

Report to: The West Midlands Police and Crime Panel

Report of: The Lead Panel Officer

Date: 15 October 2018

## **Police and Crime Panel Annual Complaints Monitoring**

### **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) since that last annual report for the period 18 July 2017 - 1 October 2018.

### **2 Recommendation**

**That the information contained in the report be noted.**

### **3. Background**

- 3.1 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.
- 3.2 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.
- 3.3 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.
- 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. This report would advise members on the number of complaints received and provide a summary of any actions taken. Details of the complaint, complainant and case files would remain confidential.

### **4. The Panel's Complaints Procedure**

- 4.1 The Panel's complaints procedure is displayed on the website, including an online complaint form. [www.westmidlandspcp.co.uk](http://www.westmidlandspcp.co.uk)

- 4.2 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.
- 4.3 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.
- 4.4 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.

## **5. Complaints about Panel Members**

- 5.1 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 members of the Panel have adopted the Code of Conduct of the host authority (Birmingham)

## **6. Summary of Complaints Received 18 July 2017 – 1 October 2018**

- 6.1 Between 18<sup>th</sup> July 2017 (when the last annual monitoring report was submitted to the Panel) and the 1<sup>st</sup> October 2018; three complaints against the PCC were recorded and taken through the Panel's complaints process. Two of these were referred to the IOPC, who referred back to PCP for informal resolution and took no further action. One went to informal resolution and the complainant was satisfied with the response.
- 6.2 Four complaints were not recorded as they purported to be about the PCC but related to matters that fell beyond his remit.
- 6.3 A further 95 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

### **Lead Officer:**

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