****

**COMPLAINTS POLICY**

**How the Police and Crime Commissioner deals with complaints**

**Complaints**

The Police and Crime Commissioner has a statutory duty to hold the Chief Constable to account in respect of how they handle complaints locally. We have a legislative impetus to evidence that we have held the Chief Constable to account in this area, and to evidence to the public that we have made a concerted effort to scrutinise this area of business. The way complaints are dealt with has a significant impact on confidence in the police. The Police and Crime Commissioner 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 Office for Police Conduct. The aim is to improve the police service and individual performance through learning and put things right when they have gone wrong.

* The Commissioner **only** deals with complaints made against the Chief Constable of South Wales Police.
* Complaints against all other Police Officers and Police Staff are 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 Office for Police Conduct.
* Previously there were different rights of appeal a complainant could exercise. Changes to the legislation, which came into effect on 1 February 2020, replaced these different rights to a single right to apply for a review of the outcome of the complaint. The new right to apply for a review is to either the Commissioner or the Independent Office for Police Conduct depending on how a complaint was handled.
* In some circumstances, complaints and some other issues have to be *"referred"* to the Independent Office for Police Conduct to decide how they should be investigated. If the IOPC decides that the matter must be investigated, it will decide whether the mode of investigation will be either Local Investigation (carried out by South Wales Police), Directed Investigation (carried out by South Wales Police under the control of the IOPC) or an Independent Investigation (carried out by the IOPC itself).
* Except for complaints against the Chief Constable, the Commissioner is not directly responsible for any investigations. However, the Commissioner does maintain oversight of the efficiency of the process, through performance reports and *"sample"* checks, and she works with the Welsh Director of the Independent Office for Police Conduct on appropriate checks and challenges to ensure the system is as effective and timely as possible.
* The Police and Crime Commissioner also scrutinises the causes of any emerging themes identified from complaints information and uses this information within their wider scrutiny role. The Commissioner also holds the force to account to ensure that the Reflective Review Practice instigated by the Policing and Crime Act 2017 is implemented and embraced fully and will do this by way of review of the process and outcomes.

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 Commissioner’s Chief Officers or other members of staff. A complaint may relate to the service provided or even a decision or policy.

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

**South Wales Police Force**

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

**South Wales Police**

**Professional Standards Department**

**Police Headquarters**

**Bridgend**

**CF31 3SU**

**Tel: 101**

**E-mail:** **Professional.Standards@south-wales.police.uk**

**Independent Office for Police Conduct (IOPC)**

**P O Box 473**

**Sale**

**M33 0BW**

**Tel: 0300 020 096**

**Website:** [**https://policeconduct.gov.uk/**](https://policeconduct.gov.uk/)

**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.

Any complaints against the Chief Constable should be made in writing to the Police and Crime Commissioner. A complaint form can be found on the Commissioner’s website [Making a complaint (southwalescommissioner.org.uk)](https://www.southwalescommissioner.org.uk/en/complaints-reviews/making-a-complaint/)

The complaint can be sent by email to commissioner@south-wales.police.uk or it can be sent by post to the following address:

**Police and Crime Commissioner for South Wales**

**Police Headquarters**

**Bridgend**

**CF31 3SU**

Alternatively, you may submit a complaint to the Independent Office for Police Conduct by contacting:

**Independent Office for Police Conduct**

**P O Box 473**

**Sale**

**M33 0BW**

**Tel: 0300 020 096**

**Website:** [**https://policeconduct.gov.uk/**](https://policeconduct.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 Office for Police Conduct on 0300 020 096.

**Ethical Standards**

The Police and Crime Commissioner, and her staff all adhere to the Code of Ethics and the Principles and Standards of Professional Behaviour for the Policing Profession of England and Wales as set out in The College of Policing “Code of Ethics” Guide, details of which can be found at [Code of Ethics | College of Policing](https://www.college.police.uk/ethics/code-of-ethics)

The Police and Crime Commissioner and all her staff are also bound by the Nolan Principles of Public Life, which are attached in Annex A.

**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, please 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 2012. 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 Office for Police Conduct or a separate police force under the direction of the Independent Office for Police Conduct.

The Independent Office for Police Conduct 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 Office for Police Conduct in relation to the Commissioners that are equivalent to those functions exercised in relation to the police. The Independent Office for Police Conduct can also issue reports on the exercise of those functions.

* Under the Police Reform Act 2002 the Independent Office for Police Conduct 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 IOPC 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 South Wales Police and Crime Panel:

**c/o Merthyr Tydfil County Borough Council, Democratic Services Dept.
Civic Centre, Castle Street
Merthyr Tydfil, CF47 8AN**

**Email -** **swpcp@merthyr.gov.uk**

**Telephone** - 01685 725000

* 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 Office for Police Conduct by the Police and Crime Panel if it involves suspicion of a criminal offence. Where a complaint or conduct matter is referred, the Independent Office for Police Conduct 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 Office for Police Conduct. Investigations can be suspended, resumed and discontinued if necessary at any time.

* The investigator must then submit a final report to the Independent Office for Police Conduct for their consideration. If the Independent Office for Police Conduct 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 Office for Police Conduct 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 Office for Police Conduct 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 followed when making a complaint 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: 0300 790 0203**

**Email:** **ask@ombudsman.wales**

* You must be able to tell the Ombudsman specifically what you believe the member of the Police and Crime Panel and/or 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 <https://www.ombudsman.wales/>

# 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 Commissioner’s 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 either by email to:

commissioner@south-wales.police.uk

or in writing to:

**The Police and Crime Commissioner**

**Police Headquarters,**

**Bridgend,**

**CF31 3SU**

You are also able to make a complaint via the Police and Crime Commissioner’s website at [Making a complaint (southwalescommissioner.org.uk)](https://www.southwalescommissioner.org.uk/en/complaints-reviews/making-a-complaint/)

The Commissioner has the option to delegate investigation of the complaint to any person she feels appropriate within her team or outside of her team.

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

# 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 her 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**

**2nd Floor**

**Churchill House**

**Churchill Way**

**Cardiff**

**CF10 2HH**

**Tel: 0330 414 6241**

**Email:** **wales@ico.gsi.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.