

## **POLICE AND CRIME COMMISSIONER FOR DERBYSHIRE**

### **PROCEDURE for COMPLAINTS AGAINST POLICE AND CRIME COMMISSIONER STAFF**

#### **1 PURPOSE OF THE PROCEDURE**

1.1 The Police and Crime Commissioner for Derbyshire (the Commissioner) seeks to provide a high standard of service to the public for all matters which are within the roles, functions and responsibilities of the Commissioner. This Complaints Procedure has the following purposes:

(a) to reassure the public that any reasonable complaint made about the performance or conduct of a member of staff of the Commissioner will be impartially and thoroughly investigated within an appropriate timescale;

(b) to ensure that Police and Crime Commissioner staff members who are subject to a complaint have adequate rights and safeguards during the course of investigation of the complaint and any subsequent disciplinary procedures (if appropriate); and

(c) to ensure that any investigation and conclusions comply with the requirements of natural justice, rules of evidence, human rights and equal opportunities.

#### **2 COMPLAINTS TO WHICH THIS PROCEDURE RELATES**

2.1 The Commissioner will investigate a complaint in accordance with this procedure if it concerns one of the following:

(i) if you are not satisfied about the level of service provided by a member of the Commissioner's staff.

(ii) if you believe there has been a breach of the Commissioner's staff Code of Conduct by a member of the Commissioner's staff.

2.2 If your complaint relates to a response you have received to a request you have made for access to information, the Commissioner will consider your

complaint in accordance with the provisions of the Freedom of Information Act 2000.

- 2.3 The following types of complaint are excluded from the procedure:
- (i) Complaints which amount to a disagreement with a decision of the Commissioner,
  - (ii) Matters which are currently the subject of litigation or legal proceedings,
  - (iii) Any dispute by staff members concerning their terms and conditions of service.

### 3 MAKING A COMPLAINT - GENERAL

- 3.1 Complaints should be made in writing if at all possible in order to aid clarity and avoid misunderstanding. However if this causes you difficulty (due for example to a disability, difficulty reading and writing or due to a language barrier) then the complaint may be accepted in another format – each case will be considered individually.
- 3.2 Regardless of how the complaint is made you will be provided with written acknowledgment of the complaint within 5 working days of receipt by the Commissioners office.
- 3.3 Complaints about the Chief Executive will be dealt with by the Commissioner. If the complaint raises any questions of discipline or conduct in connection with the Chief Executive, the Commissioner will consider the actions available to them in the relevant circumstances and will notify you as and when decisions are taken.
- 3.4 Complaints about all other members of the Commissioner's Staff will be dealt with by the Chief Executive.

### 4 HOW THE COMPLAINT WILL BE INVESTIGATED

It should be noted that the Commissioner or the Chief Executive will not necessarily personally investigate your complaint but may delegate the responsibility to another member of staff who has not had any involvement in the matter about which the complaint is being made. You will be advised about who is your point of contact and will be provided with written confirmation of the complaint to ensure the complaint has been properly understood. If it is unclear what your complaint is about then you may be asked to clarify it or provide additional information.

### **Step 1 – Initial Discussion**

4.1 All complaints will be considered initially by the Chief Executive (unless the complaint is about the Chief Executive in which case it will be considered by the Commissioner). As complaints can often be resolved quickly through informal discussions, the Chief Executive, or an officer appointed by him/her (but not an officer/officers who is/are the subject of the complaint(s)) may contact you to discuss your complaint with you. This is often a good way of resolving a complaint and if, as a result of any discussions, you are satisfied with the outcome, that will usually resolve the matter.

### **Step 2 – Further Investigation**

4.2 If informal discussion has not, in the particular circumstances, been appropriate or has failed to resolve your complaint or if more detailed investigation of the complaint is necessary, then further investigation will be undertaken. You will be advised of this and of how long it might take.

4.3 The Commissioner would normally expect any investigations to be completed and to provide a full response in writing within 20 working days of your complaint being acknowledged. However, where this timescale is not practicable, you will be contacted in writing advising why and when the Commissioner anticipates being able to provide you with a full response. If

the complaint takes longer to resolve then you will be updated on progress at least every 28 days.

### **Step 3 – If you are not satisfied with the outcome**

4.4 In the event that you consider that your complaint has not been dealt with to your satisfaction you may ask for a review by the Chief Executive or by the Commissioner if the complaint is about the Chief Executive.

### **Step 4 – if you still remain dissatisfied**

4.5 If, following a full response from the Chief Executive, you remain dissatisfied, you may write directly to the Commissioner who will consider your complaint. Their decision will be final.

4.6 Depending on the nature and substance of your complaint there may be other avenues through which you can raise your complaint. You may for example be able to make your complaint to one or more external regulatory bodies and details of those which may be relevant will be provided at the time that the Commissioner's decision about your complaint is notified to you.

## **5 MAKING CONTACT**

Any complaints about members of staff should be addressed to:

Police and Crime Commissioner for Derbyshire,  
Butterley Hall,  
Ripley,  
Derbyshire,  
DE5 3RS  
Telephone: 0300 122 6000

Signed .....

Date - November 2012

Review date - June 2015