

West Midlands Police and Crime Panel

Complaints and Misconduct Procedure Dealing with Complaints about the West Midlands Police and Crime Commissioner

1.0 Introduction

- 1.1 This procedure has been developed to ensure compliance with the elected Local Policing Bodies (Complaints and Misconduct) Regulations 2012 (the Regulations) issued under the Police Reform and Social Responsibility Act 2011 (the Act). It set out the process and responsibilities for dealing with complaints about the conduct of the West Midlands Police and Crime Commissioner (PCC). Nothing in this procedure overrules the provisions of those Regulations.

2.0 Role of Panel under the Regulations

- 2.1 The West Midlands Police and Crime Panel (“the Panel”) has a statutory responsibility under the Regulations for handling complaints regarding the non-criminal behaviour of the PCC and for informally resolving such complaints. In addition the Panel is responsible for recording and referring Serious Complaints and Conduct Matters to the Independent Police Complaints Commission (IPCC) and dealing with any that are referred back to it by the IPCC.
- 2.2 There are separate procedures for complaints about operational policing matters, complaints about the Chief Constable and other police officers, and complaints about the PCC’s staff, including the Assistant PCCs and the Non-Executive Board Members which are not covered in these Regulations and so are beyond the remit of the Panel. Further clarification on the remit of the Panel’s complaints procedure is set out in paragraph 5 below.

3.0 Powers Delegated to the Birmingham City Council Monitoring Officer

- 3.1 On 21 January 2013 the Panel delegated responsibility for all complaint handling, recording decisions and the brokering of informal resolutions to the Birmingham City Council Monitoring Officer. Birmingham City Council is the Panel’s Host Authority (The Panel can delegate powers and duties under s28 (3) of Regulations). Any reference within this procedure or the Regulations to ‘the Panel’ should be read as ‘the Monitoring Officer acting on behalf of the Panel’.
- 3.2 The Monitoring Officer is supported in this function by Birmingham Scrutiny Office.
- 3.3 In practice it will be the Monitoring Officer who will make formal decisions on complaints under delegation from the Panel, but in exercising that function the Monitoring Officer and Scrutiny Office will work with the Chief Executive of West Midlands Office for Policing and Crime to ensure that complaints received are correctly identified as being complaints which are subject to the Regulations and other complaints (for example complaints about the PCC’s staff or the police force) are redirected as appropriate.

4.0 Key Definitions

4.1 The Regulations and relevant legislation contains a number of key definitions:

A “**Complaint**” means a general complaint about the conduct of the PCC, whether or not that conduct is potentially criminal (s31(1) (a) of the 2011 Act).

“**Conduct**” includes acts, omissions, statements and decisions (whether actual, alleged or informed) (Reg. 2 (1)).

“**Criminal Offence**” means any offence triable in England and Wales (Reg. 2 (1)).

A “**Recorded Complaint**” means a complaint that the Panel formally records because it has determined it is a complaint about the conduct of the PCC, and it is the correct Panel to handle it (Reg.9 (5)). The Panel will formally record the complaint by entry in the Recorded Complaints and Conduct Matters Register.

A “**Conduct Matter**” means a matter where there is an indication (whether from the circumstances or otherwise) that the PCC may have committed a criminal offence (s31 (1)(b) of the 2011 Act), which comes to light other than via a complaint, e.g. a media report or legal proceedings (Home Office Guidance Note).

A “**Serious Complaint**” means a complaint about the conduct of the PCC which constitutes, involves, or appears to constitute or involve the commission of a criminal offence (Paragraph 2 (6) Schedule 7 to the 2011 Act). The Panel must notify the Independent Police Complaints Commission (IPCC) of a Serious Complaint.

5.0 Clarification on the remit of the Police and Crime Panel complaints procedure

5.1 The Panel can only handle complaints relating to the personal conduct of the PCC in his/her Office for Policing and Crime capacities primarily, although complaints may extend to their conduct in their private or other public capacities.

5.2 *Complaints Against West Midlands Police*

5.3 West Midlands Police (WMP) is responsible for dealing with most complaints about the force and the conduct of police officers and staff, while the Independent Police Complaints Commission (IPCC) investigates the most serious complaints, incidents and allegations of misconduct. Both deal with appeals from people who are not satisfied with the way their complaint has been dealt with.

5.4 The PCC’s role is to ensure efficiency and effectiveness of the force. This includes oversight of the WMP complaints process: how WMP manages complaints, conduct and performance. His role is set out in the Policing Protocol as being to “monitor complaints made against officers and staff [of WMP]”

- 5.5 The PCC uses his Strategic Police and Crime Board (SPCB) to fulfil this obligation. In undertaking this role the SPCB receives regular reports from the Chief Constable on the number of complaints about misconduct and corruption, the police disciplinary processes and outcomes and the management of conduct matters.
- 5.6 However, the PCC has no remit to act as an advocate for individuals or to investigate individual cases. Nor can he direct the Chief Constable on how to manage an individual complaint. The management of police complaints is an operational matter and under the Police and Social Responsibility Act 2011 and the Policing Protocol Order 2011 the PCC cannot fetter the operational independence of the Chief Constable.
- 5.7 The Panel therefore cannot consider complaints about the PCC's:
- (i) intervention or lack of it into complaints against West Midlands Police, its police officers and staff;
 - (ii) failure to act as an advocate for an individual; or
 - (iii) failure to investigate a personal case.
- 5.8 *Complaints against the Chief Constable*
- 5.9 The PCC does have a responsibility for complaints against the Chief Constable. Such complaints are formally recorded by the PCC and serious allegations are referred to another police force to be investigated.
- 5.10 The Panel is not an appeals body for complaints against WMP or the Chief Constable and has no legal power to look into, investigate or order actions to be taken in such cases. Such complaints fall beyond the Panel's jurisdiction.
- 5.11 *Complaints about the merits of a PCC decision or policy*
- 5.12 The Regulations and this complaints procedure do not cover complaints about the merits of a PCC decision, for example where somebody disagrees with a policy the PCC has introduced. Although complaints about whether a decision was taken properly and in accordance with procedures can be considered.
- 5.13 Concerns from the general public about a particular policy is something the Panel should be aware of and reflect upon as it scrutinises the PCC's policies. However these cannot be taken up through this complaint procedure.

6.0 Submitting a Complaint

- 6.1 Complaints about the conduct of the PCC should be sent in writing to:

WMPCP, Scrutiny Office, Council House, Victoria Square, Birmingham, B1 1BB

Or by email: wmpcp@birmingham.gov.uk

- 6.2 Complaints cannot be accepted via Twitter, Facebook, or telephone.
- 6.3 A Complaint Form has been developed to assist complainants set out the necessary information. This can be downloaded from the Panel's website www.westmidlandspcp.co.uk/complaints or emailed or posted out on request.

- 6.4 Complainants may wish to arrange for someone to act on their behalf, such as a friend or relative. However, written consent must be provided by the complainant before the Panel can discuss the case with them.
- 6.5 Where the Monitoring Officer considers that a complaint requires further information or detail in order for him to properly consider it under the Regulations, the complainant may be asked to provide such detail.
- 6.6 *Direct complaints to the PCC and preservation of evidence*
- 6.7 The PCC must notify the Monitoring Officer of a complaint made to them no later than the end of the following working day writing via email to wmpcp@birmingham.gov.uk, and provide details of the steps they have taken to preserve such evidence, including its location and in whose custody it is in.
- 6.8 Where a complaint is made directly to the PCC then she/he is under a statutory duty to take all such steps as appear to them to be appropriate for obtaining and preserving evidence in relation to the conduct in question, both initially and from time to time after that. (In discharging this duty they shall take such steps as a reasonable person would consider appropriate in the circumstances to obtain and preserve evidence, and in any event shall comply with any requests of the Panel.

6.9 *Direct complaints to the Police and Crime Panel Members*

Any complaint addressed to an individual Panel Member should be immediately directed by the recipient to the Monitoring Officer via email to wmpcp@birmingham.gov.uk, along with any other available information that is relevant to the complaint, in accordance with the Regulations.

6.10 *Direct complaints to the Police*

Where a complaint is made to the Chief Officer of Police, they have a duty to notify the Monitoring Officer in writing via email to wmpcp@birmingham.gov.uk.

6.11 *Direct complaints to the Independent Police Complaints Commission*

When a complaint is made to the IPCC, it has a duty to notify the Panel to enable a recording decision to be made, unless the IPCC considers that there are exceptional circumstances to justify notification not being given.

7.0 Triage and Recording of Complaints

- 7.1 Upon receipt of a complaint the Monitoring Officer will determine whether it falls within the scope of the Panel's complaints procedures, whether to record it and if recorded, how the Recorded Complaint is to be dealt with under the Regulations.
- 7.2 If the complaint falls outside the remit of the Panel e.g. is relates to operational policing, the complainant will be advised and the offer given to pass it to the appropriate body.

- 7.3 Complaints that purport to be a complaint about the PCC but in fact relate to the situations described in paragraphs 5.7 and 5.10 will generally not be recorded by the Panel. Regulation 10 applies to such cases. We will advise the complainant if a decision is made not to record the whole or part of a complaint and take no action upon it giving the ground for this decision (Reg.10).
- 7.4 If the complaint relates to another police force area it will be passed to the relevant police and crime panel (Reg. 9 (2)(b)).

8.0 Record of Complaint

- 8.1 If the complaint relates to the conduct of the West Midlands PCC it will be recorded on the West Midlands Recorded Complaints and Conduct Matters Register unless the Monitoring Officer is satisfied that any of the following exceptions apply, (in whole or in part) (Reg. 9 (6)):
- (i) if it has been or is currently being dealt with by criminal proceedings: this will normally be the case where the Police have formally charged the person complained about or information alleging an offence has been laid before a magistrate's court; or
 - (ii) the complaint has been withdrawn in accordance with Regulation 16.
- 8.2 If the Monitoring Officer decides not to record the complaint due to the above and, therefore, to take no action upon it, the complainant will be notified and given the grounds on which that decision was made, whether in relation to whole or part of the complaint (Reg.10 (2)).
- 8.3 Where a complaint is recorded, a copy of the record will be sent to the complainant with information about the next steps to be taken in relation to the complaint (Reg.31 (1) (a)).
- 8.4 When a complaint is recorded the person complained against and the Chief Executive West Midlands Office for Policing and Crime will also be informed and provided with a record of the complaint (Reg. 31(1) (b). However, the record may be altered to hide the identity of the complainant or any other person. In addition a record may not be sent if in doing so might prejudice any criminal investigation or pending proceedings or otherwise be contrary to the public interest. The Monitoring Officer will take these decisions and will keep this under review (Reg. 31(2) to (4)).

9.0 Notification and Recording of Conduct Matters

- 9.1 If an issue arises other than via a complaint, for example through legal proceedings or media report, where there is an indication (whether from the circumstances or otherwise) that the PCC may have committed a criminal offence in England or Wales or, although committed elsewhere, it is an offence triable in England or Wales, this is referred to as a Conduct Matter.
- 9.2 A Conduct Matter, therefore, occurs where no formal complaint has been received.
- 9.3 Where the existence of such a Conduct Matter is brought to the Panel's attention by virtue of either

- (i) the Conduct Matter, or
- (ii) the facts relating to the incident giving rise to the Conduct Matter

forming part of either:-

- (a) civil proceedings being brought; or
- (b) likely to being brought,

against either any PCC or Deputy Police and Crime Commissioner (Deputy PCC), the Panel will record the Conduct Matter, or refer the matter to the Panel responsible for that PCC or Deputy PCC (Reg 11).

9.4 A Conduct Matter must be recorded, and entered onto the Recorded Complaints and Conduct Matters Register, unless the Monitoring Officer is satisfied either of the following exceptions apply (Reg. 12(2)):

- (i) the matter has already been recorded as a complaint under regulation 9(5); or
- (ii) the matter has been, or is already being, dealt with by means of criminal proceedings against the PCC. This will normally be the case where the Police have formally charged the person with a criminal offence or information alleging an offence has been laid before a magistrate's court.

9.5 If the IPCC becomes aware of a Conduct Matter which has not been recorded by the Panel then the IPCC may direct the Panel to record the matter (Reg.12 (3)).

9.6 In order to enable the Panel to discharge its duties under the Regulations, the Panel needs to be informed about any proceedings where the PCC is the defendant to or an interested party in legal proceedings.

9.7 The PCC, the Chief Executive West Midlands Office for Policing and Crime, every counsel, solicitor or legal or other advisor instructed or retained by them are therefore required, as soon as reasonably practicable, to notify the Monitoring Officer via email to wmpcp@birmingham.gov.uk.

9.8 Such persons are expected generally to cooperate with the Panel in the discharge of its statutory duties under the Regulations (Reg.11) to such extent as is not inconsistent with any legal professional privilege or obligation of confidence.

10.0 Conduct Occurring Outside England and Wales

10.1 The PCC is under an individual duty to notify the Panel via the Monitoring Officer of any allegation, investigation or proceedings relating to their conduct outside England or Wales. The Panel can handle the matter in whatever manner (if any) it thinks fit in these circumstances (Reg.17). This decision will be made by the Monitoring Officer.

10.2 Accordingly, by no later than the end of the working day following the day on which the investigation, allegation or proceedings (as above) comes to his/her attention, the PCC shall notify the Monitoring Officer in writing via email to wmpcp@birmingham.gov.uk of the matter.

10.3 This obligation applies to conduct within England and Wales that took place before the PCC was elected to office.

11.0 Referral of Recorded Serious Complaints and Recorded Conduct Matters to the IPCC

11.1 The Monitoring Officer has authority for filtering complaints and deciding which may amount to criminal conduct as a Serious Complaint and should be referred to the IPCC (using IPCC Referral Form 7.1). The Monitoring Officer may take advice from the IPCC before making a referral.

11.2 The Monitoring Officer must refer the following to the IPCC:

- (i) All Recorded Conduct Matters;
- (ii) All Serious Complaints (i.e. a complaint that constitutes or involves or appears to constitute or involve, the commission of a criminal offence);
and
- (iii) Any Serious Complaint or Recorded Conduct Matter where the IPCC has called it in.

11.3 If any of the above comes to the attention of one of the named Panel Officers at a point when liaison with the Monitoring Officer is not possible i.e. out of office hours or Bank Holidays, then it may be referred to the IPCC without reference to the Monitoring Officer.

11.4 On referring a Recorded Complaint or Conduct Matter to the IPCC, the Panel will notify the complainant (where there is one) and the person complained about of the referral, unless it appears that notifying the PCC might prejudice a possible future investigation (Reg. 13(6)). The Monitoring Officer will make this decision.

11.5 Call-in by the IPCC

The Panel must refer a Recorded Complaint to the IPCC if required to do so (Reg. 13(3) and (4)).

11.6 Timescales for Referral to the IPCC

Referrals should be made as soon as is practicable, and in any event no later than the end of the day following the day on which it becomes clear to the Panel that the Recorded Complaint or Conduct Matter is one that should be referred to the IPCC, or was required to (Reg. 13 (3)). The details in the Register will be made available to the IPCC, together with such other information considered appropriate.

11.7 Referral-back from the IPCC

Where the IPCC decides it does not need to investigate a Serious Complaint referred to it, it will refer the complaint back to the Panel to resolve in accordance with Part 4 of the Regulations (Set out in Section 16 of this procedure). The IPCC will notify the complainant and the person complained against about this decision (Reg.14 (2)(a) and (3)).

11.8 Where the IPCC decides that it does not need to investigate a Conduct Matter it will refer the matter back to the Panel to be dealt with in such a manner, if

any, as the Panel thinks fit. The IPCC will notify the PCC complained against about this decision (Reg. 14(2)(b) and (3)).

12.0 Circumstances where the Panel does not need to deal with a complaint

12.1 If the Monitoring Officer considers that a Recorded Complaint (which is not one that otherwise must be referred to the IPCC) is one in respect of which no action should be taken, and it falls within the circumstances set out below, then they may decide to handle the Recorded Complaint in whatever manner he thinks fit (Reg. 15 (2)).

12.2 The types of Recorded Complaint where the Regulations may be disapplied and dealt with in this way are:

- (i) A complaint concerned entirely with the PCC's conduct in relation to a person who was working as a member of the PCC staff at the time when the conduct was supposed to have taken place (Reg.15 (3) (a));
- (ii) Where more than twelve months have elapsed since the incident and there is no good reason for the delay, or injustice would be caused by the delay (Reg.15 (3) (b));
- (iii) The matter has already been the subject of a complaint (Reg.15 (3) (c));
- (iv) The complaint is anonymous (Reg.15 (3) (d));
- (v) The complaint is vexatious, oppressive or otherwise an abuse of the procedures for dealing with complaints (Reg.15 (3) (e)); or
- (vi) The complaint is repetitious (Reg.15 (3) (f)).

12.3 A "Repetitious Complaint" (above) is one which is:

- (i) the same or substantially the same as a previous complaint, or concerns substantially the same conduct as a previous conduct matter, contains no fresh allegations which affect the account of the conduct complained of, no fresh evidence which was not reasonably available at the time the previous complaint; or
- (ii) has already been referred to the IPCC and dealt with appropriately (Reg. 15 (4)).

12.4 The Monitoring Officer may handle these complaints in whatever manner (if any) they think fit (Reg. 15 (2)).

12.5 The Monitoring Officer will notify the complainant of any decision not to apply the Regulations to a Recorded Complaint or to take no further action in relation to it and provide the grounds for that decision (Reg.15 (5)).

13.0 Habitual or vexatious complaints

13.1 Where, in the reasonable opinion of the Monitoring Officer, the complaint is either:

- (i) made with either the objective of causing disproportionate or unjustified level of disruption, irritation or distress to either the PCC, the Police and Crime Panel, or the Monitoring Officer; or
- (ii) is a disproportionate, manifestly unjustified, inappropriate or improper use of the complaints process,

The Monitoring Officer can disapply the Regulations and take no further action in accordance with Regulation.15 (3) (e).

14.0 The Panel's duties to obtain and preserve evidence

14.1 When a complaint or conduct matter comes to the attention of the Panel, it is under a duty to ensure all appropriate steps are taken to obtain and preserve evidence in relation to the conduct in question, both initially and from time to time after that. It is not the Panel's role to investigate matters and it is likely that before taking steps to obtain or preserve evidence it will normally consult the IPCC. The IPCC may also give the Panel and the PCC directions for obtaining and preserving evidence (Reg. 8).

14.2 Accordingly, the Panel may make formal requests of any of the following persons to take such steps as the Panel considers are expedient or necessary for obtaining and preserving evidence in relation to the conduct in question, both initially and from time to time after that. This includes requests that steps are taken concerning the disposition of the property and resources of the PCC's office (such as its buildings, assets, equipment, supplies, accounts, records, information, electronic data etc. in their widest sense and wherever located) or other persons:

- (i) The PCC;
- (ii) Any employee of the PCC's office;
- (iii) Any member or employee of a functional body; and
- (iv) Any person or organisation having a current or past contractual relationship with the PCC's office or its predecessors or in receipt of a grant from such bodies.

14.3 A person given a direction by the Panel under this procedure shall comply with it in full and generally cooperate with the Panel and its authorised officers in the discharge of their statutory duties under the Regulations.

14.4 Such persons shall also permit access and render possession of any such evidence in relation to the conduct complained about to the Panel as is in their possession, custody or control in accordance with instructions.

14.5 The Panel shall be informed of any instances where there has been a complete or partial failure by any person or organisation to comply with any request regarding evidence.

15.0 Timescales

15.1 Wherever possible complaints will be acknowledged within 5 working days, and concluded within 12 weeks if dealt with through informal resolution.

15.2 However, each case is different and the time taken to reach a conclusion will be determined by the nature of the complaint. The complainant and the person complained about will be provided with regular updates of progress.

15.3 These are locally agreed timescales as none are specified within the Regulations.

15.4 If the Serious Complaint or Conduct Matter is referred to the IPCC this must be done as soon as possible, and no later than the close of business the day

after the Panel becomes aware that the matter should be referred (Reg.13(3)and (4)).

16.0 Withdrawal of Complaints

- 16.1 At any stage a complainant may decide that they wish to withdraw their complaint or they wish to discontinue it. If the Panel receives written notification to this effect, signed either by them or their solicitor or other person acting on their behalf, it will record the fact on the Register (Reg. 16).
- 16.2 If the Recorded Complaint is with the IPCC, the Panel must notify the IPCC that it has recorded the withdrawal of the complaint. The IPCC will then consider whether the complaint should be treated as a Conduct Matter. The IPCC will notify the Panel accordingly and the Register will be updated.
- 16.3 If the complaint had not been referred to the IPCC, or was referred and then referred back, the Panel must decide whether the complaint should be treated as a Conduct Matter. A complaint should be treated as a Conduct Matter where there is an indication that a criminal offence has been committed (Reg. 16(4)). The Monitoring Officer will make this decision.
- 16.4 Where it is determined (whether by the IPCC or Monitoring Officer) that a withdrawn complaint should be treated as a Conduct Matter, the Panel must record it as a Conduct Matter, and apply the Regulations accordingly (Reg. 16 (6)).
- 16.5 The Panel will follow the provisions prescribed in the Regulations for contacting the complainant if they indicate they wish to withdraw their Recorded Complaint, but have not signed the withdrawal request (Reg.16 (8)).
- 16.6 The Panel will notify the person complained against and the Chief Executive of West Midlands Office for Policing and Crime if it records a complaint as being withdrawn or discontinued, if it is being treated now as a Conduct Matter, or if the Regulations cease to apply to the complaint on the basis that it has been withdrawn or discontinued (Reg. 16(9) unless it was previously decided not to notify the person complained against.

17.0 Resolution of Complaints

- 17.1 Under Part 4 of the Regulations the Monitoring Officer must make arrangements to informally resolve Recorded Complaints which the Monitoring Officer has:
 - (i) Not referred to the IPCC, or having referred it to the IPCC, has had it referred back; and
 - (ii) Decided not to disapply the regulations.
- 17.2 Informal Resolution is a way of dealing with a complaint by solving, explaining, clearing up or settling the matter directly with the complainant, without investigation or formal proceedings. It is a flexible process that may be adapted to the needs of the complainant and the individual complaint. This may be done by correspondence or in a face to face meeting.

- 17.3 The Monitoring Officer will act as a broker to the informal resolution and in attempting to secure resolution of the complaint, will consider whether further information / clarification / explanation is required and/or whether any actions are required.
- 17.4 The following formal requirements for Informal Resolution are set out in the Regulations:
- (i) No investigation can take place. The Panel has the power to require the person complained against to provide information and documents and to attend to answer questions. This does not amount to investigation (Reg. 28 (7)).
 - (ii) The complainant and the person complained against must be given the opportunity to comment on the complaint as soon as practicable (Reg. 28 (9)).
 - (iii) Any failure by the person complained against to comment on the complaint when invited to do so will be noted in the written record (Reg. 28 (10)).
 - (iv) No apology can be tendered on behalf of the person complained against unless the person had admitted the alleged conduct and agreed to the apology (Reg. 28 (11)).
- 17.5 Where it appears to the Monitoring Officer that a Recorded Complaint against the PCC has in fact already been satisfactorily dealt with by the time it was brought to the Panel's notice, the Monitoring Officer may, subject to any further representations by the complainant, treat it as having been resolved and take no further action. The Monitoring Officer will take this decision (Reg. 28 (8)).

18.0 Complaints Sub-Committee

- 18.1 If the Monitoring Officer deems that the complaint cannot be resolved based on the written information available, a Complaints Sub-Committee of the West Midlands Police and Crime Panel may be convened, as permitted in Regulation 28 (3), to which the PCC will be invited to respond to the allegations in person.
- 18.2 The Complaints Sub-Committee is not an appeal body to reconsider previous Monitoring Officer decisions or resolutions.
- 18.3 The Complaints Sub-Committee will consist of three Panel Members drawn from the full membership of the Panel, in conjunction with the Panel Chair (or Vice Chair) and based on availability. The Complaints Sub-Committee will include, where possible, one Independent Panel Member. Named Substitute Panel Members can be appointed to the Sub-Committee.
- 18.4 At the meeting the Monitoring Officer, or their representative, will present the available written information to the Sub-Committee.
- 18.5 Given the Panel's inability to investigate, normally the Sub-Committee will only be able to call upon the complainant and the person complained about to attend. Both parties will be invited to make a statement in support of their position and will be expected to answer questions, and where necessary, provide additional evidence to the members of the Sub-Committee.

18.6 The Complaints Sub-Committee will consider the written and oral evidence and secure an informal resolution.

18.7 It is likely that the Complaints Sub-Committee will need to consider whether to pass a resolution to exclude the press and public from meetings on the basis of discussion of sensitive personal data e.g. alleged offences, in accordance with Part 1 of Schedule 12A to the Local Government Act 1972.

19.0 Record of Informal Resolution

19.1 A record of the outcome of the informal resolution will be made as soon as practicable after the process has been completed. Copies will be sent to the complainant and the person complained against (Reg. 28 (12)).

19.2 The record of the outcome of informal resolution (or part of it) may be published if it is considered to be in the public interest. Before making the decision the Monitoring Officer will give the complainant and the person complained against the opportunity to make representations in relation to the proposed publication (Reg. 28 (13)).

19.3 In cases where an informal resolution cannot be agreed the record will detail the reasons given by the parties why the matter could not be resolved.

20.0 Outcome of Informal Resolution

20.1 There will be no formal sanctions with informal resolution; ultimately the PCC is held accountable by the ballot box. However the Panel may publish a report or recommendation.

21.0 Appeals and Complaining to the Local Government Ombudsman

21.1 There is no right of appeal regarding the outcome of the complaint.

21.2 The Local Government Ombudsman has jurisdiction over the administrative functions of the Police and Crime Panel and complainants can contact them if they are unhappy with the way that the complaint was handled.

21.3 The Panel's complaints procedure will need to be followed to its conclusion, before the Local Government Ombudsman will become involved.

22.0 Provision and Recording of Information

22.1 The Panel must maintain a formal register for the purposes of recording complaints and conduct matters under the Regulations. The Recorded Complaints and Conduct Matters Register is an electronic database recording all key details pertaining to a complaint including the date received, the complainant, a summary of the complaint / the category into which it falls (Recorded Conduct Matter, Serious Recorded Complaint or other Recorded Complaint), the date on which it was recorded, actions taken on the complaint under the Regulations and any other information deemed relevant.

22.2 The Panel shall keep records of every complaint and purported complaint made to it or received by it; every conduct matter recorded by the Panel and every action taken under the Regulations (Reg. 34).

- 22.3 The Panel shall provide to the IPCC all such information or documents specified and all evidence or other things so specified or described by the IPCC in a notification given by the IPCC to the Panel and in a manner and within a time so specified (Reg. 35).
- 22.4 Summary reports (such as can be reported in public), regarding complaints dealt with under this procedure will be submitted to the West Midlands Police and Crime Panel on a regular basis for monitoring purposes and at least annually.

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