



west midlands
office of the police
and crime commissioner

Office of the Police and Crime Commissioner West Midlands

Procedure for dealing with complaints about staff in the Office of the Police and Crime Commissioner West Midlands

Application of this procedure

This procedure only applies to complaints about the Office of the Police and Crime Commissioner West Midlands and its staff members. Complaints about the police or police staff are subject to separate procedures and should be directed accordingly.

This procedure does not apply to complaints about the Police and Crime Commissioner, Deputy Police and Crime Commissioner or a member of the Strategic Policing and Crime Board.

Purpose of procedure

The main purpose of this procedure is to ensure that any complaint is dealt with effectively and as far as possible resolved to the satisfaction of the complainant at an early stage.

Complaints

For the purpose of this procedure a complaint is any expression of dissatisfaction of the service provided by the Office of the Police and Crime Commissioner West Midlands or conduct of any member of staff made by or on behalf of a person who is dealing with Office of the Police and Crime Commissioner West Midlands.

A complaint may be made in writing, by email, fax, phone or in person.

This procedure will not apply where the complaint is about a policy or decision which has been taken by the PCC, DPCC or a member of the Strategic Board. The procedure will however apply where a member of staff other than the DPCC takes a decision under delegated powers.

Procedure on receipt of a complaint – obligation on all members of staff

Any member of staff receiving a complaint should in the first instance try and resolve the complaint by taking any necessary action which may be required to put the matter right and if appropriate drawing the matter to the attention of a manager or the Chief Executive.

Members of staff are encouraged to acknowledge where a complainant has not received an acceptable service. For example, if a communication to the Office of the Police and Crime Commissioner West Midlands has not received a response the matter should be put right and an apology given.

The complainant should be advised that if they remain dissatisfied they may speak to a more senior manager or make a formal complaint to the Chief Executive.

Procedure on receipt of a formal complaint – further action

In cases where the complainant remains dissatisfied, either that any or no action has been taken to resolve the complaint, it must be registered in the complaints database as a formal complaint.

The Chief Executive shall decide on the responsibility for dealing with a registered complaint either by responding to the complainant personally or by delegating the matter to a senior manager. The Chief Executive may decide:-

- (a) that in the circumstances no further action should be taken in relation to the complaint; or
- (b) that steps should be taken to resolve the complaint and delegate the matter to a member of staff; or
- (c) to personally deal with the matter to resolve the complaint; or
- (d) that the matter should be formally investigated and appoint an investigator; or
- (e) that the matter should be referred to the PCC for a decision.

The complainant shall be advised of the action to be taken in response to the complaint and any right to appeal to the PCC.

Stage 1 – complaint resolution – informal resolution by delegated staff member

The person who has initial responsibility for dealing with a complaint shall make contact with the complainant and try to resolve the complaint informally. The complainant shall be notified of the outcome of the complaint and advised of further steps which may be taken if the complainant remains dissatisfied.

Stage 2 – complaint resolution – decision by the Chief Executive

If the complainant remains dissatisfied, the matter shall be referred to the Chief Executive who may decide:-

- (a) that further steps need to be taken to deal with the complaint and to take those steps or give instructions to a member of staff to take those steps; or
- (b) that in the circumstances after making contact with the complainant that no further action should be taken in relation to the complaint; or
- (c) that the matter should be the subject of a formal investigation; or
- (d) that the matter should be subject to an agreed mediation or dispute resolution process; or
- (e) that the matter should be referred to the PCC for a decision.

Stage 3a – Formal investigation

In the event of a matter being referred for formal investigation, the Chief Executive shall appoint a person to investigate the complaint. The investigator may be a member of the staff of the Office of the Police and Crime Commissioner West Midlands or any other person the Chief Executive decides to appoint.

The investigator shall interview the complainant and such other persons as is considered necessary to establish the facts relating to the complaint. The investigator shall report to the Chief Executive with a conclusion and recommendations as to the further steps, if any, which should be taken in response to the complaint.

The Chief Executive shall consider the report and shall decide what further steps, if any, shall be taken in relation to the complaint and inform the complainant of the outcome and the right of the complainant to appeal to the PCC.

Stage 3b – Mediation or dispute resolution

In the event of the Chief Executive deciding to refer the matter to an agreed mediation or dispute resolution process, the Chief Executive (or a designated member of staff) shall make arrangements with the complaint to determine by agreement the form of mediation or dispute resolution and the procedure which shall apply.

The agreement shall provide whether the outcome of the mediation or dispute resolution process is to be binding or whether it requires ratification by the PCC.

Upon agreement being reached the complaint shall then be handled in accordance with the agreed resolution process.

In the event of agreement not being reached on the mediation or dispute resolution process, the Chief Executive shall refer the matter to the PCC for a decision.

Stage 3c – Reference to the PCC

Where a matter is referred to the PCC, the PCC shall determine what action, if any, shall be taken and the complainant shall be advised accordingly.

A determination by the PCC shall be final.

Appeals against decisions of the Chief Executive

A complainant who is dissatisfied with a decision or action taken by the Chief Executive in relation to a complaint may appeal to the PCC.

The PCC may deal personally with the complaint in any manner considered appropriate or may delegate the matter to the DPCC or a member of the Strategic Board. The decision taken on appeal shall be final and the complainant shall be advised of the outcome.