



Complaints Policy

Director of Operations
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Contents

1. Introduction	2
2. Types of Complaints.....	2
3. Persons Eligible to make a Complaint.....	2
4. Complaints against the Chief Constable	2
Direction and Control.....	2
Conduct.....	3
Power to Direct.....	3
5. Complaints against the Police and Crime Commissioner (and/or Deputy)	3
6. Complaints against a Member of Staff within the Office of the Police and Crime Commissioner..	4
7. Persistent Complaints	4
Appendix 1	5

1. Introduction

The Police Reform and Social Responsibility Act 2011 provided for the election of a Police and Crime Commissioner (PCC) for Dorset. There is a legal duty on the PCC to deal with all complaints and conduct matters relating to the Chief Constable. The PCC is also responsible for holding the Chief Constable to account for the provision of efficient and effective complaints handling processes and systems.

The Commissioner is not the appropriate authority for either handling and investigating individual complaints, or receiving appeals against the outcomes of complaints reached by Dorset Police.

Complaints about the work of the OPCC or individual members of staff should be directed to the Chief Executive and Monitoring Officer in the first instance.

2. Types of Complaints

The PCC will consider the following types of complaint:

- Complaints about the conduct of the Chief Constable (the complaint must relate to an incident or course of conduct in which the Chief Constable has been personally involved).
- Complaints about any member of staff who works for the PCC.

The PCC is not able to consider:

- Complaints about serving officers below the rank of Chief Constable, as these are directly managed by the Force and are subject to separate policies and procedures.
- Any matter which is the subject of any legal dispute or legal proceedings.
- Complaints as defined in section 7 of this policy.
- Complaints made by police officers or members of police staff.

This policy sets out the ways in which complaints being handled by the PCC will be dealt with.

3. Persons Eligible to make a Complaint

In accordance with the detail provided in section 2 of this policy, the PCC will consider complaints received from persons within the following categories:

- Any person who has been the target of behaviour they regard as inappropriate or anyone who has witnessed such behaviour.
- Any person who regards themselves as being adversely affected (this may involve being distressed or inconvenienced) by an incident.
- Any person acting on behalf of and with the written permission of anyone in any of the categories above.

4. Complaints against the Chief Constable

Direction and Control

The police are under the direction and control of the Chief Constable, and have operational independence while being accountable for the exercise of police powers.

A direction and control complaint is about how a Chief Constable carries out operational management decisions. Direction and control of the Force by the Chief Constable is taken to include the direction

and control by any person serving under them. Complaints relating to direction and control would concern:

- Operational policing procedures
- Organisational decisions
- General policing standards within the Force
- Operational management decisions (where there are no conduct issues)

Any complaints about the conduct of Dorset Police officers, staff and volunteers – that is to say any person carrying out the Chief Constable’s functions – should be directed to the Dorset Police Professional Standards Department.

Should such a matter be received by the PCC, it will be acknowledged and passed to the Professional Standards Department where it will be registered and dealt with in accordance with Force procedures.

Conduct

The PCC is responsible for holding the Chief Constable to account for their conduct and for how policing services are delivered within Dorset. A complaint regarding the personal conduct of the Chief Constable, or in relation to the direction and control of the Force, will be managed and investigated by the PCC, if appropriate, in accordance with relevant procedure.

Power to Direct

Where necessary, the PCC also has the power to direct the Chief Constable to take action in relation to complaints matters. In the following instances, Section 15 of the Police Reform Act 2002, as amended, provides that the PCC may direct the Chief Constable to take such steps as the PCC thinks appropriate:

- (a) An obligation to act or refrain from acting has arisen in relation to a complaints matter.
- (b) That obligation is an obligation of the Chief Constable.
- (c) The Chief Constable has not yet complied with that obligation, or has contravened it.

The Chief Constable must comply with any direction given.

5. Complaints against the Police and Crime Commissioner (and/or Deputy)

The Police and Crime Commissioner is directly elected by the public, and held to account by them at the ballot box each election, and every day in the course of performing their duties.

Complaints about the PCC and/or Deputy Police and Crime Commissioner (DPCC) are submitted to the Chief Executive who has delegated authority from the Police and Crime Panel administered by Dorset County Council to undertake the initial handling of complaints.

The Chief Executive will refer complaints to the Police and Crime Panel as required. Details of this process and the complaints procedure adhered to by the Panel can be found on the Police and Crime Panel’s web pages [\[here\]](#).

Serious complaints and conduct matters (those that involve, or appear to involve, the commission of a criminal offence) will be referred by the Chief Executive to the Independent Police Complaints Commission (IPCC) for investigation.

6. Complaints against a Member of Staff within the Office of the Police and Crime Commissioner

The Office of the Police and Crime Commissioner is a statutory body fulfilling a range of functions set out in legislation.

These complaints relate to a member of staff employed within the Office of the Police and Crime Commissioner. Complaints against members of Police Staff will be dealt with by the Professional Standards Department.

On receipt of a complaint against a member of staff, the PCC (or DPCC) will consult with the Chief Executive (unless the complaint relates to the Chief Executive when the discussion will be with the PCC's Chief Financial Officer).

Appropriate arrangements will be put in place for an investigation. If the complaint relates to a criminal matter, advice will be sought from the Force's Head of Professional Standards as a matter of urgency.

Any investigation may be undertaken by either the Chief Executive, or the body providing internal audit services to the PCC, or the Professional Standards Department depending upon the nature of the complaint.

Careful consideration will be given as to whether the member of staff subject to the complaint should be suspended pending the outcome of the investigation. This will greatly depend upon the nature of the complaint and the degree of risk involved in the continued presence of the staff member in the workplace.

If the complaint relates to the Chief Executive, consideration will be given to appointing an independent body to undertake any investigation; this could be the body providing internal audit services to the PCC, the Professional Standards Department, or some external agency.

7. Persistent Complaints

The PCC additionally holds a supplemental policy for managing unreasonable and unreasonably persistent and vexatious complaints, shown at Appendix 1. The PCC may decline to record a complaint if they consider that:

- The matter is already the subject of a complaint made by or on behalf of the same complainant.
- The complaint discloses neither the name and address of the complainant nor that of any other interested person and it is not reasonably practicable to ascertain such a name or address.
- The complaint is vexatious, oppressive or otherwise an abuse of the procedures for dealing with complaints.
- The complaint is repetitious (ie, it is substantially the same as a previous complaint made by or on behalf of the same complainant, it contains no fresh allegations which significantly affect the account of the conduct complained of or no fresh evidence which was not reasonably available at the time the previous complaint was made is tendered in support of it).
- The complaint is fanciful.

Furthermore, past complaint history may be taken into account where it is relevant to show that a complaint is being considered as persistent.

Individuals will be notified by the Chief Executive if they are being managed under the persistent complaints procedure.

Appendix 1

POLICY FOR DEALING WITH UNREASONABLE AND UNREASONABLY PERSISTENT COMPLAINANTS AND VEXATIOUS COMPLAINTS

1. Introduction

The Police and Crime Commissioner (PCC) is committed to dealing with complaints fairly, thoroughly, impartially and in a timely way. Generally, dealing with a complaint is a straightforward process following established policies and procedures. The PCC's staff are committed to respond with patience and understanding to the needs of all complainants and to seek to resolve their complaints. This includes, where relevant, taking into account any disability or other protected characteristic under equalities legislation which may make the process more difficult for any particular complainant.

There are times, however, when the complainant is not satisfied with the resolution offered by the PCC and they may attempt to pursue their complaint in an unreasonable way. Their actions and behaviour may impede the proper investigation of their complaint or may impede the normal running of the PCC's business. This may lead to significant resource implications for the PCC which are out of proportion with the nature/seriousness of the complaint. The PCC defines such behaviour as 'unreasonable', 'unreasonably persistent' or 'vexatious'.

This policy is designed to help the PCC and their staff to identify and deal with unreasonable and unreasonably persistent complainants and vexatious complaints in a demonstrably consistent and fair way. It assists the Commissioner, any Deputy Commissioner and staff to understand clearly what is expected of them, what options are available, and who can authorise these actions.

2. Scope of the Policy

This policy and guidance applies to any complaint made in relation to:

- The level or quality of service in respect of complaints about the Commissioner, the Deputy Commissioner, a member of the Commissioner's staff or of a contractor engaged on behalf of the Commissioner.
- The conduct of a member of the Commissioner, the Deputy Commissioner, a member of the Commissioner's staff or of a contractor engaged on behalf of the Commissioner.
- The work of the Independent Custody Visitors.
- The conduct of the Chief Constable of Dorset Police.

This policy does not cover complaints about employees of Dorset Police.

This policy does not cover complaints or any actions and behaviours by someone arising from a request for information under the Freedom of Information Act. Such matters will be considered on a case by case basis in accordance with the Freedom of Information Act 2000, taking account of the Information Commissioner's Office guidance.

3. Actions and behaviour of unreasonable/unreasonably persistent complainants and in relation to vexatious complaints

Listed below are some of the actions and behaviours that the Commissioner considers to be unreasonable, unreasonably persistent and vexatious. The list is not exhaustive.

- Refusing to specify clearly the grounds of their complaint, despite offers of assistance from staff or the Commissioner or Deputy Commissioner.
- Refusing to use or accept the application of relevant complaints policy/procedure despite being advised to do so.
- Refusing to accept that issues are not within the remit of the complaints policy/procedure despite having been provided with information about the scope of the policy or procedure.

- Refusing to co-operate with the complaints investigation process whilst still wishing their complaint to be resolved.
- Insisting on the complaint being dealt with in ways which are incompatible with the Commissioner's adopted complaints policies and procedures or with good practice or which are unlawful or not in accordance with legislation.
- Making what appear to be groundless complaints about the staff, or the Commissioner, or the Deputy Commissioner dealing with the complaint.
- Changing the basis of the complaint as the investigation proceeds and/or denying statements the complainant made at an earlier stage.
- Introducing irrelevant new information into a complaint which the complainant expects to be taken into account and commented on, or raising detailed but materially irrelevant questions or comments and insisting they are fully answered.
- Electronically recording meetings and conversations without the prior knowledge and consent of the other persons involved.
- Making unnecessarily excessive demands on the time and resources of staff or the Commissioner or Deputy Commissioner whilst a complaint is being looked into, for example by submitting repeated complaints, by excessive telephoning or sending of emails to staff or the Commissioner, sending regular letters/emails and expecting unreasonably quick responses ie. more quickly than the timescales set out in the relevant policy/procedure.
- Submitting repeated complaints after the complaints processes have been completed, which are essentially about the same issues.
- Refusing to accept the Commissioner's decision – repeatedly arguing the point and complaining about the decision.
- Using abusive or threatening language, including swearing, to the Commissioner, Deputy Commissioner or their staff, either in writing or verbally.
- Using bullying, physical or psychological threats as a means to gain leverage with the Commissioner, Deputy Commissioner or a member of their staff.

4. How the Commissioner will deal with such complaints

Each complaint submitted to the Commissioner will be assessed on its own merits. Where a member of staff who is dealing with a complaint has grounds for concern that a complainant may be pursuing their complaint in an unreasonable way, they will refer the complaint to the Chief Executive for consideration.

The Chief Executive will consider the complaint fully and ensure that the relevant policy/procedure has been correctly followed and that each element of the complaint has been addressed. They will also check whether any new issues are raised which are significantly different from the original complaint. Having considered the circumstances of the case, the Chief Executive may come to the view that the behaviour of the complainant falls within the scope of this policy and that the complainant should be treated as unreasonable, unreasonably persistent and/or vexatious.

The decision to treat a complaint as unreasonable, unreasonably persistent and/or vexatious and to determine what action is to be taken will be made by the Commissioner or Deputy Commissioner, following consultation with the Chief Executive. Decisions will be made having regard to the full circumstances of each case.

The Chief Executive will make a record of the decision and the reasons for it.

5. Actions which may be taken in relation to unreasonable and unreasonably persistent complainants and vexatious complaints

Any action taken in relation to the decision to treat a complainant as unreasonable, unreasonably persistent or vexatious, should be appropriate and proportionate. The possible options are:

- Use of mediation by inviting the complainant to a face-to-face meeting. At least two of the Commissioner's staff will meet with the complainant and the complainant may be accompanied.

- Continuing to proceed with the complaint under the relevant policy/procedure and providing the complainant with one point of contact, who will keep a record of all contacts made.
- Issuing the complainant in writing with terms of behaviour to be adhered to and setting out expected mutual responsibilities upon which the continued investigation of the complaint will be conditional.

If any terms and conditions imposed are contravened by the complainant or if any mediation fails and the unreasonable or vexatious behaviour persists, then the Chief Executive may consider implementing one or more of the following actions:

- Advise the complainant that they have exhausted the complaints procedure and that there is nothing more to add to the points raised.
- Explain to them that further contact with the Commissioner will serve no useful purpose.
- Notify the complainant that their complaint is being treated as an unreasonable, unreasonably persistent or vexatious complaint and, as such, correspondence is at an end and that no further correspondence about the same matter will be acknowledged.
- Decline contact with the complainant either in person, by telephone, by letter, or e-mail in relation to that complaint.
- Where an unreasonable, unreasonably persistent or vexatious behaviour continues the Commissioner reserves the right to suspend all contact with the complainant whilst legal advice is sought.

A record of all contacts made by the complainant thereafter must be kept and any correspondence will be read but, where it contains no fresh evidence which affects the decision, it need not be acknowledged but merely placed on the file.

6. Future dealings with persons who have been deemed to have behaved in an unreasonable, unreasonably persistent or vexatious manner

Even though an individual has made complaints that were pursued in an unreasonable, unreasonably persistent and/or vexatious manner in the past, it must not be assumed that any further complaints or contact from them will also be unreasonable or vexatious. If a new complaint, on a separate matter, is received it must be treated on its own merits.

7. Safety and Welfare of Staff

Where a complainant's behaviour is so extreme that it is reasonably perceived that it could threaten the immediate safety and/or welfare of the Commissioner, Deputy Commissioner or the Commissioner's staff or their families, or causes the recipient of the behaviour to feel threatened or alarmed, the Commissioner or the Chief Executive may consider other options, for example reporting the matter to the police or taking legal action. Such incidents should be logged on the register of complaints. Similarly, where a complainant behaves in such a way that it appears they may be committing a criminal offence such behaviour will be reported to the police.