

COMPLAINTS POLICY STATEMENT

1. Introduction

- 1.1 The Complaints Policy Statement sets out the Cambridgeshire and Peterborough 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, the Deputy Police and Crime Commissioner (DPCC), members of the Office of the Police and Crime Commissioner (OPCC) and Cambridgeshire Constabulary (the "Constabulary").
- 1.2 The Policing and Crime Act 2017 and supporting regulations made significant changes to the police complaints and disciplinary systems. The legislation introduced several 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 the Constabulary are handled.

2. What constitutes a Complaint?

- 2.1 The Independent Office of Police Conduct's (IOPC) definition of a complaint is as follows -

"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 complainant... 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".

2.2 A complaint can be communicated verbally or in writing. However, we ask that verbal complaints are followed up in writing by the complainant, wherever possible.

3. Who can make a Complaint?

3.1 When making a complaint about the conduct of an individual, the complainant must be a member of the public who;

- claims to be the person in relation to whom the conduct took place;
- claims to have been adversely affected by the conduct;
- claims to have witnessed the conduct; or;
- is acting on behalf of someone who satisfies one of the above three criteria.

3.2 When the complaint is not about the conduct of an individual, the complainant must be a member of the public who;

- was adversely affected by the matter complained about; or;
- is acting on behalf of someone who was adversely affected by the matter complained about.

3.3 A person will be considered to have been 'adversely affected' if they have suffered any form of loss, damage, distress or inconvenience as a result of the matter complained about, if they have been put in danger, or otherwise unduly put at risk of being adversely affected.

4. Procedure for Handling Complaints

4.1 Complaints against police officers and staff.

The Chief Constable of Cambridgeshire Constabulary is the appropriate authority responsible for handling complaints about Constabulary officers and staff. In practice, the Chief Constable has delegated the initial handling of such matters to the Constabulary's Complaint Review Team (CRT). More serious allegations, involving criminal offences, death or serious injury, will subsequently be referred to the Constabulary's collaborated Professional Standards Department (PSD) for Cambridgeshire Constabulary, Bedfordshire Police and Hertfordshire Constabulary.

4.2 **Complaints against the Chief Constable.**

The Commissioner is the appropriate authority to deal with complaints against the Chief Constable. The Police Reform Act 2002 (as amended) gives the Commissioner the legal responsibility for handling complaints against the Chief Constable in respect of conduct matters, or death or serious injury relating specifically to the acts, omissions, statements and decisions of the Chief Constable. In practice, the Commissioner has delegated the initial handling of such matters to his staff in the OPCC. 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 a decision that has been delegated by the Chief Constable, the complaint will be referred to CRT for dealing.

4.3 **Complaints against the Office of the Police and Crime Commissioner (OPCC).**

Complaints about the OPCC are dealt with internally. A complaint may include the behaviour or conduct of a staff member, or whether a policy or procedure has not been followed. This includes the Chief Executive Officer (CEO) of the OPCC, staff members and volunteers (such as Independent Custody Visitors). Complaints against the CEO are handled by the Chief Finance Officer (CFO) for the OPCC, whereas complaints against members of staff and volunteers are initially handled by a member of senior management.

4.4 **Complaints against the Police and Crime Commissioner and Deputy Police and Crime Commissioner (DPCC).**

A complaint against the Commissioner, or DPCC, must be based on their conduct and not a difference of opinion, or the conduct of their staff where the Commissioner has delegated a responsibility to them. A complaint against the Commissioner, or DPCC, will not be recorded where it is made on the basis that they do not agree with you, or have not upheld a review of your complaint.

Criminal complaints against the Commissioner, or DPCC, will be referred to the IOPC for handling. The Cambridgeshire Police and Crime Panel are responsible for dealing with non-criminal complaints against the

Commissioner and the DPCC. The Panel have their own procedure regarding how they handle these complaints. This can be viewed by visiting their website at the following link: [Cambridgeshire Police and Crime Panel's Website](#)

5. Our Approach

- 5.1 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.
- 5.2 Complaints will be dealt with in accordance with the IOPC Statutory Guidance on the handling of complaints. When required, the OPCC may refer a complaint to the IOPC for independent consideration.
- 5.3 When a complaint is received, the OPCC will inform the complainant of their decision whether to record a complaint or not and the reasons behind the decision. The complainant will be informed of any complaint outcome as well as any right of appeal.
- 5.4 Where the OPCC receive a complaint against a police officer below the rank of Chief Constable, we will forward this to the appropriate authority, that being the Constabulary, for CRT to deal with in the first instance. If CRT cannot resolve the complaint to the satisfaction of the complainant, the complainant can request that CRT forward the complaint to PSD to be formally recorded under Schedule 3 of the Police Reform Act 2002.

6. Complaint Reviews

- 6.1 The Police Reform Act 2002 requires Police and Crime Commissioners to undertake a review of complaints that have been formally recorded and investigated by the Constabulary, where the complainant is not satisfied with the outcome. The Commissioner delegates this review function to staff within his office.
- 6.2 Reviews will be dealt with in an impartial, transparent and accountable

manner in accordance with the Commissioner's statutory duties and responsibilities, referring to the IOPC Statutory Guidance. The OPCC will capture any learning identified within the review and progress this with the Constabulary as appropriate.

6.3 The outcome of a complaint review is final. A complainant is unable to make a complaint to the OPCC, IOPC or Constabulary about the outcome of a review of their complaint. Complaints received solely in relation to the outcome of a review, will not be recorded or investigated. The outcome of a complaint review can only be overturned by a Judicial Review. If a complainant wishes to seek a Judicial Review, they may wish to pursue their own legal advice.

6.4 If you wish to request a review of a complaint that has been formally recorded and dealt with by Cambridgeshire Constabulary, and you have been advised that Cambridgeshire OPCC is the relevant review body, you can do so via one of the following ways:

- By email: Review-CambsOPCC@cambs.police.uk
- By post: Review, Compliance and Governance Officer,
Cambridgeshire Police and Crime Commissioner, PO Box 688,
Huntingdon PE29 9LA
- By telephone: 0300 333 3456

7. Management of Repetitious and Vexatious Complaints

7.1 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.

8. Transparency

8.1 Complaints made against the Police and Crime Commissioner, Deputy Police and Crime Commissioner, OPCC staff and volunteers, and the Chief Constable, will be published on the Commissioner's 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.

9. Policy Review

9.1 This Policy will be reviewed annually, the next review scheduled for July 2023.

10. How to make a Complain

10.1 Complaints against police officers and staff.

To raise a complaint or expression of dissatisfaction against Cambridgeshire Constabulary, including one of its officers or staff, please contact the Constabulary's Complaint Review Team (CRT), via email at crtcamb@cambs.police.uk or by visiting the Constabulary's website at the following link: [Cambridgeshire Constabulary Complaints](#)

10.2 Complaints against the Chief Constable.

To raise a complaint against the Chief Constable of Cambridgeshire Constabulary, please contact Cambridgeshire OPCC in one of the following ways:

- By email: cambs-pcc@cambs.police.uk
- By post: Review, Compliance and Governance Officer,
Cambridgeshire Police and Crime Commissioner, PO Box 688,
Huntingdon PE29 9LA
- By telephone: 0300 333 3456

10.3 Complaints against the Office of the Police and Crime Commissioner (OPCC).

To raise a complaint against the OPCC, or a member of its staff or volunteers, please contact Cambridgeshire OPCC in one of the following ways:

- By email: cambs-pcc@cambs.police.uk
- By post: Head of Business Development, Cambridgeshire Police and Crime Commissioner, PO Box 688, Huntingdon PE29 9LA
- By telephone: 0300 333 3456

10.4 **Complaints against the Police and Crime Commissioner and Deputy Police and Crime Commissioner.**

To raise a non-criminal related complaint against the Cambridgeshire Police and Crime Commissioner, or Deputy Police and Crime Commissioner, please contact the Cambridgeshire Police and Crime Panel in one of the following ways:

- By email: jane.webb@peterborough.gov.uk
- By post: The Clerk to the Police and Crime Panel, Peterborough City Council, Town Hall, Bridge Street, Peterborough, Cambridgeshire PE1 1HF

To raise a criminal related complaint against the Cambridgeshire Police and Crime Commissioner, or Deputy Police and Crime Commissioner, please contact the IOPC by visiting their website at the following link: [IOPC Website](#)