



How the Police and Crime Commissioner deals with complaints

COMPLAINTS

Complaints against the police are dealt with in ways explicitly regulated by the law. The Police and Crime Commissioner, Alun Michael, has set out a clear policy of taking every complaint seriously and pursues this through the processes set out in legislation laid down by Parliament and overseen by the Independent Police Complaints Commission.

- Complaints against the Chief Constable are dealt with by the Commissioner
- Complaints against all other Police Officers are normally referred to the Head of the Professional Standards Department of South Wales Police to investigate in accordance with the law and the requirements of the Independent Police Complaints Commission.
- Appeals, in either case, are dealt with by the Independent Police Complaints Commission and NOT by either the Commissioner or the Chief Constable.
- In some circumstances, complaints - and some other issues - have to be "referred" to the Independent Police Complaints Commission to decide how they should be investigated. The Commission can decide to undertake the investigation itself (Independent Investigation) or to supervise an investigation by South Wales Police (Supervised Investigation) or refer the matter back to South Wales Police but maintain a managerial role (managed investigation) or refer back for South Wales Police to decide how to proceed.
- Except for complaints against the Chief Constable, the Commissioner is not directly responsible for any investigations. However he does maintain oversight of the efficiency of the process, through performance reports and "sample" checks, and he works with the Welsh Commissioner of the Independent Police Complaints Commission on appropriate checks and challenges to ensure the system is as effective and timely as possible.
- Oversight also involves the Assistant Commissioner and the Deputy Chief Constable.

A complaint can be made by anyone who feels that they have been treated unfairly either by the Police and Crime Commissioner, the Deputy Police and Crime Commissioner, the Assistant Police and Crime Commissioner, the Commissioner's Chief Officers, staff, the service provided or even a decision or policy.

Outside of his own team, the Police and Crime Commissioner for South Wales is not responsible for investigating complaints about Police Officers of a rank lower than Chief Constable.



Ethical Standards

The South Wales Police and Crime Commissioner commits himself to upholding the highest ethical standards in all his practices and work, and that of his staff, volunteers, and all employees of South Wales Police.

The Police and Crime Commissioner, and his staff are committed to working within agreed guidelines. The Police and Crime Commissioner, the Deputy Police and Crime Commissioner, and the Assistant Police and Crime Commissioner are also bound by the Nolan Principles of Public Life, which are attached in Annex A.

Monitoring of Complaints against the police

The Police and Crime Commissioner has a duty under the Police Reform and Social Responsibility Act 2011 to investigate complaints against the Chief Constable. Complaints against officers of a rank lower than Chief Constable fall within the remit of the Chief Constable to investigate. The Chief Constable delegates this authority to the Professional Standards Department of South Wales Police for their action. The Independent Police Complaints Commission also has the power to investigate complaints against all police officers, including the Chief Constable.

The Police and Crime Commissioner does, however, have a duty to monitor all complaints made against South Wales Police, and does so by way of monthly meetings with the Professional Standards Department and quarterly meetings with the IPCC, and by lower level monitoring on a more regular basis by the Public Response Manager.

The Police and Crime Commissioner receives reports from the Professional Standards Department on a quarterly basis on all complaints received within that quarter and how it compares to previous years. This is broken down by type of complaint and division.

The Police and Crime Commissioner is also responsible for dip-sampling of complaint files, and he delegates this responsibility to the Assistant Police and Crime Commissioner. This process provides an independent and impartial check that the correct processes are being followed and can be focused on a particular target area of concern. The process in particular looks at the following:

- Referral
- Timeliness
- Treatment of the complainant
- Treatment of the officer
- Proportionality
- Clarity of investigative findings
- Justification for the outcome



COMPLAINTS AGAINST THE POLICE AND CRIME COMMISSIONER

The Commissioner often has to make important and difficult decisions in complex situations and therefore if you wish to comment on a decision or policy that the Commissioner has made, then please feel free to write to the Commissioner regarding the points you wish to make. If, however, you feel that the Commissioner has acted contrary to the principles attached in Annex A or has acted in a manner which you feel has fallen below the standards expected, you may make a complaint against him.

The Commissioner is bound by the Elected Local Policing Bodies (Complaints and Misconduct) Regulations 2011. The regulations provide for serious complaints (which constitute or involve, or appear to constitute or involve the commission of a criminal offence) and all conduct matters (which, by definition, involve the suspicion of a criminal offence) to be investigated by the Independent Police Complaints Commission or a separate police force under the direction of the Independent Police Complaints Commission. This is intended to ensure that there is no bias or appearance of bias in the way the matter is dealt with by local police, to whom the Commissioners obviously have a close working relationship.

The Independent Police Complaints Commission has been given powers to do the following in relation to investigating complaints against Police and Crime Commissioners:

- The regulations confer functions on the Independent Police Complaints Commission in relation to the Commissioners that are equivalent to those functions exercised in relation to the police. The Independent Police Complaints Commission can also issue reports on the exercise of those functions.
- Under the Police Reform Act 2002 the Independent Police Complaints Commission also has powers to conduct covert investigations.
- There are general duties on the Police and Crime Commissioners, Deputies and Assistants, the Police and Crime Panel, and Chief Officers of police to assist the IPCC and give it access to premises and information.

Where non-criminal allegations are made, the regulations provide for the complaints to be resolved informally by the South Wales Police and Crime Panel, which is hosted by Merthyr Tydfil County Borough Council.

Making a complaint against the Police and Crime Commissioner

The following outlines the process that should be followed when making a complaint against the Police and Crime Commissioner:

- Complaints must be made to the Police and Crime Panel based at:



Merthyr Tydfil County Borough Council
Civic Centre
Castle Street
Merthyr Tydfil
CF47 8AN

- The Police and Crime Panel make a decision as to whether the complaint is recorded or not and ensures that this information is stored on a safe database.
- The complaint is referred to the Independent Police Complaints Commission by the Police and Crime Panel if they involve suspicion of a criminal offence. Where a complaint or conduct matter is referred, the Independent Police Complaints Commission must determine whether or not the matter should be investigated, and if so whether they investigate themselves or instruct another police force to do so under the management of the Independent Police Complaints Commission. Investigations can be suspended, resumed and discontinued if necessary at any time.
- The investigator must then submit a final report to the Independent Police Complaints Commission for their consideration. If the Independent Police Complaints Commission concludes that a criminal offence has been committed then the matter must be referred to the Director for Public Prosecutions for consideration as to whether criminal proceedings should be brought. The report can also be sent to the Police and Crime Panel and can be published, subject to redaction of any sensitive material if necessary.
- If the Independent Police Complaints Commission makes the decision that a complaint or conduct matter should not be investigated, then the matter must be referred back to the Police and Crime Panel for further consideration.
- Where the complaint does not satisfy the criteria for referral or if the Independent Police Complaints Commission refers it back to the Police and Crime Panel, the complaint may be subject to informal resolution.
- The Police and Crime Panel can appoint a sub-committee, a single member or any other person that they consider reasonable to achieve resolution of the complaint. There is no set process as to how the complaint is resolved or set criteria as to what



the outcome of the complaint should be. There is no provision for any sanctions to be placed upon the Commissioner.

- The local resolution procedure will involve the Police and Crime Panel seeking an explanation from the Commissioner for his conduct, and where appropriate, an apology.
- The Police and Crime Panel has the power to require the Commissioner to attend before them and provide information or make a public report on the matter.
- The Police and Crime Panel may delegate any of its functions, except its functions in relation to final resolution of the complaint, to the Police and Crime Commissioner's Chief Executive. The purpose of this is to prevent the Police and Crime Panel becoming burdened with the initial handling of complaint and conduct matters.

Making a complaint against the Police and Crime Panel

The following outlines the process to be taken if a complaint is to be made about a member of the Police and Crime Panel or the Police and Crime Panel as a whole:

- You can email, write or telephone the Public Services Ombudsman for Wales at the following contact details:

Public Services Ombudsman for Wales
1 Ffordd yr Hen Gae
Pencoed
CF35 5LJ

Tel: (01656) 641 150
Fax: (01656) 641 199

Email: enquiries@ombudsman-wales.org

- You must be able to tell the Ombudsman specifically what you believe the member of the Police and Crime Panel/ the Police and Crime Panel have done which has caused concern or led you to feel that they have not acted in the manner that they should have.



- You will have to give direct evidence of this, as the Ombudsman will not investigate a complaint based on what someone else has told you.
- More information can be found on the Ombudsman's website at www.ombudsman-wales.org

Complaints against the Chief Constable of South Wales Police

The Police and Crime Commissioner is responsible for investigating complaints against the Chief Constable of South Wales Police. Should the Commissioner be implicated in the same circumstances which have led to the complaint against the Chief Constable, then the Deputy Police and Crime Commissioner becomes the appropriate authority for addressing the complaint. Should both the Commissioner and Deputy Commissioner be implicated in the circumstances surrounding the complaint against the Chief Constable then the Assistant Commissioner becomes the appropriate authority. If the Assistant Commissioner is also implicated, then the Chief Executive becomes the appropriate authority.

Any complaints against the Chief Constable should be made in writing to the Police and Crime Commissioner.

When making a complaint, you should include the following information:

- Full details of the incident, including the date
- Full contact details

There is a form that can be found on the Commissioners website, at www.southwalescommissioner.org.uk that can be filled in with the requisite details and emailed or posted. Nevertheless, the complaint should be in writing and emailed to commissioner@south-wales.pnn.police.uk and marked for the attention of the Police and Crime Commissioner. It can also be faxed to 01656 869407. The postal address to which to post a complaint is as follows:

Mr Alun Michael,
Police and Crime Commissioner for South Wales
Ty Morgannwg
Police Headquarters
Bridgend
CF31 3SU

Alternatively, you may submit a complaint to the Independent Police Complaints Commission by contacting:



Independent Police Complaints Commission
Eastern Business Park
Wern Fawr Lane
St Mellons
Cardiff
CF3 5EA
Tel: 08453 002 002
Fax: 02920 366 1948
Email: enquiries@ipcc.gsi.gov.uk

Should you require any further information, clarification or assistance regarding making a complaint against the Chief Constable, please contact the office of the Police and Crime Commissioner on 01656 869366 or the Independent Police Complaints Commission on 08453 002 002.

Complaining about the staff of the Police and Crime Commissioner

The South Wales Police and Crime Commissioner's staff are committed to providing the highest possible standards of service.

However, there may be circumstances when you feel that the conduct of a staff member falls below the required standard. You have the right to complain if this happens.

To make a complaint against a member of staff of the Police and Crime Commissioner, including the Deputy Police and Crime Commissioner, the Assistant Police and Crime Commissioner, the Commissioners Chief Officers (Chief of Staff, Chief Finance Officer etc) you should write to the Police and Crime Commissioner with details of the complaint. Some details you may wish to include in this are:

- The name of the staff member you are complaining about
- When the incident occurred
- What happened during the incident
- What was done
- Whether there were any independent witnesses, and if so, how or where they can be contacted
- What proof exists of any damage or injury

The complaint should be made in writing and sent to the Police and Crime Commissioner for South Wales, Mr Alun Michael, either by email to commissioner@south-wales.pnn.police.uk or by writing to the Police and Crime Commissioner at Ty Morgannwg, Police Headquarters, Bridgend, CF31 3SU. You are also able to make a complaint via the Police and Crime Commissioner's website at www.southwalescommissioner.org.uk. The Commissioner has



the option to delegate investigation of the complaint to any person he feels appropriate within his team or outside of his team.

For further information, please do not hesitate to contact the office of the Police and Crime Commissioner on 01656 869366.

Complaints against service received

The Police and Crime Commissioner's team strives to provide the best service possible to all member of the public across South Wales. We realise, however, that sometimes people may feel that we have acted unjustly towards them in the service that we have provided.

Should you wish to make a complaint against the service provided by a member of the Police and Crime Commissioner's team, you must make this in writing.

SOUTH WALES POLICE FORCE

Should your complaint relate to service provided by South Wales Police Officers or Police Staff, for example how South Wales Police dealt with an incident, you must contact the Professional Standards Department of South Wales Police or the Independent Police Complaints Commission.

Independent Police Complaints Commission (IPCC)

Eastern Business Park
Wern Fawr Lane
St Mellons
Cardiff
CF3 5EA
Tel: 08453 002 002
Fax: 02920 366 1948

South Wales Police Professional Standards Department

Police Headquarters,
Bridgend
CF31 3SU
Tel: 01656 869406
Fax: 01656 869472

Freedom of Information Request Complaints

As the Police and Crime Commissioner is a public body, Freedom of Information requests can be made in respect of information that the Police and Crime Commissioner holds. Should you be unhappy with a response made to a Freedom of Information request or you feel that the Commissioner has failed in his obligations to meet your Freedom of



Information request, you may complain to the Information Commissioner. The Information Commissioner can be contacted on the below details:

Information Commissioner's Office – Wales

Cambrian Buildings

Mount Stuart Square

Cardiff

CF10 5FL

Tel: 02920 448044

Fax: 02920 448045

Email: wales@ico.gsi.gov.uk

www.ioc.gov.uk

ANNEX A

THE NOLAN PRINCIPLES OF PUBLIC LIFE

- Selflessness – Holders of public office should act solely in terms of the public interest. They should not do so in order to gain financial or other benefits for themselves, their family or their friends.

- Integrity – Holders of public office should not place themselves under any financial or other obligation to outside individuals or organisations that might seek to influence them in the performance of their official duties.



- Objectivity – In carrying out public business, including making public appointments, awarding contracts, or recommending individuals for rewards and benefits, holders of public office should make choices on merit.
- Accountability – Holders of public office are accountable for their decisions and actions to the public and must submit themselves to whatever scrutiny is appropriate to their office.
- Openness – Holders of public office should be as open as possible about all the decisions and actions they take. They should give reasons for their decisions and restrict information only when the wider public interest clearly demands.
- Honesty – Holders of public office have a duty to declare any private interests relating to their public duties and to take steps to resolve any conflicts arising in a way that protects the public interest.
- Leadership – Holders of public office should promote and support these principles by leadership and example.