



# Complaints and Conduct Policy

Issued: August 2023  
Review date: August 2026

## Contents by section

1. Introduction
2. Overview of statutory obligations
3. Review of complaints
4. Misconduct hearings, LQC's and Independent Members
5. Complaints relating to Direction and Control Matters
6. Power to Direct
7. Complaints against the Chief Constable
8. Complaints against Police and Crime Commissioner
9. Complaints against member of staff within the Office of Police and Crime Commissioner
10. Unreasonable and Unreasonably Persistent Complainants
11. Other organisations involved in the complaints process
12. Complaints Process – Appendix 1.

## **1. Introduction**

- 1.1.** The Policing and Crime Act 2017 and supporting regulations established the basis for the long-term reform of the complaints and conduct system that applies to police officers. This has been divided into three phases. The first phase now implemented introduced a barred and advisory list to ensure that former officers could not avoid accountability for gross misconduct and to prevent them from re-joining the police service. The second phase also now implemented, saw the replacement of the Independent Police Complaints Commission with the Independent Office for Police Conduct (IOPC), with changes to role, powers, and governance in respect of the complaints and conduct system for the police.
- 1.2.** The third phase which this policy document relates to, has overhauled the regulations on complaints and conduct and implemented the reforms in the 2017 Act to provide a new regulatory framework introduced on 1 February 2020.
- 1.3.** This policy document sets out some of the key aspects of the law and responsibilities relating to the Police and Crime Commissioner in Norfolk, and how they will be applied in Norfolk from 1 February 2020.
- 1.4.** This document does not seek to explore each and every aspect of the complaints and conduct system, rather just those areas where the Police and Crime Commissioner has a specific responsibility to discharge. It needs to be read in conjunction with the key legislation and the guidance produced by the Home Office, College of Policing and Independent Office for Police Conduct.

## **2. Overview of the Statutory obligations placed upon the Police and Crime Commissioner for Norfolk relating to police complaints and conduct**

- 2.1.** The Police and Crime Commissioner for Norfolk (OPCCN) is a statutory role established by the Police Reform and Social Responsibility Act 2011. The role, functions and powers of the PCC are set out in the 2011 Act, which established PCCs. The Policing Protocol Order 2011 also summarises the requirements placed upon the PCC. Whilst this legislation touches upon the PCC's responsibilities in the police complaints and conduct system, the vast bulk of the PCC's responsibilities in this area are found elsewhere.

### **Review of Complaints**

- 2.2.** The Policing and Crime Act 2017 gives the PCC as the Local Policing Body (LPB) the responsibility for reviews of public complaints where the matter has been investigated or handled otherwise by the Chief Constable acting as the Appropriate Authority (AA). The responsibility is covered in detail in section 3 of this statement where it is set out how the PCC will operate the discharge of this function.

- 2.3. The 2017 Act gives the PCC the option to give notice to the relevant Chief Constable (AA) that they, rather than the Chief Constable (AA) will exercise certain other complaint functions. Those functions are initial complaint handling, including the recording of complaints, and responsibility for being the Single Point of Contact (SPOC) throughout the complaints handling program. Whilst the PCC in Norfolk will discharge the review function, which is a mandatory requirement, the PCC has determined thus far, in common with the majority of other PCCs, not to give notice to the Chief Constable (AA) to take on the additional voluntary complaints' functions. Accordingly, the Chief Constable (AA) will remain responsible for initial complaint handling and be the contact point throughout the complaints handling process.
- 2.4. Section 3 sets out how the OPCCN will operate the discharge of the statutory review function placed upon PCCs. Section 3 needs to be read and applied in conjunction with the identified "Key Reading" on which it is based. Complaints about serving Police officers below the rank of Chief Constable are directly managed by the Force and are subject to separate policies and procedures. This policy deals with the ways in which complaints being handled by the PCC will be dealt with.

#### **Protocol**

- 2.5. This section also has an identified protocol attached at Appendix A. This protocol sets out the how the provisions relating to reviews will operate between the OPCCN and the Chief Constable (AA). It also identifies what can be expected from each of the parties in relation to information sharing and interaction with complainants.

#### **Complaints against the Chief Constable**

- 2.6. The PCC will consider complaints about the conduct of the Chief Constable for Norfolk. The new complaints system brings changes on how this operates in practice. Guidance on the handling of matters about Chief Officers is set out in Annex A of the Statutory Guidance on the Police Complaints System published by the IOPC. There is an automatic requirement to refer complaints to the IOPC where the conduct complained of if proved would result in a written warning. This is further outlined in section 7 of this policy.

#### **Complaints against PCC staff members**

- 2.7. The PCC will also consider complaints about any member of staff who works for the OPCCN as outlined in section 9 of this policy.

#### **Complaints monitoring and dip sampling**

- 2.8. The OPCCN has a role in the complaints system to maintain oversight to help ensure that the complaints process is operating effectively and ethically and to hold the Chief Constable to account for this.

## **Misconduct hearings – Legally Qualified Chairs and Independent members**

- 2.9.** A regional approach has been taken to maintaining lists of legally qualified chairs and independent members. Section 4 of this policy has an associated statement whereby the region has set out its approach to appointing membership of misconduct panels to hear misconduct cases.
- 2.10.** PCCs have administrative responsibility for running police appeals tribunals, including selecting the membership of such.

### **Delegation of complaints and misconduct function by the PCC to officers of the Office of the Police and Crime Commissioner for Norfolk (OPCCN).**

- 2.11.** The arrangements for delegations of functions in relation to complaints and misconduct are provided for in the OPCCN's Scheme of Governance and Consent which can be found on the OPCCN website [here](#).

## **3. Review of Complaints**

### **Right of Review**

- 3.1.** There is a right of review in respect of complaints that have been investigated or handled other than by investigation by the Chief Constable (AA). Once the complainant has received the final outcome in writing the right of review is given to them.
- 3.2.** An application for a review will be considered by the Local Policing Body which is either the OPCCN or the IOPC dependent on the facts of the complaint that has been made.
- 3.3.** The IOPC is the Relevant Review Body (RRB) where:
- 3.3.1.** The AA is the Local Policing Body (LPB)
  - 3.3.2.** The complaint is about the conduct of the Chief Constable, Deputy Chief Constable or an Assistant Chief Constable
  - 3.3.3.** The AA is unable to satisfy itself from the complaint alone that the conduct complained of (if it were proved) would not justify the bringing of criminal or disciplinary proceedings, or would not involve the infringement of a person's rights under article 2 or 3 of the European Convention on Human rights
  - 3.3.4.** The complaint has been, or must be referred to the IOPC
  - 3.3.5.** The IOPC is treating the complaint as having been referred
  - 3.3.6.** The complaint arises from the same incident as a complaint falling within 3.3.2 to 3.3.5
  - 3.3.7.** Any part of the complaint falls within 3.3.2 to 3.3.6
- 3.4.** In all other cases the RRB is the LPB

- 3.5. The test at paragraph 3.3.3 must be assessed on the substance of the complaint alone, not on the apparent merit of the allegations or with hindsight after the complaint has been dealt with.

### **Receiving an application for Review**

- 3.6. For each application for a review received by the OPCCN, the PCC will consider whether they are the correct RRB. If the application should have been sent to the IOPC as the RRB, then this will be forwarded digitally, where possible, to the IOPC asap. The PCC will notify the complainant that the application for review has been forwarded to the IOPC and that they are the RRB
- 3.7. On receipt of an application for review where the PCC is the RRB, the PCC will send an acknowledgment to the complainant. This will inform the complainant of what they can expect to happen next and when they can expect to hear about the outcome. It will also give the complainant a point of contact should they have any queries.
- 3.8. The PCC will notify the AA and the SPOC within PSD and any interested person on receipt of a review application. The PSD SPOC will then notify the Investigating Officer and the person complained about.
- 3.9. All documents or evidence created or obtained during the handling of a complaint should be provided to the RRB. When considering whether to request further information the Local Policing Body (LPB) must consider whether the information is necessary to carry out the review. Any information requested should be provided as soon as reasonably practicable

### **Assessing the application for validity**

- 3.10. Once the PCC has determined that they are the RRB then the application for a review will be assessed and validated
- 3.11. There are a number of reasons why an application for a review may be invalid. If it is invalid, the complainant will be advised of this by the PCC and the reason will be clearly explained.
- 3.12. Any application for a review must be made in writing and must state;
- 3.12.1. The details of the complaint
  - 3.12.2. The date on which the complaint was made
  - 3.12.3. The name of the force or LPB whose decision is subject of the application
  - 3.12.4. The date on which the complainant was provided the details about their right of review at the conclusion of the investigation or other handling of their complaint.

- 3.13.** Should an application fail to provide any information as set out above, the PCC as the RRB may decide to consider the review without those requirements being met.
- 3.14.** The IOPC considers that the RRB should consider a review in the absence of any information or where the complainant is unable to make their application in writing, unless the lack of information makes it impossible to identify the case to which the application relates. It may be appropriate to contact the complainant to clarify which complaint the application relates to, or any points they have raised. If after taking all reasonable steps to contact the complainant it has not been possible to make contact nor gather sufficient information to conduct the review, the application may be considered invalid.
- 3.15.** Only a complainant, or someone acting on their behalf can make an application for a review in relation to a complaint. If anyone other than the complainant or someone acting on their behalf tries to make an application, the application will be invalid.
- 3.16.** An application can only be made if there has been a written notification of the outcome of the handling of the complaint.
- 3.17.** Applications for reviews must be made within 28 days starting with the day after the complainant was provided with details about their right of review, at the conclusion of the investigation or other handling of their complaint
- 3.18.** Applications for reviews must be made within 28 days starting with the day after the complainant was provided with details about their right of review, at the conclusion of the investigation or other handling of their complaint
- 3.19.** Should an application for a review be made to the wrong review body, any time elapsing between the application being received by the LPB or the IOPC, and it being forwarded to the correct RRB will not be taken into account for the purposes of the 28-day period.
- 3.20.** A complainant cannot exercise their right of review before the completion of the handling of the matter. However, if the handling of the complaint has been completed, but any of the information about the complainant's right to apply for a review was not given by the AA, the application should not be treated as out of time.
- 3.21.** Where an application for a review is received out of time, the complainant should be asked to provide any reasons why this is the case. The reasons should be considered when deciding whether an application for a review should be progressed.
- 3.22.** The PCC as the RRB may extend the period for making an application for a review where it is satisfied that because of the special circumstances of the case, it is just to do so. Each case should be considered on its own merits. A non-exhaustive list of factors for consideration is set out in the IOPC Statutory Guidance (para 18.25).

- 3.23. If, having considered any special circumstances, the application for review is deemed to be out of time, and the PCC is not satisfied that it is just to extend the time, the application may be treated as invalid and not considered any further. Such a decision and the reasons should be notified to the complainant in writing as soon as reasonably practicable.

### **Delegation by the LPB of the consideration of reviews**

- 3.24. A LPB may delegate its responsibilities for considering reviews. However, it may not delegate them to:
- 3.24.1. A police constable
  - 3.24.2. Another LPB or the Mayor of London
  - 3.24.3. Any other person who maintains a police force
  - 3.24.4. A member of staff of a person who falls into any of the above criteria
  - 3.24.5. Any person who whose involvement in that roles could reasonably give rise to a concern as to whether they could act impartially.

### **Conducting the Review**

- 3.25. The purpose of a review is to consider whether the outcome of the complaint is reasonable and proportionate in the circumstances and to consider, if it was not, to put things right. Conducting a review should not be merely a quality check of what has happened before. The reviewer will come to their own conclusions about whether the outcome is reasonable and proportionate.
- 3.26. Each review will be considered on a case-by-case basis, and the PCC will take a consistent approach in the overall handling and decision-making approach to reviews. The PCC will observe the principles of reasonable decision-making by a public body and will act fairly and in good faith, making decisions as quickly as practicable. The PCC will give due consideration to any representations made by the complainant, the person complained about and the AA.
- 3.27. A review must consider whether the outcome of the investigation or other handling is reasonable and proportionate. Where the PCC concludes that the outcome was not reasonable and proportionate, the review should be upheld. The following matters should be considered;

### **Process and method of handling**

- 3.28. When deciding whether the outcome is reasonable and proportionate, the focus should be on whether it is appropriate to the circumstances of the individual complaint, rather than the process followed to reach that outcome. Where the handling of a complaint is found to be legally flawed in a manner that could have affected the outcome, the review should be upheld unless the PCC finds that the same outcome would have been reached notwithstanding the flaws.



### **A decision to take no further action**

- 3.29.** Taking no further action is expressly allowed under the legislation. Where such a decision has been reached the PCC will consider;
- 3.29.1.** Whether it was reasonable to take no further action in the circumstances
  - 3.29.2.** Where the complaint has already been responded to and whether there is any new evidence or concerns raised that should have been acted upon
  - 3.29.3.** Where no further action has been taken because the complaint handler believed that further information was required from the complainant. The PCC will consider what efforts were made to communicate with the complainant. and whether further information from the complainant was necessary.
- 3.30.** In considering the efforts made to communicate with the complainant, the PCC will look at the methods used, any communication preferences or needs of the complainant and any attempts to communicate with their representative (if any).

### **Information provided to the complainant**

- 3.31.** The PCC will consider whether the outcome given to the complainant provided sufficient information to explain any findings, determinations and actions taken or proposed. Also, whether the outcome could be understood considering the information given to the complainant.
- 3.32.** Where information that has not been provided to the complainant is the only reason that the PCC considers that the outcome is not reasonable and proportionate, and the PCC is able to provide the missing information from the evidence that has been reviewed, this will be provided to the complainant by the PCC. Although the review can be upheld on this basis the PCC will not need to make any further recommendations to address this issue.

### **Findings and determinations**

- 3.33.** In deciding whether any findings or determinations are reasonable and proportionate, the PCC will firstly consider whether findings and determinations were reached in relation to all matters required. The PCC will then consider whether those findings and determinations were reasonable and proportionate. Consideration should also be given as to whether;
- 3.33.1.** The complaint was fully understood, and all allegations or concerns were addressed
  - 3.33.2.** Reasonable lines of enquiry were undertaken to be able to provide a reasonable and proportionate outcome.
  - 3.33.3.** Relevant guidance was given due regard.
  - 3.33.4.** Any aspects of the complaint were not addressed, or lines of enquiry not pursued and were there sound reasons for this?
  - 3.33.5.** Information or evidence was weighed appropriately and fairly.

3.33.6. The findings or determinations reached logically follow from the information or evidence obtained.

### **Actions proposed**

3.34. When deciding whether any actions proposed are reasonable and proportionate the PCC will consider;

3.34.1. Whether due regard was given to the relevant legal tests and guidance

3.34.2. Whether the complaint handler attempted to understand the outcome the complainant was seeking and gave that due consideration

3.34.3. Whether the proposed actions have sought to remedy the issues raised by the complainant, so far as is reasonably possible

3.34.4. Whether the proposed actions are reasonable and proportionate, considering all the circumstances

3.34.5. Whether actions have been proposed or taken in respect of any learning or other issues identified through the handling of the matter

3.35. Sometimes when considering a review, issues with complaint handling may be identified that have not prevented a reasonable and proportionate outcome. These would not be a reason to uphold the review. However, such issues should be fed back to the AA as part of the RRB's oversight role. LPBs should also ensure that processes are in place to collate any issues with complaint handling, to identify trends that can be addressed with the AA. Any issues should be noted to the complainant as part of the decision they receive.

### **Outcome of the review dealt with other than by investigation**

3.36. Where the PCC(LP) is the RRB and finds that the outcome is not reasonable and proportionate, the PCC may;

3.36.1. Recommend that the AA refer it to the IOPC, if the complaint has not been previously referred;

3.36.2. Recommend that the AA investigate the complaint;

3.36.3. Make a recommendation with a view to remedying the dissatisfaction of the complainant.

### **Outcome of the review dealt with by investigation**

3.37. Where following an investigation the PCC (LP) is the RRB and finds that the outcome is not reasonable and proportionate, the PCC may;

3.37.1. Make a recommendation to the AA that the complaint is re-investigated

3.37.2. If the complaint has not previously been referred to the IOPC, recommend that the AA refer it to the IOPC

3.37.3. Make a recommendation to the AA in respect of any person serving with the police;

- 3.37.4. that the person has a case to answer in respect of misconduct or gross misconduct or has no case to answer in relation to the person's conduct to which the investigation related
  - 3.37.5. that the person's performance is, or is not, satisfactory
  - 3.37.6. that disciplinary proceedings of the form specified in the recommendation are brought against the person in respect of the person's conduct, efficiency, or effectiveness to which the investigation related
  - 3.37.7. that any disciplinary proceedings brought against the person are modified so as to deal with such aspects of that conduct, efficiency or effectiveness as may be so specified.
  - 3.37.8. Make a recommendation with a view to remedying the dissatisfaction of a complainant
  - 3.37.9. Make a recommendation that the AA notify the CPS if the local policing body (PCC) considers that the report indicates that a criminal offence may have been committed by a person to whose conduct the investigation related and they consider it appropriate for the matters to be considered by the CPS (or they fall within a prescribed category) and provide them with a copy of the report.
- 3.38. When considering making a recommendation in relation to conduct, performance or referring the matter to be dealt with under the Reflective Practice Review Process, the PCC (RRB) will have regard to the Home Office and College of Policing Guidance.
- 3.39. Any decision by the RRB (PCC) about whether to recommend that the report be considered by the CPS will be made considering the findings of the review and the evidence gathered during the handling of the complaint. The reasons given by the AA for not referring the report to the CPS will also be considered. A full rationale will be produced by the RRB (PCC) if it is decided not to recommend that a referral to the CPS be made, despite the report indicating that a criminal offence may have been committed.

### **Notification of Outcome**

- 3.40. After considering a review the RRB (the PCC) will notify the AA, the complainant, any interested person and the person complained against (if any) unless it would prejudice an investigation or re-investigation of the complaint (notification may be given by the AA) following of the decisions and the reasons for the decisions;
- 3.41. The outcome will be communicated in writing (and by other means where appropriate) and should use clear language. Sufficient information should be provided to enable recipients to understand the decisions and recommendations and the rationale.

### **Responses by the AA to the outcome of the review**

- 3.42. The AA must consider any recommendations made by the PCC as the LPB and respond in writing within 28 days (starting with the day after the recommendation

was made.) The response must include whether the recommendation is accepted and if so, what steps the propose to take to give effect to the recommendations. If the recommendation is not accepted, the reasons why must be given.

**3.43.** The response by the AA will be copied to by the person making the recommendation to the complainant, any interested person and the person complained about (if any) unless the person making the recommendation considers that to do so might prejudice any investigation.

**3.44.** The PCC (LPB) may extend the time limit for a response.

#### **4. Misconduct hearings – Legally Qualified Chairs and Independent Members**

**4.1.** Where misconduct hearings occur under the Police (Conduct) Regulations 2020, the hearings must be conducted by a panel of three persons comprising:

**4.1.1.** a Chair ('Legally Qualified Chair') appointed by the local policing body selected on a fair and transparent basis from a list of legally qualified persons maintained by the PCC for the purposes of the 2020 Regulations;

**4.1.2.** a member of a police force of the rank of Superintendent or above (provided the member is of a more senior rank than the officer concerned) appointed by the appropriate authority, and

**4.1.3.** a person ('Independent Panel Member') appointed by the local policing body selected on a fair and transparent basis from a list of candidates maintained by the local policing body for the purposes of the 2020 Regulations.

**4.2.** If the officer subject to the misconduct hearing is a senior officer, the panel will consist of those individuals as set out at 4.1 above save that the member of a police force at 4.1.2 will instead be Her Majesty's Inspector of Constabulary and Fire and Rescue Service or an inspector of constabulary nominated by such.

**4.3.** In the Eastern Region the PCCs have joined together to appoint and maintain lists of both legally qualified chairs and independent members as referred to at 4.1.1 and 4.1.3 above. Whilst the responsibility to appoint the legally qualified chairs is an individual one for PCCs, the Eastern Region Offices of PCCs recognised that there were economies of scale to be achieved in undertaking regional recruitments and appointments. Officers from each of the six offices of PCCs in the Region meet regularly as the Misconduct Members Oversight Panel (MMOP) to coordinate and operate all aspects of the administration of legally qualified chairs and independent members and which includes recruitment, appointment to the lists, issue of terms of appointment, indemnification, maintenance of the lists and training.

**4.4.** Appointment of legally qualified chairs and independent members to a particular case hearing should be on a fair and transparent basis by a PCC following a request from the

Chief Constable as appropriate authority. The Home Office Statutory Guidance states that “fair and transparent” will generally mean that a rota system is established so the next available person from the lists is chosen for the hearing. It is stated to be good practice for the PCC to publish how their rota system operates. The Regional PCCs have produced a statement of how their rota system operates and this can be found [on the Norfolk PCC website here](#).

- 4.5. The officer subject to a misconduct hearing will be informed of the person selected to chair a misconduct hearing and to whom they can object in writing within 3 days setting out their grounds for objection. The PCC will either uphold or reject the objection.

#### **Delegation of Functions regarding Legally Qualified Chairs and Independent Members**

- 4.6. Under the Scheme of Governance and Consent, the PCC has delegated the discharge of certain functions to the Chief Executive, including those functions regarding the appointment and selection of legally qualified chairs and independent members for hearings. This means that all relevant action, including day-to-day activity and decisions relating to this area will be undertaken by the Chief Executive and officers acting upon their behalf. The appointment of members to a misconduct panel shall, where the appointment is one for the PCC, be made by the Chief Executive. All appointments should be documented in writing and confirmed to the appointee in writing.

#### **5. Complaints relating to Direction and Control Matters**

- 5.1. The definition of direction or control of the force is the operational responsibility and discretion held by the Chief Constable. Direction and control of the force by the Chief Constable is taken to include the direction and control by any person serving under him. Complaints relating to direction and control would concern:

- 5.1.1. Operational policing procedures
- 5.1.2. Organisational decisions
- 5.1.3. General policing standards within the force
- 5.1.4. Operational management decisions (where there are no conduct issues).

- 5.2. Complaints about direction and control may be received by:

- 5.2.1. The PCC
- 5.2.2. The Professional Standards Department
- 5.2.3. The Association of Chief Police Officers
- 5.2.4. The IOPC.

- 5.3. Any complaints received by the OPCCN which are considered to relate to direction and control will be acknowledged and passed to the Professional Standards Department where they will be registered and dealt with in accordance with force procedures. The

Head of Professional Standards will provide regular reports to the Chief Executive on the handling of such complaints to enable the PCC to be advised, this may include the PCC deciding to require a Chief Constable to take certain actions as detailed in Section 6 below.

## **6. Power to direct**

**6.1.** Section 15 of the Police Reform Act 2002, as amended, provides that in a case where it appears to the PCC that:

- 6.1.1.** an obligation to act or refrain from acting has arisen in relation to a complaints matter
- 6.1.2.** That obligation is an obligation of the Chief Constable
- 6.1.3.** The Chief Constable has not yet complied with that obligation or has contravened it.

The PCC may direct the Chief Constable to take such steps as the PCC thinks appropriate and the Chief Constable must comply with any direction given.

## **7. Complaints against the Chief Constable**

**7.1.** The AA for a complaint or recordable conduct matter that relates to the conduct of a Chief Officer or acting Chief Officer is the LPB with responsibility for that police force area. i.e., the OPCCN. Guidance on handling matters about Chief Officers is set out in Annex A of the Statutory Guidance on the police complaints system published by the IOPC.

**7.2.** The AA must refer to the IOPC any complaints relating to a Chief Officer where the AA is unable to satisfy itself that the conduct complained of, if it were proved would not justify the bringing of criminal or disciplinary proceedings, this test should be based on the substance of the complaint alone, not the apparent merit of the allegations, and the AA should not carry out any preliminary investigative steps.

## **8. Complaints against the Police and Crime Commissioner**

**8.1.** Complaints about the PCC are submitted to the Chief Executive who has delegated authority from the Police and Crime Panel (PCP) administered by Norfolk County Council to undertake the initial handling of complaints.

**8.2.** The Chief Executive will refer complaints to the Police and Crime Panel as required. Details of this process and the complaints procedure adhered to by the Panel can be found on the [Norfolk County Council website](#).

**8.3.** Serious complaints and conduct matters (those that involve or appear to involve the commissioner of a criminal offence) will be referred by the Chief Executive to the

Independent Office for Police Conduct (IOPC) for investigation.

- 8.4.** In accordance with the Elected Local Policing Bodies (Specified Information Order) 2011 the PCC will publish details of the number of complaints or conduct matters that have been brought to the attention of the PCC by the Police and Crime Panel (either because of referral from the IOPC or the subject of informal resolution by the Panel).

## **9. Complaints against a member of staff within the OPCCN**

- 9.1.** These complaints relate to a member of staff employed within the Office of the Police and Crime Commissioner. Complaints against members of Police Staff will be dealt with by the Professional Standards Department.
- 9.2.** On receipt of a complaint against a member of staff, the Complaints and Compliance Manager will consult with the OPCC's Chief Executive (unless the complaint relates to the Chief Executive, when the discussion will be with the OPCC's Chief Financial Officer).
- 9.3.** Appropriate arrangements will be put in place for an investigation; if the complaint relates to a criminal matter advice will be sought from the force's Head of Professional Standards as a matter of urgency. Any investigation may be undertaken by either the Chief Executive, the body providing internal audit services to the PCC or the Professional Standards Department depending upon the nature of the complaint.
- 9.4.** Careful consideration will be given as to whether the member of staff subject to the complaint should be suspended pending the outcome of the investigation. This will greatly depend upon the nature of the complaint and the degree of risk involved in the continued presence of the staff member in the workplace.
- 9.5.** If the complaint relates to the Chief Executive, consideration will be given to appointing an independent body to undertake any investigation; this could be the body providing internal audit services to the PCC, the Professional Standards Department, or some external agency.

## **10. Unreasonable and unreasonably persistent complaints**

- 10.1.** A [supplemental policy](#) has been published detailing how unreasonable and unreasonably persistent and vexatious complaints will be dealt with.
- 10.2.** The PCC may decline to record a complaint if they consider that:
- 10.2.1.** The matter is already the subject of a complaint made by or on the behalf of the same complainant.
  - 10.2.2.** The complaint discloses neither the name and address of the complainant nor that of any other interested person and it is not reasonably practicable to ascertain such a name or address.

- 10.2.3. The complaint is vexatious, oppressive, or otherwise an abuse of the procedures for dealing with complaints
  - 10.2.4. The complaint is repetitious (i.e., it is substantially the same as a previous complaint made by or on behalf of the same complainant, it contains no fresh allegations which significantly affect the account of the conduct complained of or no fresh evidence which was not reasonably available at the time the previous complaint was made is tendered in support of it);
  - 10.2.5. The complaint is fanciful.
- 10.3. Past complaint history may be considered where it is relevant to show that a complaint is being considered as persistent etc.

## 11. Other organisations involved in the complaints process

### The Chief Constable

The Chief Constable is responsible for disciplinary matters and handling complaints against police officers, up to and including the Deputy Chief Constable. The PCC has a duty to monitor these complaints. The Chief Constable is supported by the Professional Standards Department.

#### **Contact details:**

Professional Standards and Legal Services Department

Norfolk Constabulary

Jubilee House

Falconers Chase

Wymondham

Norfolk

NR18 0WW

(Email: [professionalstandards@norfolk.police.uk](mailto:professionalstandards@norfolk.police.uk))

### The Independent Office for Police Conduct

The Independent Office for Police Conduct (IOPC) was established by the Police Reform Act 2002. The IOPC may choose to independently investigate the most serious incidents, manage an investigation by the police or supervise such an investigation.

The IOPC has the following powers:

- In relation to conduct matters concerning the PCC, to direct that a conduct matter be recorded where a PCP has not done so.



- In relation to complaints and conduct matters made about the PCC, the ability to call in complaints and conduct matters where a PCP has not referred them.
- Responsibility for deciding whether allegations of a criminal offence concerning relevant officeholders (i.e., PCC or Deputy PCC etc.) should be investigated and, if so, how i.e., managed, or independent investigation.
- Powers to conduct an independent investigation or manage a police investigation.
- To refer an investigation report to the Crown Prosecution Service where it appears that a crime may have been committed by the relevant office holder / where it is considered appropriate in the circumstances to do so. Note: IOPC investigations will not lead directly to any 'disciplinary' outcomes for a relevant office holder, though they may be required by their PCP to answer questions about the IOPC's findings.

The IOPC will not:

- Deal with any complaints or conduct matters that do not involve an allegation of criminal behaviour by a relevant office holder

**Contact Details:**

The Independent Office for Police Conduct

PO Box 473

Sale

M33 0BW

(Email: [enquiries@policeconduct.gov.uk](mailto:enquiries@policeconduct.gov.uk))

**The Police and Crime Panel**

The Chief Executive has delegated authority from the Police and Crime Panel to undertake the initial handling of complaints. Complaints will be referred by the Chief Executive to the Panel, which comprises elected members from Norfolk County Council, as required.

The Panel policy is contained within [Complaints Procedure - Norfolk Police and Crime Panel](#)

The administration of the Panel rests with Norfolk County Council. The current chair of the Panel is Councillor William Richmond (Norfolk County Council).

**Contact Details:**

Norfolk Police and Crime Panel

Norfolk County Council

County Hall

Martineau Lane

Norwich

Norfolk

NR1 2D

