

12 March 2021

By email:

Dear

FOI 9/2021

The Office of the Police and Crime
Commissioner for Derbyshire
Butterley Hall, Ripley
Derbyshire DE5 3RS

T: 0300 122 6000

F: 0300 122 7797

E: pccoffice@derbyshire.pnn.police.uk

I write in connection with your request for information processed under the Freedom of Information Act 2000 and received in the Office of the Police and Crime Commissioner for Derbyshire on 23 February 2021.

In answer to your request please see the following:

- 1. The person to whom the function of making arrangements for dealing with complaints reported against the Chief Constable has been delegated to.**

Whilst the responsibility, including decision making, remains with the Police and Crime Commissioner, the day to day handling and administration of complaints against the Chief Constable is dealt with by the Chief Executive of the OPCC, Mr David Peet.

- 2. The instrument used to delegate the function of making arrangements for dealing with complaints reported against the Chief Constable, for example whether the delegation has been made in accordance with the Scheme of Corporate Governance or any other instrument.**

CE 33 of Delegations to the Chief Executive within the Scheme of Delegation & Consent states:

In connection with Complaints against the Chief Constable received by the PCC in accordance with the Police Reform Act 2002 and the Elected Local Policing Bodies (Complaints and Misconduct) Regulations 2012, to determine

- Whether or not the PCC is the appropriate body to consider such a complaint*
- Whether to not to refer the complaint to the IPCC [sic]*
- Decide whether or not to record the complaint*

However, paragraph 3.17 of the same scheme states

Where delegations have been made, officers should exercise their professional judgement in bringing to the PCC's attention any related matter that would be of interest to the PCC

Due to the potential serious nature of any complaints made against the Chief Constable in reality ALL such complaints are raised with the PCC and this delegation is NEVER used. The PCC will be provided with technical support and advice from the Chief Executive, or from independent legal advice if deemed necessary, but decisions are made by the PCC and not under this delegation.

3. The person identified as being the 'appropriate authority' as defined under s. 29.1 (a) (i) of the Police Reform Act 2002, in order to meet the obligations prescribed for the appropriate authority within the IOPC Statutory Guidance on the Police Complaints System.

The Appropriate Authority is defined as the Police and Crime Commissioner, and is so in the Derbyshire OPCC. Currently this is Mr Hardyal Dhindsa.

If you are not satisfied with our response to your request, under Section 17 of the FOIA of the FOIA you are entitled to ask for an internal review of our decision. Any internal review needs to be submitted within two months of the date of receipt of this response and state why you are unhappy with the response. You can submit an internal review in the following ways:

- * emailing the OPCC Inbox –
PCCOffice@Derbyshire.PNN.Police.UK or;
- * writing to the OPCC at –
The Office of the Police and Crime Commissioner for Derbyshire
Butterley Hall
Ripley
Derbyshire
DE5 3RS
By phone – 0300 122 6000 (as a reasonable adjustment under the Equality Act 2010).

If you are not satisfied with the outcome of the internal review under Section 50 of the FOIA you can apply directly to the Information Commissioner (ICO) for a decision. Generally, the ICO cannot make a decision unless you have exhausted the internal review procedure provided by the OPCC. You can contact the ICO in the following ways:

- * online at the ICO –
<https://ico.org.uk/global/contact-us/> or;
- * writing to the ICO at –
Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF

Yours sincerely



Marie Romano
Head of Compliance
On behalf of the Police and Crime Commissioner

