

COMPLAINTS POLICY STATEMENT

1. Introduction

- 1.1 This Policy Statement sets out Cambridgeshire Police and Crime Commissioner's (the "Commissioner") approach to complaints and conduct matters that he has a legal responsibility for dealing with. The Policy also provides details of how to complain about the conduct of the Commissioner and those officers within his office.
- 1.2 The Policing and Crime Act 2017 and supporting regulations made significant changes to the police complaints and disciplinary systems. The legislation introduced a number of changes to existing legislation (such as the Police Reform Act 2002) which are designed to achieve a more customer-focused complaints system. This, in part, has impacted on the way complaints against Cambridgeshire Constabulary are handled.

2. What constitutes a complaint

- 2.1 Independent Office of Police Conduct (IOPC) definition of a complaint -
"A complaint is any expression of dissatisfaction with a police force that is expressed by, or on behalf of, a member of the public. It must be made by a person who meets the definition of a complaint. There must also be some intention from the complainant to bring their dissatisfaction to the attention of the force or local policing body. A complaint does not have to be made in writing, nor must it explicitly state that it is a complaint for it to be considered as one".

3. Who can be complained about

- 3.1 **Chief Constable of Cambridgeshire Constabulary.** The Police Reform Act 2002 (as amended) gives the Commissioner (as the appropriate authority) the legal responsibility for handling complaints in respect of conduct matters, or death or serious injury relating specifically to the acts, omissions, statements and decisions of the Chief Constable.
- 3.1 **Police officers and police staff.** The Chief Constable of Cambridgeshire Constabulary is the appropriate authority and responsible for handling complaints or conduct matters concerning Constabulary officers and staff. In practice, the Chief Constable has delegated the handling of such matters, in the first instance, to the constabulary's Incident Review Team. More serious allegations (criminal offences, death or serious injury) will be referred to the collaborated Professional Standards Department (PSD) for Cambridgeshire Constabulary, Bedfordshire Police and Hertfordshire Constabulary.
- 3.2 **Office of the Cambridgeshire Police and Crime Commissioner (OPCC).** A complaint may also be submitted where a member of the public feels that they are not satisfied with the service they have received from officers of the OPCC. This service could include the behaviour or conduct of an officer or whether a policy or procedure has not been followed. This includes the Chief Executive of the OPCC, other officers and volunteers such as Independent Custody Volunteers.

- 3.3 **The Commissioner and Deputy Commissioner.** The Cambridgeshire Police and

Crime Panel are responsible for dealing with complaints against the Commissioner and the Deputy Police and Crime Commissioner. The Panel have their own procedure regarding how they handle these complaints. Details of how to contact the Police and Crime Panel are given at Annex A.

4. Who can complain

- 4.1 A complaint or an expression of dissatisfaction (see 2.1 above) which can be communicated verbally or in writing. However we would ask that verbal complaints are followed up in writing by the complainant.
- 4.2 A complainant can be a member of the public who claims that the conduct took place in relation to him or her, who claims to have witnessed it, or been adversely affected by the conduct, even though it did not take place in relation to him or her. However, a person acting on behalf of someone who falls within any of the above categories, can complain with their written consent. A person cannot be a complainant by claiming to be adversely affected if they have only seen or heard the conduct or its effects.

5. Our approach

- 5.1 In handling complaints, the Commissioner and the OPCC recognise that it is essential that complaints are handled appropriately to ensure that service users feel confident that their complaints are heard, considered and acted upon promptly and fairly. If the OPCC receive a complaint against a police officer below the rank of Chief Constable, we will forward this to the appropriate authority to deal with the complaint. In the first instance this is the constabulary's Incident Review Team. If the Incident Review Team cannot resolve the complaint to the satisfaction of the complainant, the complainant can request that this is forwarded to the constabulary's Professional Standards Department to be recorded and investigated.
- 5.2 The Police Reform Act 2002 requires Police and Crime Commissioners to undertake a review of complaints that have been recorded and investigated by Professional Standards and where the complainant is not satisfied with the outcome of their complaint. The Commissioner delegates the Review function to staff within his office.
- 5.3 The OPCC will take a proportionate approach to any review of a complaint to ensure that, in the public interest, our investigative resources are focused and employed efficiently and fairly, see para 7.2 below.

6. Procedure for handling complaints

- 6.1 **Complaints against the Chief Constable.** The Commissioners Scheme of Governance enables the OPCC to consider any complaint made against the Chief Constable and where appropriate to make arrangements to deal with the complaints.
- 6.2 Following receipt of a complaint against the Chief Constable the OPCC will assess whether the complaint falls within the scope of the Policing and Crime Act 2017 and the complainant's eligibility to make a complaint. Also, whether the matter relates to conduct and or death or serious injury and whether the complaint should be recorded. Local Policing Bodies (the OPCC) are the appropriate authority only when a complaint is about the conduct of a Chief Constable. If the complaint relates to decisions in general or about decision delegated by the Chief Constable these matters will be referred to the constabulary's Incident Review Team.
- 6.3 Complaints will be dealt with in accordance with the IOPC Statutory Guidance to the March 2021

police service on the handling of complaints. In certain circumstances the OPCC will, when required, refer the matter to the IOPC for independent consideration.

- 6.4 The OPCC will inform the complainant of their decision whether to record the complaint or not and the reasons behind the decision. The complainant will be informed in writing of any outcome as well as any right of appeal.

7. Appeals and Reviews

- 7.1 Appeals - although we recognise that some complainants might be frustrated regarding the outcome of their complaint, in circumstances where a legal right of appeal exists (for complaints against the Chief Constable), it can provide an opportunity for a complainant to challenge a decision or outcome. Complainants will be dealt with by the appropriate body in accordance with guidance and policy and informed of their right to appeal a decision, by the OPCC, not to record the complaint or to take no further action.

- 7.2 Reviews - complainants have the right to a review for complaints formally recorded under schedule 3 of the Policing and Crime Act 2017 by the constabulary's Professional Standards Department (PSD). Reviews will be undertaken by the OPCC, if eligible and where the complainant requests a review. Reviews will be dealt with in an impartial, transparent and accountable manner in accordance with statutory duties and responsibilities. A civil standard of proof will be applied in reaching a conclusion in respect of any review. That standard being on the balance of probabilities whether it is more likely than not that the conduct alleged did in fact take place based on the facts available. This standard of proof is not affected by the severity of the allegation made. For further information on the review process can be found [here](#).

- 7.3 The OPCC will also ensure that any learning is captured and shared with Cambridgeshire constabulary.

8. Management of Repetitious and Vexatious Complaints

- 8.1 Some complainants may make unnecessary repetitious or disproportionate demands on OPCC staff. This could include excessive contact, submitting repeat complaints essentially about the same issues, making attempts to re-open an issue which has been concluded. Equally this could be where a complainant's behaviour is abusive or aggressive towards officers of the OPCC which is beyond an acceptable level. Such demands and behaviours may lead the OPCC to consider the complaint to be vexatious, oppressive or an abuse of the procedures for dealing with complaints and will choose to deal with it appropriately.

9. Transparency

- 9.1 Complaints made against the Police and Crime Commissioner, Deputy Police and Crime Commissioner, officers of the Police and Crime Commissioner and the Chief Constable will be published, on the Commissioners website, at the end of the financial year in which they were made and in accordance with the Police Reform and Social Responsibility Act 2011.

10. Policy Review

- 10.1 This Policy will be reviewed annually, the next review scheduled for February 2022

Complaints against Cambridgeshire constabulary officers and/or staff. In the first instance please contact the constabulary's Incident Review Team, via email crtcams@cambs.pnn.police.uk. For further information on how to make a complaint and how your complaint will be dealt with please refer to [Cambridgeshire Constabulary's website](#).

In the event you are not satisfied with the outcome of your complaint undertaken by Cambridgeshire constabulary and you are in receipt of the complaint outcome letter from the constabulary's Professional Standards Dept please refer to the OPCC website for information on how to request a "[Review](#)" of this decision. Review forms should be returned to:

Cambridgeshire Police and Crime Commissioner PO Box 688

Huntingdon PE29 9LA

By email: Review-CambsOPCC@cambs.pnn.police.uk

Complaints against the Chief Constable of Cambridgeshire Constabulary and the Chief Executive of the Cambridgeshire Office of the Police and Crime Commissioner please write to:

Police and Crime Commissioner

Cambridgeshire Police and Crime Commissioner PO Box 688

Huntingdon PE29 9LA

By email: cambs-pcc@cambs.pnn.police.uk

Complaints against the officers of the Office of the Police and Commissioner please write to:

James Haylett, Chief Executive

Office of the Cambridgeshire Police and Crime Commissioner PO Box 688

Huntingdon PE29 9LA

By email: cambs-pcc@cambs.pnn.police.uk

Complaints against the Cambridgeshire Police and Crime Commissioner and the Deputy Police and Crime Commissioner please contact:

James Haylett, Chief Executive

Office of the Cambridgeshire Police and Crime Commissioner PO Box 688

Huntingdon PE29 9LA

By email: cambs-pcc@cambs.pnn.police.uk

A copy of the **Police and Crime Panel's Complaints Procedure** can be found at:

<http://democracy.peterborough.gov.uk/mgCommitteeDetails>

Contact Officer for the Cambridgeshire Police and Crime Panel:

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