

**Report of: The Secretary of the Police and Crime Panel**

**Date: 23<sup>rd</sup> November 2015**

**Annual Report on Management of Complaints against the Police and Crime Commissioner  
and Deputy Police and Crime Commissioner**

**1. Purpose of Report**

1.1 This report provides an update on complaints made against the West Midlands Police and Crime Commissioner (PCC) and Deputy PCC during the period 28 August 2014 – 31 October 2015.

**2. Recommendation**

2.1 That the information contained in the report be noted.

**3. Background**

3.1 The Panel has statutory responsibilities under the Elected Local Policing Bodies (Complaints and Misconduct) Regulations 2012 for handling and recording complaints about the conduct of the West Midlands Police and Crime Commissioner and Deputy PCC.

3.2 The Panel approved an Interim Complaints Procedure in October 2012 and following further guidance from Home Office, agreed in January 2013 to delegate all complaint handling, recording decisions and the brokering of informal resolutions to the Birmingham City Council Monitoring Officer. The Birmingham Scrutiny Office supports the Monitoring Officer in these functions.

3.3 In September 2013 the Panel revised the Complaints Procedure to take into account updates to the Regulations and learning from dealing with initial complaints. An easy read guide to the process was also produced. The Panel established a Complaints Sub-Committee to consist of three panel members that would be called upon to conduct informal resolution in cases where the Monitoring Officer deemed it the most appropriate method to do so.

3.4 The Panel also agreed to an annual complaints monitoring report to update Members on the complaints that have been dealt with by the Monitoring Officer on its behalf.

3.5 In January 2015 the Panel agreed to include further clarification in the complaints procedure about the role of the PCC in relation to complaints against West Midlands Police. It was noted that whilst the PCC must monitor all complaints made about the force, he has no remit or legal authority to act as an advocate for individuals, investigate individual cases or direct the Chief Constable on how to manage or respond to an individual complaint. Therefore such complaints about the PCC fall beyond the Panel's jurisdiction and would generally be dealt with under Regulation 10 of the Elected Local Policing Bodies (Complaints and Misconduct) Regulations 2012.

3.6 Information about the Panel's complaint handling role and how to make a complaint is set out on the Panel's website [www.westmidlandspcp.co.uk](http://www.westmidlandspcp.co.uk). People can submit their complaint to the Panel in writing, email or via an online complaint form.

3.6 In the absence of any provision or guidance regarding who should handle a complaint made against the Panel itself it should be noted that each elected Panel Member is subject to their respective appointing Authority's Codes of Conduct and the two independent co-opted members of the Panel have adopted the Code of Conduct of the host authority (Birmingham City Council).

**4. Summary of Cases Received 28 August 2014 – 30 October 2015**

4.1 During the period 28 August 2014 to 30 October 2015 four complaints have been recorded against the West Midlands PCC, David Jamieson. Summary details are set out in the Table 1 below.

4.4 A further 30 complaints were received that fell beyond the Panel's jurisdiction. The majority of these related to operational policing matters. Complainants were advised as to where to redirect their complaint.

**Table 1 Summary of Complaints received 27 August 2014 – 30 October 2015**

Case Number	Date Recorded	Summary of Complaint	Outcome
WMPCP 01014	11/11/14	PCC's failure to make Chief Constable accountable for a court decision.	The monitoring officer 'dis-applied the regulations' on the basis that the complaint was already the subject of a complaint. No further action was taken and the case was closed.
WMPCP 01514	10/12/14	PCC's refusal to acknowledge receipt of complaint.	The monitoring officer 'dis- applied the regulations' on the basis that the complaint was vexatious, oppressive and an abuse of the complaint procedures. No further action was taken and the case was closed.
WMPCP 00215	11/02/15	A further complaint by the complainant of WMPCP 01514 on similar issues.	The monitoring officer 'dis- applied the regulations' on the basis that the complaint was vexatious, oppressive and an abuse of the procedures for dealing with complaints. No further action was taken and the case was closed.
WMPCP 00315	14/04/15	The PCC lied to the Panel that allegations of corruption are taken very seriously by West Midlands Police	The monitoring officer sought an informal resolution and obtained comments from both parties. The complainant did not feel this resolved the complaint. The monitoring officer decided that no further action could be taken to reach an informal resolution and closed the case.

**List of background papers:**

West Midlands Police and Crime Panel Complaints Procedure  
Report and Minutes from Police and Crime Panel 30 September 2013  
Report and Minutes from Police and Crime Panel 19 January 2015

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