

Report of: The Secretary of the Police and Crime Panel

Date: 21st November 2016

**Annual Report on Management of Complaints against the Police and Crime Commissioner
and former 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 1 November 2015 – 31 October 2016.

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 the Home Office, agreed in January 2013 to delegate all complaint handling, recording of 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. In January 2016, the then Monitoring Officer David Tatlow left Birmingham City Council; the Monitoring Officer role is currently held by Kate Charlton, Acting City Solicitor.
- 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. People can submit their complaint to the Panel in writing, email or via an online complaint form.
- 3.7 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 1 November 2015 to 31 October 2016**
- 4.1 During the period 1 November 2015 to 31 October 2016, one complaint was recorded against the West Midlands PCC, David Jamieson. The Monitoring Officer disapplied the regulations under Regulation 15 of the Elected Local Policing Bodies (Complaints and Misconduct) Regulations 2012 on the basis that the complaint was concerned entirely with the conduct of a relevant office holder in relation to a person who was working in his capacity as a member of the office holder's staff at the time when the conduct is supposed to have taken place.
- 4.2 A further 27 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.

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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