

## **Addressing complaints about members of staff**

### **Equality Statement**

The Office of the Police and Crime Commissioner (OPCC) is committed to the principles of equality and diversity. No member of the public, member of staff, secondee contractor, volunteer or job applicant shall be discriminated against on the grounds of age; disability; gender reassignment; marriage and civil partnership; pregnancy and maternity; race; religion or belief; sex; or sexual orientation.

### **Application of this procedure**

This procedure only applies to complaints from external organisations, partners and members of the public about the office of the West Midlands Police and Crime Commissioner 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, Assistant Police and Crime Commissioners or a member of the Strategic Policing and Crime Board, although it will apply if a member of staff takes a decision under delegated powers. Staff who wish to complain about another staff member should use the grievance process within the staff handbook.

### **Introduction**

1. The 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**

2. For the purpose of this procedure a complaint is any expression of dissatisfaction of the service provided by the office or conduct of any member of staff, made by or on behalf of a person who is dealing with the office.
3. Complaints should be written where possible, and sent by letter or email as instructed on the OPCC website. Complaints articulated in other ways will be accepted if the complainant is unable or unwilling to write it down. Complaints will be acknowledged within 5 working days.

### **All staff procedure on receipt of a complaint**

4. 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.
5. Members of staff are encouraged to acknowledge where a complainant has not received an acceptable service. For example, if a communication to the office has not received a response the matter should be put right and an apology given.
6. 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.

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

7. 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**

8. 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. If the complaint relates to the Chief Executive it will be escalated to the Police and Crime Commissioner.
9. 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 Commissioner for a decision.
10. The complainant shall be advised of the action to be taken in response to the complaint and any right to appeal. Appeals may be raised within 20 days of the complaint having been closed following resolution.

### **Stage 3a – Formal investigation**

11. 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 or any other person the Chief Executive decides to appoint.
12. Where appropriate 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.
13. 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.

### **Stage 3b – Mediation or dispute resolution**

14. 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 Commissioner. Upon agreement being reached the complaint shall then be handled in accordance with the agreed resolution process.
15. In the event of agreement not being reached on the mediation or dispute resolution process, the Chief Executive shall refer the matter to the Commissioner for a decision.

**Stage 3c – Reference to the Police and Crime Commissioner**

16. Where a matter is referred to the Commissioner, they shall determine what action, if any, shall be taken and the complainant shall be advised accordingly. A determination by the Commissioner shall be final.

**Appeals against decisions of the Chief Executive**

17. A complainant who is dissatisfied with a decision or action taken by the Chief Executive in relation to a complaint may appeal to the Commissioner. The Commissioner may deal personally with the complaint in any manner considered appropriate or may delegate the matter to an APCC or a member of the Strategic Board. The decision taken on appeal shall be final and the complaint shall be advised of the outcome.

<b>Version No</b>	<b>Date</b>	<b>Author</b>	<b>Post</b>	<b>Reason for issue</b>	<b>Date agreed by PCC</b>	<b>Review Schedule</b>
1.0	Jul 2018	Polly Reed	Head of Business Services	General Review		Biennial