



## **Office of the Police, Fire and Crime Commissioner**

### **Scheme of Delegation relating to complaints**

#### **Overview**

Under the terms of the Policing and Crime Act 2017 the Police, Fire and Crime Commissioner is the appropriate authority for complaints made against the Chief Constable. There are a number of decisions that must be made in relation to the complaints process.

In addition the PFCC also has responsibility to undertake reviews of complaints relating to less serious matters, concerning officers below the rank of Chief Constable where the complaint has not been resolved to the satisfaction of the complainant and they have exercised their right of appeal.

In accordance with the Policing and Crime Act 2017, section 23, the PFCC can delegate any of the functions of the Local Policing Body contained within the Act.

A summary of these decisions are:

- **Recording of complaints**
- **Referral to the Independent Office for Police Conduct (IOPC)**
- **Decisions about how to handle a complaint against the Chief Constable**
- **Appointment of a person to handle the matter**
- **Responsibility to provide the complainant with regular updates**
- **Carrying out severity assessments**
- **Determinations of a complaint**
- **Making Review Recommendations**

These decision making powers are delegated by the PFCC for Northamptonshire to the Monitoring Officer for the Office of Police, Fire and Crime Commissioner.

The Monitoring Officer further delegates these, along with an agreed process for their discharge to ensure the timely and effective management of these processes.

## **Internal process**

The Office of the Police, Fire and Crime Commissioner has an internal process that describes how these delegated responsibilities are administered and discharged.

This is articulated in the table below.

DECISION OR ACTIVITY	RESPONSIBILITY	DISCHARGE AND ADMINISTRATION OF FUNCTION
Recording of Complaints	Director of Delivery	Undertaken by Customer Service Manager and Customer Service Team
Referral to IOPC	Director of Delivery	Undertaken by Customer Service Manager in consultation with Director of Delivery
Handling of complaint about the Chief Constable	Director of Delivery	Director of Delivery
Appointment of person to handle the matter	Director of Delivery	Decision made by Director of Delivery but administration of the process undertaken by Customer Service Manager and Customer Service Team
Providing complainant with regular updates	Director of Delivery	Delivered by Customer Service Team
Carrying out severity assessments	Director of Delivery	Completed by Director of Delivery in conjunction with Customer Service Manager
Determinations of a complaint	Director of Delivery	Completed by Director of Delivery in conjunction with Customer Service Manager
Making review recommendations	Director of Delivery	Decision making by Director of Delivery and administration of process completed by Customer Service Team

## **Terminology and Explanation**

The following provides a brief explanation of the requirements of each of the decisions or activities above

### **Recording Complaints**

There is a requirement to make a decision about whether a submitted complaint relates to the Chief Constable themselves and if so, whether it requires to be informally logged or recorded under Schedule 3 of The Police Reform Act 2012

### **Referral to the Independent Office for Police Conduct**

All complaints relating to the conduct of a Chief Constable that could, if proven amount to misconduct (written warning / final writing warning / reduction in rank / dismissal), or justify the bringing of criminal proceedings, should be referred to the IOPC.

### **Decisions about how to handle a complaint against the Chief Constable**

The IOPC Statutory guidance sets out that a complaint must be investigated if the appropriate authority determines that the conduct complained about could justify the bringing of disciplinary or misconduct proceedings.

### **Appointment of a person to handle the matter**

The IOPC Statutory Guidance sets out a requirement for the appropriate authority to appoint a person to handle the matter.

### **Responsibility to provide the complainant with regular updates**

The IOPC Statutory Guidance sets out a requirement for the appropriate authority to provide the complainant with regular updates.

### **Carrying out severity assessments**

The IOPC Statutory Guidance sets out the complaints assessed as being so serious that, if proven, the bringing of criminal or misconduct proceedings could be justified, a severity assessment should be carried out. This will determine whether, according to the information available, the conduct would amount to misconduct or gross misconduct.

### **Determinations of a complaint**

According to the IOPC Statutory Guidance, the outcome of a complaint should include a determination of whether:

- The service provided by the police was acceptable
- The service provided by the police was not acceptable, or
- We have looked into the complaint, but have not been able to determine if the service provided was acceptable

If the complaint was subject to special procedures, the outcome of the complaint should also include a determination regarding whether the matter should be referred to:

- Reflective Practice Review Process
- Unsatisfactory Performance Procedures
- Misconduct Proceedings
- Criminal Proceedings

### **Making Review Recommendations**

As the relevant review body for less serious complaints the PFCC is responsible for conducting complaint reviews and making recommendations to the Force.