



Office of the
**Police & Crime
Commissioner**
West Yorkshire

PUTTING THINGS RIGHT

DEALING WITH COMPLAINTS

My commitment

As your Police and Crime Commissioner I am committed to making sure the people of West Yorkshire are safer and feel safer. I have agreed a Community Outcomes Framework with partners to make sure that we are focusing on what needs to happen for things to improve. Because of its impact on people's lives in our communities, policing is one of the most important public services. As Commissioner I, and the officers who support me, work with the Chief Constable to make sure that the policing provided to people living, working and visiting West Yorkshire is of the highest standard.

I would like to hear about things going right; I also need you to tell me how we can put things right. I, and my staff, want to help you resolve your complaint as quickly as possible, and to learn any lessons so that the service you receive is continuously improved. For this to work I expect everyone to be treated professionally, courteously and promptly and to concentrate on what we can do to improve the situation.

What is a complaint?

A complaint is an expression of dissatisfaction that can cover a whole range of things from policies to behaviour. A lot of policing is highly regulated and there is legislation and statutory guidelines which cover, for example, the recording and handling complaints about police officers and police staff. Other types of complaint have their own processes.

For this reason our complaints policy does not cover:

- matters that have already been fully investigated through other formal complaints procedures
- anonymous complaints
- complaints about access to information where procedures and remedies are set out in the legislation, e.g. the Freedom of Information Act 2000, the Data Protection Act 1998.

Unreasonable and unreasonably persistent complainants

In serving the needs of over 2.2 million people I have to make sure that our resources are used proportionately and appropriately. While the majority of people who raise issues with my office do so in a genuine spirit of trying to improve things, sometimes public bodies have to deal with people whose behaviour or approach is unreasonable. Meeting the unreasonable demands of a few can place a significant strain on time and resources that are needed by all; it can also be stressful for staff who have to deal with what are often these complex and challenging issues. To make sure that the complaints process is as effective and efficient as possible we have a policy for dealing with unreasonable complainants. (*Unreasonably Persistent Complainants and Unreasonable Complainant Behaviour Policy*) This can be accessed from the website www.westyorkshire-pcc.gov.uk, or we can post it to you on request.

My standards for handling your complaint

- All genuine complaints will be treated seriously, whether they are made by telephone, by letter, or by email.
- You will be treated with courtesy and fairness at all times. I expect that you will be courteous and fair in your dealing with me and my staff in return.
- Your complaint will be dealt with as promptly and proportionately as possible. You will receive a written acknowledgement within ten working days of our receiving details of your complaint.
- You will receive the name of one of my members of staff who will be your contact until you receive a full reply.
- I will publish in my annual report the numbers and categories of complaints received and dealt with.

How to complain

You will need to complete the *Putting Things Right* form which can be posted to you on request, or you can download a copy from our website www.westyorkshire-pcc.gov.uk.

Once completed this can be:

posted to *Putting Things Right*, Office of the Police and Crime Commissioner, Ploughland House, 62 George Street, Wakefield, WF1 1DL

or

sent by email to contact@westyorkshire.pcc.pnn.gov.uk

telephone if you prefer we arrange for a member of staff to complete this form on your behalf by telephoning 01924 294000. This will be sent by post for your signature.

What happens next?

Your complaint will be acknowledged within ten working days and you will be assigned the name of one of my members of staff who will be your point of contact.

What happens next depends upon the person and/or organisation your complaint refers to.

If your complaint is about the personal conduct of the Chief Constable or Temporary Chief Constable

As Police and Crime Commissioner for West Yorkshire, I am responsible for dealing with complaints about the Chief Constable or Temporary Chief Constable.

In doing so my staff will carry out an assessment of any allegation(s) made and make a decision on whether to record the complaint within 10 days. We will also decide whether to refer the matter to the Independent Office for Police Conduct (IOPC). Most recorded complaints are dealt with locally; only a small number are referred to the IOPC. Referrals to the IOPC will be made if the complaint relates to the following circumstances:

- the conduct complained of has resulted in death or serious injury
- there are allegations of serious assault, serious sexual assault, serious corruption, criminal offence or behaviour likely to lead to a misconduct proceeding which are aggravated by discriminatory behaviour
- if a relevant offence has been alleged¹
- complaints which have arisen from the same incident as anything falling within this criteria
- complaints that the IOPC have indicated need to be referred.

The PCC can voluntarily refer a complaint to the IOPC if they involve matters of serious concern or have the potential to have a significant impact on public confidence in the police.

There are circumstances, shown below, where your complaint may not be taken forward in accordance with requirements of the Police Reform Act 2002. These are generally where:

- more than 12 months have passed between the incident and the complaint and there is either no good reason for the delay or where injustice would be caused by the delay. You will be given the opportunity to explain the reason for the delay;
- the matter is already the subject of a complaint made by you or on your behalf;
- the complaint is anonymous or
- the complaint is vexatious, repetitious, an abuse of the procedures for dealing with complaints, or it is not practicable to complete an

¹ “a relevant offence” means an offence for which the sentence is fixed by law, or an offence for which a person of 18 years or over (not previously convicted) may be sentenced to imprisonment for a term of seven years (or might be so sentenced but for the restrictions imposed by section 33 of the Magistrates’ Courts Act 1980);

investigation of the complaint under Schedule 3 to the Police Reform Act 2002.

Once a complaint is recorded, we will consider whether it is suitable for local resolution or requires a formal investigation.

To be suitable for local resolution, the conduct complained of, even if it were proved, would not justify the bringing of criminal or misconduct proceedings against the person complained of and would not involve the infringement of a person's human rights.

We will make all reasonable efforts to work with you or your representative and to provide any practical support to overcome any legitimate obstacles that may prevent the completion of an investigation or any other procedure.

You will be notified of the outcome of any decisions that are made and your right of appeal.

Your information may be shared with West Yorkshire Police, the Independent Officer for Police Conduct or the Police and Crime Panel as necessary in order reach a resolution or to achieve a satisfactory outcome.

If your complaint is about the conduct of the Police and Crime Commissioner or his Deputy

All complaints about me as Police and Crime Commissioner or my Deputy received by my office will be referred with my Chief Executive's authorisation, to the West Yorkshire Police and Crime Panel. This is the body set up by your local councils to oversee some of the functions of the Police and Crime Commissioner and which is responsible for handling complaints about the Police and Crime Commissioner and Deputy Police and Crime Commissioner.

If your complaint is about a member of staff of the Office of the Police and Crime Commissioner

The staff that support my work aim to provide a service which is both efficient and fair. However, if you are not satisfied with any service you have received or if you feel you have been treated unfairly you can complain to the Chief Executive and Solicitor, who may deal with this himself or delegate the investigation of the complaint to another officer.

If your complaint is about the conduct of the Chief Executive and Solicitor you should address your concerns directly to me as Police and Crime Commissioner.

You will be informed of the outcome of any investigation and if required any action that has been, or will, take place.

If your complaint is about the conduct of any police officer (other than the Chief Constable), police and community support officer, police staff or special constable.

The Police Reform and Social Responsibility Act 2011 introduced changes to the police complaints system to make sure that complaints are handled at the lowest appropriate level and that the focus is on putting right what a member of the public complains about. This Act provides for me as the Police and Crime Commissioner to ensure that the Chief Constable handles all complaints correctly.

Your complaint will be passed to the West Yorkshire Police Professional Standards Department.

All complaints matters will be kept under review by my Good Governance Group who I have tasked with ensuring proper and ethical governance in all that we do. This will include litigation handling and dispute resolution. The Chief Executive and Solicitor is the statutory monitoring officer with particular responsibilities for conduct and good governance and is responsible to me for the working of the Group. Officers responsible for handling complaints will meet on a regular basis to ensure that complaints are being monitored and handled correctly. The Group will routinely report to the Independent Audit Committee.

As Police and Crime Commissioner I will also have access to regular statistical reports of complaint-handling from the police. Through the Good Governance Group my staff will conduct regular sampling of force complaint files to ensure statutory compliance and to review force systems for complaint handling.

My Chief Executive and Solicitor will meet regularly with the Head of Professional Standards in the police to consider complaints and will also meet with the IOPC to consider individual cases of importance and trends.

On a regular basis I will meet with the Chief Executive and Solicitor when complaints and conduct matters will be discussed.

If your complaint is about the conduct of a Volunteer Independent Custody Visitor.

The people who volunteer to make unannounced visits to detainees in police custody to ensure their rights, entitlements and wellbeing needs are being met by West Yorkshire Police aim to provide a scheme which is transparent and fair. However, if you are not satisfied with the interaction or feel you have been treated unprofessionally you can complain to the Independent Custody Visiting Scheme Manager.

You will be informed of the outcome of any investigation and if required any action that has been, or will, take place.

Appeals

You will be notified of any appeal rights, the body that will consider your appeal, how to appeal and the timescales for submitting your appeal by the body that deals with your complaint. If you feel dissatisfied with the way your complaint has been resolved then you should take up any right of appeal.