



REPORT TO THE SOUTH WALES POLICE AND CRIME PANEL

4th June 2019

Oversight of Complaints.

Purpose of the Report

This report sets out all complaints against the Police and Crime Commissioner for South Wales, and/or his Deputy, that have been received by the South Wales Police and Crime Panel since the 5th December 2017.

1.0 Background / Information

- 1.1 The Elected Local Policing Bodies (Complaints and Misconduct) Regulations 2012 make the South Wales Police and Crime Panel responsible for overseeing complaints made about the conduct of the Police and Crime Commissioner for South Wales and the Deputy Police and Crime Commissioner for South Wales.
- 1.2 The initial handling, including categorisation, recording of decision-making, referral of criminal allegations to the Independent Office for Police Conduct (IOPC), and responding to the complainant in the first instance, is dealt with by the panel via the host local authority (Merthyr Tydfil County Borough Council).
- 1.3 As per the Panel's Rules of Procedure, the host local authority will draw the complaint to the attention of the Chair of the Panel and the Monitoring Officer of the host authority.
- 1.4 Allegations which are deemed to be "conduct matters" or "serious complaints" must be submitted to the IOPC for consideration. Conduct matters are complaints that contain an indication that a criminal offence may have been committed by the Commissioner or his Deputy whilst a Serious Complaint is one which alleges conduct on the part of the Commissioner or his Deputy which constitutes or involves, or appears to constitute or involve, the commission of a criminal offence. Non-criminal complaints will be managed by the Chair of the Panel in consultation with the Monitoring Officer of the host authority.
- 1.5 The Panel may forward or refer complaints, if they are deemed appropriate for local resolution, to the Police and Crime Commissioner's Chief of Staff. On behalf of the Panel the

Commissioner's Chief Executive will investigate the complaint and will provide the Chair of the Panel with a summary of the investigation and his findings. The Chair and the host authority's Monitoring Officer will then consider the same and determine what action will be taken in relation to the same.

2.0 Summary of complaints

- 2.1 A summary of the complaints received since complaints were last reported to the Panel on the 5th December 2017 and an update of those complaints made prior to that date but not concluded by that date is attached (Appendix I)
- 2.2 A copy of the complaint case file is available for review by members of the Panel.

3.0 Recommendation(s)

- 3.1 The Panel is asked to note the content of the report.

Simon Jones
Senior Solicitor
Merthyr Tydfil County Borough Council

Appendix I

Complaints received by the South Wales Police and Crime Panel			
PCP Ref	Date Complaint Received	Complaint Category	Date Complaint Closed
2014/2	16 th April 2014	Complaint.	8 th December 2014
2014/2(a)	2 nd November 2016	Complaint.	13 th April 2017
2014/2(b)	15 th March 2017	Serious complaint.	15 th February 2018
2014/2(c)	May 2017	Complaint	17 th October 2017
2014/2(d)	22 nd January 2019	Complaint	31 st March 2019
Details of Complaint			
<p>Complaint 2014/2 - received April 2014 that the Commissioner had failed to respond to letters asking him to deal with Police corruption.</p> <p>Appeal to IPCC - 10th June 2015 - Complaint to IPCC regarding the Panel's handling of his complaint. IPCC deem complaint not valid and cannot be dealt with by them.</p> <p>Complaint 2014/2(a) – received 24th October 2016 complaint that Commissioner has failed to respond to letter 8th September 2014.</p> <p>Complaint 2014/2(b) – received by IPCC 28th December 2016 forwarded to Panel by IPCC on the 15th March 2017. Complaint that Commissioner had “corruptly and dishonestly disregarded the truth” when investigating the complainant’s complaint against the SWP Chief Constable.</p> <p>Complaint 2014/2(c) – received May 2017. Complaint that the Commissioner’s website states that Complaint 1 was not upheld.</p> <p>Complaint 2014/2(d) – received 22nd January 2019. Complaint that the Commissioner had failed to reply to his correspondence.</p>			
Action			
<p>Complaint 2014/2 - Referred to Commissioner’s Chief of Staff for informal resolution.</p> <p>Appeal to IPCC – no further action.</p> <p>Complaint 2014/2(a) - referred to Chief of Staff – response received attaching Commissioner’s</p>			

response to letter dated 22nd September 2014.

Complaint 2014/2(b) – referred to IPCC as a serious complaint. Complaint referred back to Panel by IPCC. Complaint referred to Commissioner’s Chief of Staff for informal resolution.

Complaint 2014/2(c) – referred to Commissioner’s Chief of Staff for informal resolution.

Complaint 2014/2(d) – referred to Commissioner’s Chief of Staff for informal resolution.

Resolution

Complaint 2014/2 – On the 9th December 2014 Panel UPHELD complaint in part – Commissioner has since responded to the complainant.

Complaint 2014/2(a) – On the 13th April 2017 complaint NOT UPHELD.

Complaint 2014/2(b) – Complaint NOT UPHELD.

Complaint 2014/2(c) – UPHELD – website changed to read "original substantive complaint - not upheld although the Panel considered the Commissioner could have informed the complainant earlier that he had no authority to investigate his complaint"

Complaint 2014/2(d) – Complaint NOT UPHELD.

Complaints received by the South Wales Police and Crime Panel

PCP Ref	Date Complaint Received	Complaint Category	Date Complaint Closed
2018/01	17 th May 2018	Complaint.	11 th July 2018

Details of Complaint

Complaint alleging the Commissioner gave the complainant contradictory & misleading information.

Action

Referred to Commissioner’s Chief of Staff for informal resolution

Resolution

Complaint NOT UPHELD.

**Complaints received by the
South Wales Police and Crime Panel**

PCP Ref	Date Complaint Received	Complaint Category	Date Complaint Closed
2018/02	7 th June 2018	Not recorded	12 th June 2018
Details of Complaint			
Complaint about the actions of SWP.			
Action			
Complainant advised to refer matter to the Police.			
Resolution			
No action – outside remit of Panel			

**Complaints received by the
South Wales Police and Crime Panel**

PCP Ref	Date Complaint Received	Complaint Category	Date Complaint Closed
2018/03	11 th June 2018	Complaint	8 th November 2018
Details of Complaint			
Complaint that (1) the Commissioner failed to properly respond to complainant's letters and (2) failed to achieve and ensure equality and fairness with regard to pay and conditions for SWP staff and consequently (3) failed in his duty of care towards SWP staff affected by the same.			
Action			
Complaint (1) referred to Commissioner's Chief of Staff for informal resolution.			
Resolution			
Complaint (1) UPHELD – reassurances sought from Commissioner. Complaints (2) and (3) outside remit of the Panel.			

**Complaints received by the
South Wales Police and Crime Panel**

PCP Ref	Date Complaint Received	Complaint Category	Date Complaint Closed
2018/04	6 th August 2018	Complaint	18 th December 2018

Details of Complaint

Complaint about the actions of the PCC who it was alleged had unreasonably to have refused to convene a further disciplinary appeal and thereafter failed to give a rationale for that decision. It was further alleged that the Commissioner had deliberately supplied the complainant with false information.

Action

Referred to Chief of Staff of Commissioner's Office for informal resolution.

Resolution

NOT UPHELD