



# BEDFORDSHIRE POLICE AUTHORITY COMPLAINTS PROCEDURE

**REFERENCE NUMBER** : **BPA 10A**  
**RELATES TO POLICY NO** : **BPA 10**

**NEW or REVISED POLICY** : **Revised**  
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**Revision History** :

**POLICY OWNER (Dept)** : **Bedfordshire Police Authority**  
**POLICY AUTHOR (Job Title)** : **Chief Executive/Treasurer**

**IMPLEMENTATION DATE** : **November 2009**  
**REVIEW DATE** : **November 2011**

## 1. Background

### General

- 1.1 The Bedfordshire Police Authority have specific duties in relation to the handling of complaints and has established a range of avenues for handling these depending on the nature of the complaint and against whom the complaint is being made. Appendix 1 attached indicates the appropriate routing for each major category of complaint against officers of the Force and the broad distribution of responsibilities between the Authority and Force when handling such complaints.
- 1.2 Complaints against serving officers below the rank of Assistant Chief Constable (ACC) are directly managed by the Force and covered by a separately documented policy and procedure. The procedure documented here describe, in outline, the processes for handling the various types of complaint with which the Authority may itself be required to directly manage. These are:
- Complaints against Senior Police Officers. (para 2.1)
  - Complaints against the Police Authority. (para 2.2)
  - Complaints against Police Authority Members. (para 2.3)
  - Complaints against the Monitoring Officer, Chief Executive or other Authority staff/ Support Service contractors. (para 2.4)

The remainder of this section sets out details of the responsibilities that various individuals and organisations have within the process. The processes themselves are outlined within Section 2.

## **The Police Authority and Monitoring Officer**

- 1.3 The Police Authority is responsible for handling complaints against police officers of the rank of Assistant Chief Constable<sup>1</sup> and above, and also for the general oversight of the conduct of complaints and professional standards issues through its Complaints and Professional Standards Committee.
- 1.4 The Authority also has a responsibility for ensuring that its business is conducted effectively and efficiently and with due probity. In relation to the maintenance of probity standards, the Authority is required to appoint a Monitoring Officer<sup>2</sup>.

### **1The Chief Constable**

- 1.6 The Chief Constable is responsible for disciplinary matters and handling complaints against police officers.<sup>3</sup> The Chief Constable reports on this area to meetings of the Police Authority's Complaints and Professional Standards Committee which monitors the handling of complaints against police officers on behalf of the Police Authority..

## **The Independent Police Complaints Commission**

- 1.7 The Independent Police Complaints Commission (IPCC) was established by an Act of Parliament.<sup>4</sup> The IPCC may choose to independently investigate the most serious incidents, manage an investigation by the police or supervise such an investigation.
- 1.8 The majority of complaint cases will be dealt with by the Force's Professional Standards Department, which maintains a close link with the IPCC. However, the Police Authority, through its Complaints and Professional Standards Committee, has certain statutory duties in relation to complaints. These are:
- To monitor complaints and discipline matters within the force.
  - To ensure the IPCC is, where appropriate is furnished with the access, information and documentation to carry out its functions.
  - Refer a complaint or misconduct issue to the IPCC where the Chief Constable does not, if the Authority deems it appropriate to do so.
- 1.9 The Police Authority is the "Appropriate Authority" for recording and investigating complaints and conduct matters against senior police officers; that is officers of Assistant Chief Constable rank and above.

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<sup>1</sup> Police Act 1996 s. 68

<sup>2</sup> Local Government Act 1989 s.5

<sup>3</sup> Police Act 1996 s. 69

<sup>4</sup> Police Reform Act 2002, Part 2

## **Standards for England (previously The Standards Board for England)**

- 1.10 The Standards Board for England was established by an Act of Parliament<sup>5</sup> to oversee the Code of Conduct for Local Government including Police Authorities. The role of Standards for England has changed following the introduction of the local standards framework which gives the Police Authority responsibility for upholding the ethical behaviour of its members. Standards for England are now a strategic regulator using their experience of working in standards to formally evaluate the framework, provide independent oversight and decide how it should work in practice.
- 1.11 Standards for England will determine which cases it will investigate in the public interest as set out in the guidance it has issued 'Local Assessment of Complaints'. If it declines to investigate a complaint referred to it the complaint will be sent to the Authority's Standard Committee.

### **The Standards Committee**

- 1.12 The Bedfordshire Police Authority, as required by the Local Government Act 2000, has established a Standards Committee. This Committee, which meets at least twice a year or more frequently if required. The Police Authority's Standard Committee is responsible for considering complaints that a member may have breached the Authority's Code of Conduct. Through two sub-committees, namely an Initial Assessment Sub-Committee and a Review Sub-Committee, the Standards Committee will perform the roles required under the Regulations for the local assessment of complaints in relation to a member or co-opted member of the Authority that they have failed or may have failed to comply with the Authority's Code of Conduct. The Code of Conduct can be accessed on the Authority's website or at its offices.

### **The Local Government Ombudsman**

- 1.13 The Commission for Local Administration in England (CLA) or Local Government Ombudsman service was established under an Act of Parliament<sup>6</sup> as an independent body responsible for investigating cases of alleged injustice arising from maladministration on the part of local authorities, including Police Authorities, and of certain other bodies. The Local Government Ombudsman cannot investigate some specific matters. These include:
- Matters that have already been, or could be appealed to a tribunal or government minister.
  - Matters concerning the community in general.
  - Court proceedings.
  - Personnel matters and the internal management of schools and colleges.

All other maladministration issues can be referred to the ombudsman.

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<sup>5</sup> Local Government Act 2000 s.57

<sup>6</sup> Local Government Act 1974 Part III

## **Persistent Complainants**

- 1.14 There are a number of routes available for the handling of complaints depending on the nature of the complaint. If a complainant, having exhausted all the avenues available and having been formally informed of the final results of adjudication on their case, continues to complain about the same issue to the Authority, the Authority may consider actions to protect itself and its staff from continuing unwarranted and unnecessary communication.

## **2. Procedures**

### **2.1 Complaints against Senior Police Officers**

- 2.1.1 A complaint against a senior police officer (ACPO rank) must be managed, and investigated if appropriate, by the Police Authority.

A complaint against a senior police officer may be categorised as either:

- A complaint about the misconduct of that officer.
- A complaint about “direction and control”.

- 2.1.2 The Police Reform Act 2002 broadened the definition of a complainant. A complaint can be made by:

- Any member of the public who alleges that police misconduct was directed at them.
- Any member of the public who alleges that they have been adversely affected by police misconduct, even if not directed at them.
- Any member of the public who claims to have witnessed police misconduct.
- A person or member of an organisation acting, with written permission on behalf of someone in the first three categories.

- 2.1.3. If a complaint is received about the conduct of a senior police officer the Authority will undertake an initial investigation of the allegation(s).

A complaint could be about any aspect of a senior police officer's conduct including:

- Behaviour/attitude.
- Inappropriate language.
- Actions or omissions.
- Criminal behaviour.

It should be noted that there is a statutory requirement for the Authority to obtain and provide evidence in such cases.

- 2.1.4 The Authority is required to decide whether to "record" a complaint about a senior police officer. IPCC guidance is that the Authority should start with the presumption that where a member of the public expresses dissatisfaction which, prima facie, is a complaint about conduct, it is valid under the Police Reform Act 2002 and should be recorded. Where a decision is taken by the Authority not to record a complaint, the reason for this should be explained to the complainant. The complainant must be advised of the right of appeal to the IPCC. The IPCC leaflet "Appealing against the non-recording of a complaint" must be given to the complainant.
- 2.1.5 Detailed guidelines for the handling of complaints about the conduct of senior police officers are given in statutory guidance issued by the IPCC<sup>7</sup> and Bedfordshire Police process complaints in accordance with that advice. A series of standard forms and processes are used to ensure that as far as possible, processes for handling complaints are mirrored across both the Force and Authority. (see appendix 2 for flow diagram)
- 2.1.6 The Monitoring Officer manages the Authority's complaints process and, following discussion with the Chief Constable (HMIC where the Chief Constable is the subject of the complaint), will decide on whether individual complaints against Senior Police Officers will be recorded. The Chair of the Complaints and Professional Standards Committee will be apprised of the case and those complaints to be investigated will be recorded within 10 working days of their receipt. All complainants should be notified by the Monitoring Officer of the decision and, if appropriate, of any avenues of appeal against a decision not to record.
- 2.1.7 If recording takes place, the investigation process to be used will be decided by the Monitoring Officer after consultation with the Head of the Professional Standards Department. Options are:-
- In house investigation by the Professional Standards Department.
  - Investigation by another Force.- effectively more removed and should facilitate a more apparent objectivity where a case requires it.
  - Referral to the IPCC for investigation - this is a statutory duty in serious cases.
- The Chief Executive and Chair of the Complaints and Professional Standards Committee will be kept informed of progress and options used.
- 2.1.8 Each case is also reviewed to ensure it is not sub-judice. If it is, the investigation of the complaint will be postponed until the court process is completed.
- 2.1.9 A database is maintained by the Professional Standards Department of all recorded complaints against police officers together with their outcomes. Police Authority cases are included in this database and the data recording standards used comply with those required by the IPCC.
- 2.1.10 All complainants are notified of the results of investigations relating to their complaint.
- 2.1.11 Complaints against the Force Director of Corporate Services are handled by the Chief Constable in conjunction with the ACPO Portfolio holder for Professional Standards any appropriate cases would also involve consultation with the Monitoring Officer.

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<sup>7</sup> IPCC Statutory Guidance, "Making the new police complaints system work better" - August 2005.

## **Complaints about direction and control exercised by a senior police officer.**

2.1.12 Direction and control of the force is defined as the independent operational responsibility and discretion held by a chief officer (Chief Constable). Direction and control of the force by the chief officer is taken to include the direction and control by any person serving under the chief officer e.g., DCC, ACC, Basic Command Unit (BCU) Commanders. A complaint relating to direction and control is one that concerns:

- Operational policing policies (where there is no issue of conduct).
- Organisational decisions.
- General policing standards in the force.
- Operational management decisions (where there is no issue of conduct).

2.1.13 Complaints regarding support functions, e.g. Finance, Procurement, Human Resources, Estates, etc. are not considered as direction and control complaints and should be dealt with by the appropriate departmental head within the Force or Authority.

2.1.14 Complaints about direction and control may be received by:

- The Police Authority.
- The Association of Chief Police Officers (ACPO) office.
- The BCU in question.
- The Force's Professional Standards Department.

2.1.15 The Monitoring Officer deals with complaints that are received by the Police Authority. Details, together with any initial response, are passed promptly to the Professional Standards Department. These are registered and dealt with in accordance with the procedures outlined in Force Policy/Procedure The Head of Professional Standards will provide an update to the Monitoring Officer within 28 days of recording the complaint and regular updates thereafter.

2.1.16 The Authority, as with complaints about police conduct, has a duty to monitor and scrutinise complaints about direction and control. Reports containing details of the number, type and outcome of such complaints will be presented to the Complaints and Professional Standards Committee (and files will be made available to Members for scrutiny). The Authority will monitor that agreed procedures and time-scales are followed by the Force.

## **2.2 Complaints Against the Police Authority**

2.2.1 Any complaint regarding Police Authority activity should initially be directed to the Monitoring Officer to the Authority who will register the complaint and give an initial response to the complainant within 10 days. At a minimum that response will be on whether the matter raised will or will not be investigated. The Monitoring Officer will also regularly report the issue and progress on it to the Police Authority.

- 2.2.2 Where a complaint is registered for investigation, the Monitoring Officer may undertake the investigation personally or where appropriate use internal or external assistance in order to bring a resolution. The Monitoring Officer will regularly inform the complainant of progress.
- 2.2.3 If agreement cannot be reached and the complainant continues to feel they have suffered an injustice as a result of maladministration by the Authority, they may complain to the Local Government Ombudsman.
- 2.2.4 Maladministration can include failing to receive a service to which a person is entitled or suffering financial loss or distress as a consequence of something the Police Authority has done or has failed to do. The Local Government Ombudsman cannot deal with complaints about the investigation or prevention of crime nor any of the other exceptions listed earlier in para. 1.13. Only after investigation by the Authority and failure to resolve the complaint will the Local Government Ombudsman agree to become involved.
- 2.2.5 Details of the Local Government Ombudsman's complaints procedures can be found on their web site - [www.lgo.org.uk](http://www.lgo.org.uk).

### **2.3. Complaints against individual Members of the Police Authority**

- 2.3.1 Every authority is required to adopt the Code of Conduct which sets out rules governing the behaviour of an authority's members. Each authority's Code must include the provisions of the Model Code of Conduct approved by Parliament. The government issued the current Model Code of Conduct for members on 4 April 2007. The Code covers all elected, co-opted and independent members of the Police Authority.
- 2.3.2 Complaints about a Member received by the Authority or Force should be submitted to the Monitoring Officer to the Authority who will determine whether the complaint should be directed to the Initial Assessment Sub-Committee of the Authority's Standards Committee or whether another course of action is appropriate. If the complaint is clearly not about member conduct then the Monitoring Officer will not pass it to the Initial Assessment Sub-Committee but will take appropriate alternate action.
- 2.3.3 All complaints must provide the following information:
- the complainant's name, address and other contact details (i.e. telephone numbers and email address);
  - the complainant's status (for example, member of the public, member or officer);
  - the name of the person about whom the complaint is made;
  - details of the alleged misconduct including the date(s), witness details and other supporting information.

Complainants should be aware that in most circumstances, their identity will be disclosed to the member in relation to which the complaint is made. However in exceptional circumstances, providing relevant criteria are satisfied and at the discretion of the Standards Committee, this information may be withheld.

### **Action on Receipt of a Complaint**

- 2.3.4 The Monitoring Officer may on receipt of the complaint take the administrative step of acknowledging receipt of the complaint and telling the member about whom the complaint is made that a complaint has been made about them. The notification to a member may say that a complaint has been made, state the name of the complainant (unless the complaint has requested confidentiality and the Initial Assessment Sub-Committee has not yet considered whether or not to grant it), and the relevant paragraphs of the Code of Conduct that are alleged to have been breached. Further, the member should be advised that a written summary of the allegation will only be provided to the member once the Initial Assessment Sub-Committee has met to consider the complaint, and the date of this meeting if known.
- 2.3.5 If the Monitoring Officer chooses to advise the member, the Monitoring Officer will need to be satisfied that they have the legal power to disclose the information they choose to reveal. In this regard consideration will, amongst other things need to be given to Section 63 of the Local Government Act 2000 and as modified by Regulation 12 of the Standards Committee (England) Regulations 2008. Only the Standards Committee has the power, under Section 57C(2) of the Local Government Act 2000 to give a written summary of the allegation to the member.
- 2.3.6 Where the Monitoring Officer is satisfied that a complaint is about member conduct they shall arrange for a meeting of the Initial Assessment Sub-Committee.

### **Initial Assessment Sub-Committee**

- 2.3.7 In readiness for a meeting of the Initial Assessment Sub-Committee the Monitoring Officer should be in position to provide the following details:
- whether the complaint is within jurisdiction;
  - the paragraphs of the Code of Conduct that the complaint may relate to or that the complainant has identified;
  - a summary of the key aspects of the complaint if it is lengthy or complex;
  - any further information that the Monitoring Officer has obtained to assist the Initial Assessment Sub-committee with its decision; this may include:
    - a copy of the declaration of acceptance of office form and an undertaking to observe the code;
    - minutes of meetings;
    - a copy of a member's entry in the register of interests.
- 2.3.8 The Monitoring Officer may also contact the complainant for clarification of their complaint if they are unable to understand the document submitted. However pre-assessment inquiries should not be undertaken in such a way as to amount to an investigation. For example, they should not extend to interviewing potential witnesses, the complainant or the member subject to the complaint.
- 2.3.9 Before assessment of a complaint begins the Initial Assessment Sub-Committee should be satisfied that:

- the complaint is made against one or members of the Authority;
- the named member was in office at the time of the alleged conduct and the Code of Conduct was in force at the time;
- the complaint, if proven, would be a breach of the Code under which the member was operating at the time of the alleged misconduct.

2.3.10 If the complaint fails one or more of these tests it will not be investigated as a breach of the Code. The complainant will be advised that no further action will be taken in respect of the complaint.

### **Assessment Criteria**

2.3.11 In considering a complaint the Initial Assessment Sub-Committee will have regard to the following non-exhaustive list of criteria:

- Has the complainant submitted sufficient information to satisfy the Initial Assessment Sub-Committee that the complaint should be referred for investigation or other action?
- Is the complaint about someone who is no longer a member of the Authority but is a member of another Authority? In such circumstances does the Initial Assessment Sub-Committee wish to refer the complaint to the Monitoring Officer of that other authority?
- Has the complainant already been the subject of an investigation or other action relating to the Code of Conduct?
- Has the complaint already been the subject of an investigation or other action relating to the Code of Conduct?
- Is the complaint about something that happened so long ago that there would be little benefit in taking action now?
- Is the complaint too trivial to warrant further action?
- Does the complaint appear to be simply malicious, politically motivated or tit-for-tat?

### **Initial Assessment Decisions**

2.3.12 The Initial Assessment Sub-Committee should, where practicably possible, meet and complete the initial assessment within 20 working days of receipt of a complaint.

2.3.13 The decisions that may be reached upon a complaint comprise the following:

- referral of the complaint to the Monitoring Officer of the Authority concerned, which under Section 57A(3) of the Local Government Act 2000, may be another Authority;
- referral of the complaint to Standards for England;
- referral for other action;
- no action should be taken in respect of the complaint.

#### Referral for local investigation

2.3.14 Where the Initial Assessment Sub-Committee considers a new complaint, it can decide that it should be referred to the Monitoring Officer for investigation. The Monitoring Officer must then write to the relevant parties advising them of the decision and, where appropriate, advising them of who will be responsible for conducting the investigation.

#### Referral to Standards for England

2.3.15 In most cases the Authority will be able to deal with the investigation of complaints concerning its members. However in circumstances where there are issues in a case, or public interest considerations which make it difficult for the Authority to deal with the case fairly or speedily, the Initial Assessment Sub-Committee may wish to refer a complaint to Standards for England to be investigated.

2.3.16 Where the Initial Assessment Sub-Committee believes that a complaint should be investigated by Standards for England, it must take immediate steps to refer the matter. Where such a referral is made the Sub-Committee should advise Standards for England of the paragraph or paragraphs of the Code of Conduct that are engaged and the reasons why it cannot be dealt with locally.

2.3.17 The matters that will be taken into account by Standards for England in determining which cases should be accepted in the public interest are set out in the Guidance issued by the Standards Board and entitled "Local Assessment of Complaints".

2.3.18 If Standards for England declines to investigate a complaint that is referred to it, it will be sent back to the Authority's Standards Committee. The Initial Assessment Sub-Committee will then determine what action should be taken next.

2.3.19 The Initial Assessment Sub-Committee will then take an assessment decision, where practicably possible, within 20 working days of receipt of the notification from Standards for England. At this point the Initial Assessment Sub-Committee will decide whether to take no further action, refer the matter for local investigation, or to refer the matter for some other form of action. The decision will need to be communicated to the relevant parties.

#### Referral for Other Action

2.3.20 When the Initial Assessment Sub-Committee considers a new complaint, it can decide that other action to an investigation should be taken and it can refer the matter to the Monitoring Officer to carry this out. Before reaching a decision to take other action the Initial Assessment Sub-Committee shall consult with the Monitoring Officer. The circumstances where a referral for other action would be appropriate is set out in Standards for England Guidance referred to above.

2.3.21 Where a complaint has been referred to the Monitoring Officer for other action it will not then be referred back to the Standards Committee if the other action is perceived to have failed. The decision to take other action closes the opportunity to investigate and the Initial Assessment Sub-Committee should ensure that this is communicated to all parties. The Initial Assessment Sub-Committee will, in deciding whether to make a 'Referral for Other Action' write to the parties involved to seek their written confirmation that they will cooperate with the process of other action proposed.

### Decision to Take No Action

- 2.3.22 The Initial Assessment Sub-Committee can determine that no action is required in respect of a complaint. This may arise where the Sub-Committee considers that the complaint is insufficiently serious to warrant any action or alternatively because of the length of time that has elapsed since the alleged conduct took place and the complaint being made.
- 2.3.23 Where no potential breach of the Code of Conduct is disclosed by the complaint, no action can be taken by the Initial Assessment Sub-Committee in respect of it.
- 2.3.24 The complainant must be advised of their right to ask for a review of a decision to take no action and the Initial Assessment Sub-Committee must ensure this happens. The right to ask for a review can be exercised by the complainant writing to the Standards Committee with their reasons for requesting a review. The time limit within which a review request must be received by the Standards committee is 30 working days from the date the initial assessment decision is received by the complainant.

### **Notification Requirements – Local Assessment Decisions**

- 2.3.25 Where the Initial Assessment Sub-Committee decides to take no action over a complaint, then as soon as possible after making the decision, it will give notice in writing of the decision and set out clearly the reasons for that decision. Where no potential breach of the Code is disclosed the Sub-Committee will explain in the decision notice what the allegation was and why it believes this to be the case. The decision notice will be sent to the relevant parties, namely the complainant and the member subject to the complaint.
- 2.3.26 Where the Sub-Committee decides that the complaint should be referred to the Monitoring Officer or to Standards for England, it will send a summary of the complaint to the relevant parties. This will state what the allegation was and what type of referral it made. The decision notice will explain why the particular referral decision has been made. The Sub-Committee will consider whether or not to provide the member subject to the complaint with a summary of the complaint, where doing so would be against the public interest or would prejudice any future investigation. This situation may arise where it is considered likely that the member subject to the complaint may intimidate the complainant or any witnesses involved. It may also arise where early disclosure of the complaint may lead to evidence being compromised or destroyed.
- 2.3.27 The Sub-Committee will take advice from the Monitoring Officer upon the issue of whether it is against the public interest to inform the member subject to the complaint of the details of the complaint made against them. Similarly advice will be such as to whether informing the member of the details of the complaint would prejudice a person's ability to investigate it.
- 2.3.28 The Initial Assessment Sub-committee has the discretion to give limited information to the member subject to the complaint if it considers this would not be against the public interest or prejudice any investigation. A decision to withhold the summary must be kept under review as circumstances change.

### **Review of No Further Action Decision**

- 2.3.29 If the Initial Assessment Sub-Committee decides not to take any action on a complaint, the complainant has a right of review in respect of that decision. The Review Sub-Committee will carry out a review of the decision within a maximum of three months of receiving the request. Whilst this maximum period is provided for, the Review Sub-Committee will aim to complete the review within 20 days of receipt of the request.

- 2.3.30 Members of the Review Sub-Committee must not have comprised any part of the Initial Assessment Sub-Committee.
- 2.3.31 The Review Sub-Committee will apply the same criteria as used for the initial assessment (see above).
- 2.3.32 The Review Sub-Committee has the same decisions available to it as the Initial Assessment Sub-Committee (see above).
- 2.3.33 There may be cases where further information is made available in support of a complaint that changes its nature or gives rise to a potential new complaint. Here the Review Sub-Committee should consider carefully if it is more appropriate to pass this to the Initial Assessment Sub-Committee to be handled as a new complaint. In this situation the Review Sub-Committee will need to make a formal decision that the review request will not be granted.

#### **Notification Requirements – Review of Local Assessment Decisions**

- 2.3.34 If the Standards Committee receives a review request from the complainant, it must notify the member subject to the complaint that it has received the request.
- 2.3.35 When the Review Sub-Committee reviews the Initial Assessment Sub-Committee's decision it has the same decisions available to it that the Initial Assessment Sub-Committee had. It could be decided that no action should be taken on the complaint. In this situation, the Review Sub-Committee must, as soon as possible after making the decision, give the complainant and the member subject to the complaint notice in writing of both the decision and the reasons for the decision.
- 2.3.36 If it is decided that the complaint should be referred to the Monitoring officer or to Standards for England, the Standards Committee should write to the relevant parties telling them this and letting them have a summary of the complaint. The decision notice must explain why the particular referral decision has been made.

#### **Access to Meetings – Decision-Making**

- 2.3.37 Initial Assessment decisions and any subsequent review of decisions to take no further action on a complaint will be conducted in closed meetings. These meetings are not subject to the notice and publicity requirements of Part V of the Local Government Act 1972.
- 2.3.38 After an Initial Assessment Sub-Committee or Review Sub-Committee has considered a complaint they must produce a written summary which must include:
- the main points considered;
  - the conclusions on the complaint;
  - the reasons for the conclusion.
- 2.3.39 The summary must be written having regard to Standards for England Guidance and may give the name of the member subject to the complaint unless doing so is not in the public interest or would prejudice any subsequent investigation.

2.3.40 The written summary must be made available for the public to inspect at the Authority's office for six years.

2.3.41 In a limited number of situations the Standards Committee can determine not to give the written summary to the subject member when a referral decision has been made. This will normally be the case when the written summary is to be given to the member subject to the complaint during the investigation process.

### **Withdrawing Complaints**

2.3.42 Where a complainant asks to withdraw their complaint prior to the Initial Assessment Sub-Committee having made a decision concerning it, the Initial Assessment Sub-Committee will need to decide whether to grant the request. In discharging this role the Initial Assessment Sub-Committee will consider the following:

- Does the public interest in taking some action on the complaint outweigh the complainant's desire to withdraw it?
- Is the complaint such that action can be taken on it without the participation of the complainant?
- Is there an identifiable underlying reason for the request to withdraw the complaint?

### **Multiple and Vexatious Complaints**

2.3.43 The Initial Assessment Sub-Committee must consider every new complaint that is received in relation to the Code of Conduct. If however the Standards Committee has already dealt with the same complaint by the same person and the Monitoring Officer does not believe that there is any new evidence, then a complaint will not need to be considered.

### **Confidentiality**

2.3.44 In most circumstances a member will be told who has complained about them. However in exceptional circumstances the Initial Assessment Sub-Committee may grant a complainant confidentiality. The circumstances in which a request for confidentiality may be granted include:

- where the complainant has reasonable grounds for believing that they will be at risk of physical harm if their identity is disclosed;
- where the complainant is an officer who works closely with the subject member and they are afraid of the consequences to their employment or of losing their job if their identity is disclosed;
- where the complainant suffers from a serious health condition and there are medical risks associated with their identity being disclosed.

2.3.45 Where revealing the identity of the complainant may be necessary for investigation of the complaint the complainant will be given the option of requesting a withdrawal of their complaint. The Initial Assessment Sub-Committee will in such circumstances consider whether it is possible to investigate the complaint without making the complainant's identity known.

- 2.3.46 Where the Initial Assessment Sub-Committee decides to refuse a request by a complainant for confidentiality, it may offer the complainant the opportunity to withdraw, rather than proceed with their identity being disclosed. The Sub-Committee will need to consider whether the public interest in proceeding with an investigation outweighs the complainant's risk to have their identity withheld from the member subject of the complaint.

### **Anonymous Complaints**

- 2.3.47 Anonymous complaints will only be considered for investigation or other action by the Initial Assessment Sub-Committee where they include documentary or photographic evidence indicating an exceptionally serious or significant matter.

### **Conflicts of Interests**

- 2.3.48 All issues of conflict of interest in respect of members of the Standards Committee shall be referred to the Monitoring Officer for advice. Members of the Standards Committee are referred to the Guidance issued by Standards for England for assistance with issues relating to conflict of interests.
- 2.3.49 Officers involved in complaints issues should similarly be mindful of issues relating to conflict of interest and are referred to the Monitoring Officer and Standards for England Guidance for advice.

### **Complaints about Members of more than one Authority**

- 2.3.50 A complaint may be made about a member who is a member of more than one Authority. The member may have failed to comply with more than one Authority's Code of Conduct. It would be possible for the Standards Committees of both Authorities to receive complaints against the member. Where a complaint is received in such a case, the Monitoring Officer will check to ascertain whether a similar allegation has been made to the other Authority. A decision as to which Initial Assessment Sub-Committee should deal will be taken by the respective Sub-Committees themselves.

### **Hearings by the Standards Committee**

- 2.3.51 Ultimately, following the local assessment steps and decisions involved at that stage, it may be necessary to hold a hearing of the Standards Committee. In such circumstances the steps required will need to follow the regulatory framework provided for in statute and regulations and, guidance issued by the Standards for England. The Monitoring Officer will give appropriate advice to the Standards committee of the matters which will need to be addressed.

## **2.4 Complaints against the Monitoring Officer, Chief Executive or other Authority staff/service contractor.**

- 2.4.1 Where a complaint is received against one of the above directly, the following process will be used.
- 2.4.2 In the case of a complaint against a member of staff, the Chief Executive will register the complaint and proceed to investigate it as the Investigating Officer or arrange for the line manager to deal with the issue.
- 2.4.3 A complaint against the Chief Executive will be taken by the Monitoring Officer who will notify the Chairman of the matter. The Monitoring Officer will undertake the Investigating Officer role or request the Monitoring Officer from a neighbouring authority or, other suitably

independent person approved jointly by the Chairs of the Authority and Complaints Committee, to investigate the matter as the Investigating Officer.

2.4.4 In all cases the Investigating Officer will ensure that the Chairman is briefed on progress and outcomes.

2.4.5 In matters of complaint against either the Chief Executive or Monitoring Officer, the Investigating Officer will report the outcome of the investigation to the Complaints and Professional Standards Committee, together with any recommendations, so that a committee decision can be taken and documented.

Bedfordshire Police Authority

November 2009

**FREEDOM OF INFORMATION ACT ASSESSMENT**

This policy is suitable for access by the General Public

Freedom of Information Officer Signature :

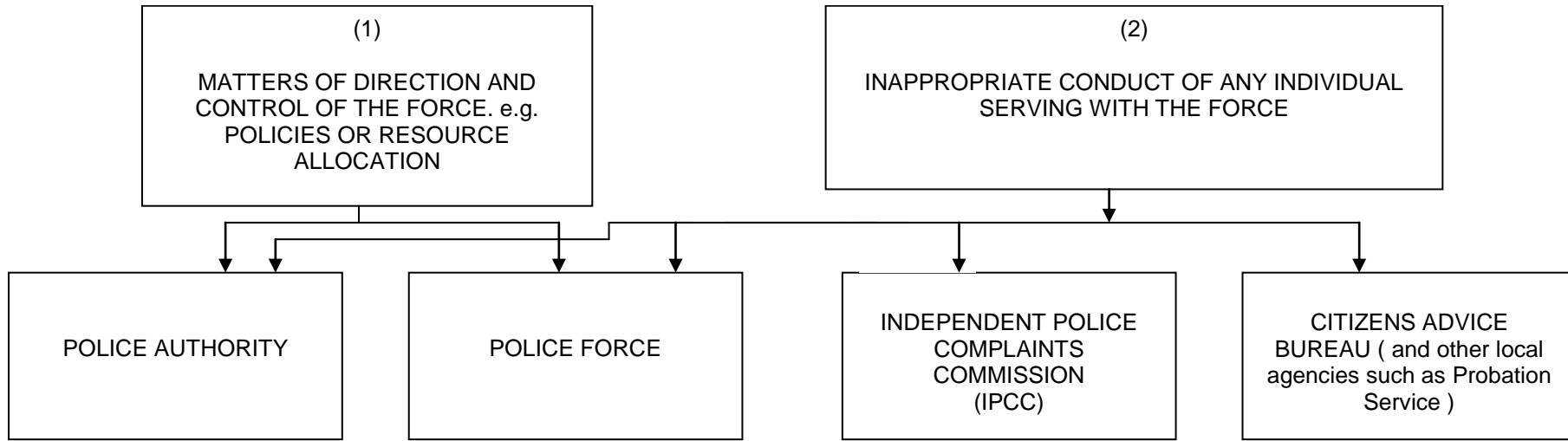
**RATIFICATION BY Police Authority**

Date:

**Equality Impact Assessed**

Date:

Not Protectively Marked



**Responsibilities**

- General:-
1. Oversee and scrutinise Force performance in handling complaints.

- Conduct:-
1. Deal directly with complaints against ACPO staff.
  2. Assist IPCC in its work including appropriate referrals to the IPCC where Chief Constable has decided not to do so.
  3. Where necessary, facilitate IPCC investigations.

**Responsibilities**

- General:
1. Have in place a framework that meets statutory and advisory requirements to effectively manage complaints

- Conduct
1. Investigate as appropriate in accordance with Beds Police Procedures referenced 8234 / A / B or:
  2. Refer on to the Police Authority if an ACPO case or:
  3. Refer to the IPCC if a mandatory referral or deemed appropriate for independent investigation.

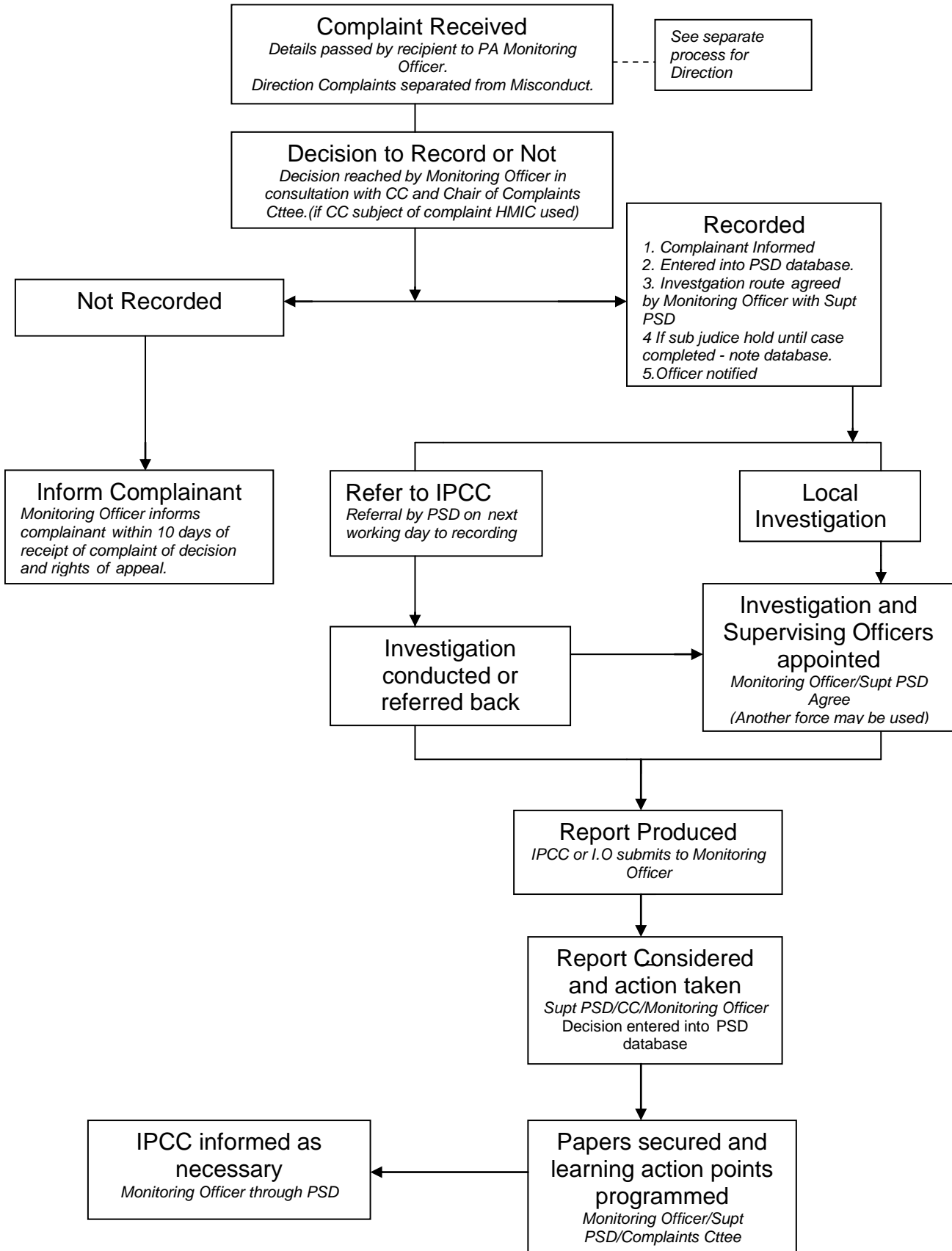
**Responsibilities**

1. Sets standards for complaint handling.
1. Duty to oversee the whole of the complaints system.
2. Receive appeals on:-
  - Non recording of a complaint
  - Local Resolution Process
  - Outcome of a local or supervised investigation
3. Handle Mandatory Referrals
  - Serious Assault
  - Serious Sexual Assault
  - Serious Corruption
  - Criminal Offence or behaviour aggravated by discrimination
  - Serious arrestable offences
5. Handle non-mandatory referrals

**Responsibilities**

1. Advise complainants on process and/or where given permission by the complainant, refers cases on to appropriate authority

## Bedfordshire Police Authority Inappropriate Conduct-Complaints Procedure for Senior Police Officers



Not Protectively Marked