject to consultation? If no, please state why. If yes, please state who, how, outcomes and what the process of feedback was to consultees.
Please answer here:
Not consulted upon. Not sufficient throughput of complaints to warrant such an approach

Outline any findings/outcomes of this impact assessment.
Please answer here:

Recommendations from assessment is: (please delete as appropriate)

- A. **Policy maintained in current form** Please justify why especially if there is a possibility of adverse impact.
- B. **Policy amended** Please summarise the amendments.
- C. **Policy abandoned** Please state how the implications will be managed.

Please answer here:
A – maintain in current form

Any other comments:

Please note that this template will be available as a public document unless otherwise stated.