

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

**Date: 31<sup>st</sup> July 2017**

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

### **1. Purpose of Report**

- 1.1 The purpose of this report is to provide the West Midlands Police and Crime Panel with an update on the handling of complaints made against the West Midlands Police and Crime Commissioner (PCC) during the period 1 November 2016 – 17 July 2017.

### **Recommendation**

That the information contained in the report be noted.

### **2. Background**

- 2.1 The Panel has a statutory responsibility under the Elected Local Policing Bodies (Complaints and Misconduct) Regulations 2012 for handling complaints 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 complaints alleging criminal conduct to the IPCC
- 2.2 In October 2012 the Panel approved its complaints procedure 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.
- 2.3 In September 2013 the Panel revised its Complaints Procedure to take into account updates to the Regulations. It also 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.
- 2.4 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. The Panel's Complaints Procedure**

- 3.1 The Panel's complaints procedure is displayed on the website, including an online complaint form. [www.westmidlandspcp.co.uk](http://www.westmidlandspcp.co.uk)
- 3.2 Each non-criminal complaint recorded is subject to an 'informal resolution' process. 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.

- 3.3 The Monitoring Officer has the opportunity to 'dis-apply' the informal resolution process, should the complaint fall into a number of categories outlined in legislation.
- 3.4 The PCC must monitor all complaints made about the West Midlands Police, and handles complaints against the Chief Constable. However 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 complaints about the PCC's failure to act in police complaints fall beyond the Panel's jurisdiction and would generally not be recorded under Regulation 10 of the Elected Local Policing Bodies (Complaints and Misconduct) Regulations 2012.

#### **4. Complaints about Panel Members**

- 4.1 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).

#### **5. Summary of Complaints Received 1 November 2016 and 17 July 2017**

- 5.1 The Monitoring Officer has dealt with the following complaints:

One complaint was recorded against the West Midlands PCC, David Jamieson. The complaint was resolved through informal resolution and no further action was taken.

- 5.2 A further 11 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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