



REPORT TO

THE SOUTH WALES POLICE AND CRIME PANEL

20th March 2018

Approval of Complaints Procedure

Purpose of the Report

This report seeks Members' approval for the Panel's complaints procedure.

1.0 Background / Information

- 1.1 The Police and Crime Panel have a statutory role in the handling and determination of certain complaints made against the South Wales Police and Crime Commissioner and Deputy Police and Crime Commissioner. This report sets out the suggested procedure for the operation of the Panel's complaints procedure and seeks approval for the delegation of certain responsibilities to the host authority's Monitoring Officer, following consultation with the Panel's Chair.
- 1.2 The draft Complaints Procedure is attached to this report and is based upon statutory requirements. The statutory procedures are prescribed and complex and allow very little scope for flexibility or local determination. To date the Panel has handled all complaints in line with both the statutory requirements and the Panels Rules of Procedure.
- 1.3 Complaints defined as a 'Conduct Matter' or 'Serious Complaint' must be referred to the Independent Office for Police Conduct (IOPC) (*formerly the Independent Police Complaints Commission IPCC*) without delay.
- 1.4 A Conduct Matter is defined as a matter where there is an indication (whether from the circumstances or otherwise) that the Commissioner and/or the Deputy Commissioner may have committed a criminal offence. Conduct matters can arise without a Complaint being made (for example, press stories). A Conduct Matter requires evidence to show an indication that a criminal offence may have been committed. A mere assertion without more, that a criminal offence has been committed is unlikely to suffice. However, an assertion coupled with a fairly low degree of evidence is likely to be an adequate sign of potential criminal conduct, resulting in the matter being referred to the IPCC as a Conduct Matter.

- 1.5 A Serious Complaint is defined as a complaint about the conduct of the Commissioner and/or the Deputy Commissioner which constitutes or involves, or appears to constitute or involve the commission of a criminal offence. There must be evidence of conduct that constitutes or appears to constitute or involve the commission of a criminal offence. A Serious Complaint requires stronger evidence, as the evidence must show that there is conduct that appears to constitute or involve the commission of an offence. Therefore, the level of evidence will be more than for a Conduct Matter but is likely to be much less than would be required by a court.
- 1.6 The Panel is responsible for the 'informal resolution' of other complaints about the Commissioner and/or the Deputy Commissioner that are not a Conduct Matter or a Serious Complaint, or is a complaint that ceases to be investigated by the IOPC or a police force. Informal resolution is considered to be encouraging, facilitating, or otherwise assisting in the resolution of the complaint otherwise than by legal proceedings. The Panel does not have powers of investigation but can seek further clarification from the complainant and the person being complained about.

2.0 Public Questions and Statements

- 2.1 The public are entitled to attend Panel meetings. Paragraph 24 of the Panel's Rules of Procedure allow the public to participate in meetings by way of questions and statements. Paragraph 24.1 states that questions and statements must relate to the responsibilities and functions of the Panel.
- 2.2 To avoid duplication of work in relation to complaints the Panel is asked to consider whether it wishes to re-define the scope of permitted questions and statements to preclude questions and statements being made in relation to complaints on the basis that the handling of complaints have been delegated to the Chair of the Panel and the Merthyr Tydfil County Borough Council Monitoring Officer in line with paragraph 21 of the Rules of Procedure and any procedure adopted by the Panel. The full Panel will receive a report on complaints at least annually or upon request from a member.

3.0 Recommendation(s)

- 3.1 The Panel approves the attached draft Complaints Procedure.
- 3.2 Delegated authority is granted to the Chair in consultation with the Monitoring Officer to review and amend if necessary the Panels "Rules of Procedure".

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