

Making a Complaint about the West Midlands Police and Crime Commissioner

This leaflet explains how to complain to the West Midlands Police and Crime Panel about the West Midlands Police and Crime Commissioner (PCC).

This leaflet explains what type of complaints the Panel can consider and the process that will be followed in handling and resolving these complaints.

The full version of the Panel's Complaints Procedure can be found at www.westmidlandspcp.co.uk/complaints/

The Panel has appointed the Birmingham City Council Monitoring Officer to act on the Panel's behalf in handling complaints and brokering informal resolutions. Any reference to 'The Panel' in the Panel's procedures or the Regulations¹ should be read as 'the Monitoring Officer acting on behalf of the Panel'.

We aim to -

- Handle complaints in a fair and independent way.
- Deal with complaints as quickly and effectively as we can.
- Keep all parties informed of progress until the complaint reaches a conclusion.

What complaints can we look at?

The Panel is responsible for dealing with complaints about the conduct of the Police and Crime Commissioner.

"Conduct" means the way things are done or not done, statements are made and the way decisions are taken.

Any complaint alleging criminal conduct will first be recorded by the Panel and then we will pass it onto the Independent Office for Police Conduct (IOPC) for investigation.

Other non-criminal complaints are recorded and then handled by the Panel, usually through a process called Informal Resolution.

If you have an ongoing complaint, we would normally require that complaint process to be completed before we look into the matter.

¹ The West Midlands Police and Crime Panel Complaints and Misconduct Matters Procedures have been developed to ensure compliance with the Elected Local Policing Bodies (Complaints and Misconduct) Regulations 2012 issued under the Police Reform and Social Responsibility Act 2011.

What we can't do

There are certain complaints we can't handle because we do not have the legal power to do so.

There are separate procedures for the following complaints (Contact details are on page 7):

- Complaints about operational policing matters, the performance of the West Midlands Police or any of its officers are dealt with by the West Midlands Police Standards Department.
- Complaints about the Chief Constable or Office for Policing and Crime staff, including the Assistant PCCs and Non-Executive Board Members are dealt with by the Police and Crime Commissioner.
- Complaints about the administration of the Panel should be sent to 'Birmingham Your Views'.
- Complaints relating to the conduct of individual Panel Members should be directed to the relevant Standards Board.

If we decide your complaint should be directed to another body because it falls beyond our remit, we will explain why (see page 3 for more details).

We cannot consider complaints about the PCC's intervention or lack of it into complaints against West Midlands Police, his failure to act as an advocate or to investigate a personal case. The PCC has no remit to act as an advocate for individuals or to investigate individual complaints about West Midlands Police. Nor can he direct the Chief Constable on how to manage an individual complaint.

The Panel is not an appeals body for complaints against West Midlands Police or the Chief Constable and has no power to look into, investigate or order actions to be taken in such cases.

We cannot consider complaints about the merits of a PCC decision, for example, where someone disagrees with a policy the PCC has introduced, although we could consider whether a decision was made properly and in accordance with the PCC's rules and procedures.

If you have a concerns about a particular policy this is something the Police and Crime Panel should be aware of and reflect upon as it scrutinises the PCC's policies. However these concerns cannot be taken up through this complaint procedure.

We have no power to investigate complaints in any way, although we may ask the person complained against to provide information or summon them to answer questions.

Submitting a complaint

Complaints must be submitted in writing. Please complete and return our **Complaint Form** to:

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

Or by email: wmpcp@birmingham.gov.uk

Our **Complaint Form** has been designed help you set out the information we need to process your complaint. The complaint form is at the end of this leaflet. A copy can be downloaded from the Panel's website www.westmidlandspcp.co.uk/complaints , or we can email or post one to you.

We cannot accept complaints via Twitter, Facebook, or telephone.

However in line with the requirements of the Disability Discrimination Act 2000 we can make reasonable adjustments to assist you if you have a disability that prevents you from making your complaint in writing. Please contact us on 0121 464 6871 or email: wmpcp@birmingham.gov.uk.

You can arrange for someone to act on your behalf, such as a friend or relative. However, you must write to tell us you have given your consent before we can discuss your case with them.

How we will deal with your complaint

When we receive a complaint we take the following three steps:

Step 1- Triage and redirecting out of scope complaints

We will first check your complaint is about the conduct of the West Midlands PCC.

If your complaint relates to another police force area we will pass it to the Police and Crime Panel for that area and tell you we have done that.

If the complaint is about operational policing matters, the performance of West Midlands Police or any of its officers we will explain why the Panel can't handle such a complaint and that such complaints should be made to the West Midlands Police Professional Standards Department (See address on page 7).

If the complaint is about the Chief Constable or Office for Policing and Crime staff, the Assistant PCCs or Non-Executive Board Members, these should be passed to the PCC (See address on page 7).

If the complaint relates to a PCC policy or the merits of a PCC decision we will explain why this can't be taken through our complaints procedure, but the Police and Crime Panel may consider it as part of its work programme.

If the complaint purports to be about the PCC but in fact relates to the management of individual cases with the West Midlands Police force or an appeal against a complaint against West Midlands Police or the Chief Constable we will explain why it can't be taken through our complaints process.

Step 2 - Recording your complaint

If your complaint relates the conduct of the PCC we will record it, unless the matter has been or is currently being dealt with by criminal proceedings.

If we decide not to record your complaint we let you know and explain why.

If we record your complaint we will give you and the person complained against a copy of the Record of Complaint. (In certain circumstances your complaint will be kept anonymous or confidential).

Step 3 – Deciding how your recorded complaint will be handled

If we have recorded your complaint at Step 2, we will then decide how to deal with your complaint. This will be one of the following four options A, B, C or D below:

Option A - Is it a Serious Complaint that should be passed to the Independent Office for Police Conduct (IOPC)?

If your complaint alleges criminal conduct (or which appears to involve a criminal offence that can be triable in England and Wales) we will pass the complaint to the IOPC. The IOPC will then decide how to deal with your complaint. We will tell you if we have passed your complaint to the IOPC.

It is possible for the IOPC to refer any complaint back to us for a resolution. The IOPC will let you know if it does this.

Option B – Are there grounds to reject the complaint?

We may decide to reject your complaint and take no action in the following circumstances:

- a) The complaint is by a member of the PCC staff, arising from their work;
- b) The complaint is more than 12 months old where there is no good reason for the delay, or the delay would likely to cause injustice;
- c) The complaint is about the conduct that is already the subject of another complaint;
- d) The complaint is anonymous;
- e) The complaint is vexatious, oppressive or otherwise an abuse of processes for dealing with complaints; or
- f) The complaint is repetitious.

If we decide to take no action regarding your complaint we will notify you and give you the reason for the decision.

Option C - Has the complaint already been satisfactorily dealt with?

If it appears your complaint has already been satisfactorily dealt with by the time it comes to the Panel's attention, we may decide to take no further action.

We will ask for your comments before doing this and consider your views before making this decision.

Option D - Should the complaint be taken forward to Informal Resolution?

If your complaint has not been passed to the IOPC, rejected, or already been dealt with, it will be taken forward to informal resolution.

What is Informal Resolution?

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 letter or in a face to face meeting of the Police and Crime Panel Complaints Sub-Committee.

If the Monitoring Officer decides the complaint can't be resolved based on written information available, they may arrange a meeting of the Complaints Sub-Committee. At the meeting both parties will be invited to make a statement to support their position and answer questions.

In attempting to secure a resolution we will consider whether further information, clarification or explanation is required and/or whether any actions are required and can be agreed with all parties.

We cannot tender an apology on behalf of the person complained against unless the person has admitted the alleged conduct and agreed to the apology.

The Panel has no powers to investigate complaints but is allowed to ask the person complained against to provide information and documents and answer questions.

We cannot impose formal sanctions on the person you have complained about because we do not have the power to do so. Ultimately the PCC is held accountable by the ballot box. However we may publish a report or recommendation.

Outcome of Informal Resolution

A record of the outcome of your complaint will be sent both parties and published if it is deemed in the public interest and only after both parties have been given the chance to comment on the proposed publication.

Timescales for Handling Your Complaint

Wherever possible we will acknowledge receipt of your complaint within 5 working days.

We aim to conclude a complaint within 12 weeks if it is dealt with through informal resolution.

However each case is different and the time taken to reach a conclusion will depend on the nature of the complaint.

We will keep all parties regularly updated of progress until the complaint reaches a conclusion.

We will notify you if we pass your complaint to the IOPC. The IOPC will then decide how to deal with the complaint and will contact you.

Withdrawing a Complaint

If you wish to withdraw your complaint you (or someone authorised to act on your behalf) must tell us in writing via post or email.

We may decide to continue with the complaint if we think it relates to criminal conduct and treat it as a Conduct Matter (this is a complaint without a complainant). If we make this decision we will pass the Conduct Matter to the IPCC to look into. We will tell you if we do this.

Appeals

There is no right of appeal regarding the outcome of the complaint, although the Local Government Ombudsman has the power to investigate the administration of Police and Crime Panels.

If you are unhappy with the way your complaint was handled you can refer the matter to the Local Government Ombudsman (See address on page 7).

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

How to obtain this information in other formats

If you need this document or the Complaint Form in a different format please telephone 0121 303 1727 or email wmpcp@birmingham.gov.uk

Other contact details

West Midlands Police and Crime Commissioner

Online contact form: www.westmidlands-pcc.gov.uk/contact

Telephone: 0121 626 6060

Address: West Midlands Office for Policing and Crime
Lloyd House
Colmore Circus Queensway
Birmingham
B4 6NQ

West Midlands Police Professional Standards Department

Online complaint form: <https://www.west-midlands.police.uk/services/make-complaint>

Telephone: 101

Address: Professional Standards Department
West Midlands Police
Lloyd House
Colmore Circus Queensway
Birmingham B4 6NQ

Independent Office for Police Conduct (IOPC)

Online complaint form: <https://policeconduct.gov.uk/>

Telephone: 0300 020 0096

Address: Independent Office for Police Conduct
PO BOX 473
Sale M33 0BW

The Local Government Ombudsman

Website: www.lgo.org.uk

Telephone: 0300 061 0614

Address: PO Box 4771
Coventry CV4 0EH

Birmingham City Council Your Views

Website: www.birmingham.gov.uk/yourviews

For general information about the **West Midlands Police and Crime Panel** please visit our website at www.westmidlandspcp.co.uk

Use this form to make a complaint about the conduct of the West Midlands Police and Crime Commissioner (PCC)

The Panel must handle complaints in line with the Local Policing Bodies (Complaints and Misconduct) Regulations 2012. More details about how your complaint will be handled are on the Panel website

<http://westmidlandspcp.co.uk/complaints/>

Send your completed form and any supporting documents to:

Post: WMPCP, Scrutiny Office
Room 331
Council House
Victoria Square
Birmingham, B1 1BB

Email: wmpcp@birmingham.gov.uk

Alternatively, you can complete an online complaint form available at

<http://westmidlandspcp.co.uk/complaints/>

1. Your name and contact details

Title:

Name:

Address:

Postcode:

Daytime contact telephone:

Email address:

What is your preferred method of contact? post or email?

If you have arranged for someone to act on your behalf (perhaps a friend or relative) you must write to tell us before we can discuss your case with them.

2. Who are you complaining about? Please tick

David Jamieson - Police and Crime Commissioner

<p>Please note: The West Midlands Police and Crime Panel can only handle complaints about the Police and Crime Commissioner. It does not have the power to look into complaints about West Midlands Police, police officers or staff.</p>
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3. Your complaint

Please provide details of your complaint (continue on a separate sheet if necessary).

Provide as much information as possible, including who was involved, what was said and done, if there was any damage or injury and the details of any witnesses.

Have you spoken to anyone else about this already? If so who?

4. Declaration

In order to determine, record and resolve complaints the Police and Crime Panel may share information contained on this form with the Office of the Police and Crime Commissioner, the Police and Crime Commissioner, and the Independent Office for Police Conduct. If you are unhappy about this, please contact the Panel office before submitting a complaint.

I give my consent for the Panel to share the information contained on this form with the appropriate authority (this may be the Independent Officer for Police Conduct, the Police and Crime Commissioner, or the Office for the Police and Crime Commissioner) for their consideration.

Signed

Date

Do you want any supporting documents you send with this form returned to you? Yes/ No?

What we will do with your complaint

We will first check that the Panel has the power to look at your complaint.

We will write to you to explain how we will deal with your complaint or tell you if it should be sent to another organisation.

If your complaint alleges criminal conduct the Panel must record it first and pass it to the Independent Office for Police Conduct to investigate. We will let you know if we do this.

Sharing your information

The Panel may share information contained in this form with the Office of the Police and Crime Commissioner to establish whether a complaint falls within the Complaints and Misconduct Regulations (and remit of the Panel), and to fact check statements made.

If a complaint is recorded by the Panel the subject of the complaint will be sent a copy of the complaint unless to do so might prejudice any criminal investigation or pending proceedings, or would otherwise be contrary to the public interest.

The Panel must pass complaints alleging criminal conduct to the Independent Office for Police Conduct (IOPC) for investigation.

Help with filling in this form

Complaints must be submitted in writing. If you need any support completing this form please contact us on 0121 303 1727 or wmpcp@birmingham.gov.uk

In line with the requirements of the Disability Discrimination Act 2000 we can make reasonable adjustments to assist you if you have a disability that prevents you from making your complaint in writing.