

Lincolnshire Police and Crime Panel

Date: 3 February 2023

Subject: Complaints Position Statement

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Executive Summary:

This report provides details of the procedures in place for dealing with complaints made against the Police and Crime Commissioner for Lincolnshire and an update on the number of complaints received during the period 1 November 2022 to 9 January 2023. The report is attached as **Appendix A**.

This report was prepared after consultation with:

Malcolm Burch, Chief Executive, Office of the Police and Crime Commissioner for Lincolnshire
John King, Corporate Administration Officer, Office of the Police and Crime Commissioner for Lincolnshire

List of background papers as required by law:

Police Reform and Social Responsibility Act 2011
The Elected Local Policing Bodies (Complaints and Misconduct) Regulations 2012 (the Regulations)
Lincolnshire Police and Crime Panel – Complaints Procedure for handling complaints against the Police and Crime Commissioner

Other helpful papers:

Police and crime panel handling of complaints and conduct matters about the PCC, Home Office

Is the report Exempt: No

Background

1. The Lincolnshire Police and Crime Panel (the Panel) has the statutory role for overseeing all complaints against the Police and Crime Commissioner for Lincolnshire (the Commissioner) and informally resolving noncriminal complaints. In addition, the Panel is responsible for dealing with criminal complaints or conduct matters that are referred back to it by the Independent Office for Police Conduct (the IOPC).
2. The Elected Local Policing Bodies (Complaints and Misconduct) Regulations 2012 (the Regulations) make provision regarding the Panel's powers and duties in regard to complaints made about the conduct of the

Commissioner. The Regulations are based upon the Police Reform Act 2002 and the Police (Complaints and Misconduct) Regulations 2004. The aim of the complaints system is to deliver resolution as quickly and effectively as possible for the majority of complainants through local resolution.

3. In accordance with the Regulations, the Panel is required to maintain suitable arrangements for handling complaints, recording conduct matters where there is an indication that the Commissioner may have committed a criminal offence (Conduct Matters) and prescribing the manner in which any complaints alleging conduct which constitutes or involves, or appears to constitute or involve, the commission of a criminal offence (Serious Complaints) and Conduct Matters are handled. The IOPC is required to secure that the Panel maintains such arrangements and to secure that:
 1. The arrangements comply with the Regulations, are efficient and effective and manifest an appropriate degree of independence;
 2. Public confidence is established and maintained in the existence, and with the operation, of the arrangements; and such arrangements are conducive to, and facilitate, the reporting of misconduct by the Commissioner.

Complaints Procedure

4. The Panel has delegated the initial handling of complaints to the Chief Executive of the Office of the Police and Crime Commissioner for the Lincolnshire Police Area (the Chief Executive). In relation to the informal resolution procedure (Part 4), the Panel has delegated the power to secure the informal resolution of the complaint to East Lindsey District Council's Monitoring Officer.
5. As part of the Complaints Procedure the Panel's Support Officer liaises with the Chief Executive and Monitoring Officer to prepare a complaints update report to each quarterly scheduled meeting. The report details the number of complaints since the previous report, the action taken (including any obligations to act or refrain from acting that have arisen under the regulation but have not yet been complied with or have been contravened) and the outcome of the process.
6. The Panel may undertake regular 'dip sampling' of all records to see which matters are not being recorded or in respect of Part 4 are being disapplied, and why. A working party of three Panel Members has been formed to carry out 'dip-sampling' of complaints against the PCC.
7. The Complaints Procedure is available on the Panel's webpage along with the contact details of the Chief Executive of the Office of the Police and Crime Commissioner for Lincolnshire. The Complaints Procedure is also

available on the Commissioner's website alongside the contact details of the Chief Executive.

8. The IOPC has been informed of the Panel's Complaints Procedure and is secure that the arrangements comply with the Regulations.

Complaints received by the Chief Executive of the Office of the Police and Crime Commissioner for Lincolnshire.

9. None (zero) complaints were made against the Police and Crime Commissioner during the period 1 November 2022 to 9 January 2023.

Informal Resolution of complaints by the Monitoring Officer

10. No informal resolution of complaints has been required.

Recommendations

That the Panel notes the report and considers any further action required.

REASON: To comply with the responsibilities of the Panel as prescribed by the legislation.