



# Office of the Police and Crime Commissioner

## Complaints Policy

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## **1.0 Summary**

This Policy will provide guidance on how a complaint about those who work for the Office of the Police and Crime Commissioner (OPCC) in Dyfed Powys will be processed.

## **2.0 Objective**

The aim of this procedure is to ensure that there is a set process in place to deal with any complaints received against the OPCC as an organisation e.g., against its policies and procedures or lack of them, and against any member of staff.

## **3.0 Complaints about the OPCC or about a member of OPCC staff**

Who can a complaint be made about?

- A complaint can be made about any member of OPCC staff.
- Complaints can also be made about the OPCC and the way it conducts its business.

**Please note:-** Complaints about the Police and Crime Commissioner (PCC) are dealt with by the Police and Crime Panel (PCP). Any complaints received by the OPCC about the PCC will be sent to the PCP to be progressed in accordance with The Elected Local Policing Bodies (Complaints and Misconduct) Regulations 2012.

## 4.0 Who can make a complaint?

### Complaints about policies, procedures and our service delivery.

A member of the public who

- Was adversely affected <sup>1</sup>by the matter complained about; or
- Someone acting on behalf of someone who was adversely affected by the matter complained about. This can be a family member, friend, legal representative or any other person.
- A young person under 16 years old should not normally need to provide written permission for a parent or guardian to act for them in this way.

### Complaints about the conduct of members of staff within the OPCC

A member of the public who:

- Claims to be the person in relation to whom the conduct took place,
- Claims to have been adversely affected by the conduct,
- Claims to have witnessed<sup>2</sup> the conduct,
- Is acting on behalf of someone who satisfies one of the above. This can be a family member, friend, legal representative or any other person.

A young person under 16 years old should not normally need to provide written permission for a parent or guardian to act for them in this way.

## 5.0 Who can't make a complaint

- A member of the public who has been given the right to a review to the Independent for Police Conduct following a complaint where the Police and Crime Commissioner was the appropriate authority.
- A member of the public who has been advised to seek independent legal advice following a review of a complaint where the Police and Crime Commissioner was the relevant review body in accordance with the IOPC Statutory Guidance on the police complaints system.

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<sup>1</sup> A person will be considered to have been adversely affected if they have suffered any form of loss, damage, distress or inconvenience as a result of the matter complained about, if they have been put in danger or otherwise unduly put at risk of being adversely affected.

<sup>2</sup> A person can be said to be a witness to the conduct if, and only if: They have acquired their knowledge of the conduct in a manner which would make them a witness capable of giving evidence of the conduct in criminal proceedings. They possess or have in their control anything that could be used as admissible evidence in such proceedings.

- Staff and Officers under the direction and control of the Chief Constable may not use this Policy to complain, they should refer to para 5.7 of the IOPC Statutory Guidelines <sup>3</sup> on the police complaints system.
- Staff employed by the Office of the Police and Crime Commissioner for Dyfed Powys should refer all dissatisfactions to their immediate Line Manager or to the Chief Executive.

## 6.0 Who to send your complaint to?

- Complaints about OPCC staff (other than the Chief Executive ) or about the organisation should be in writing and should be sent to the Chief Executive using the contact methods detailed below. The Chief Executive is the Appropriate Authority for these complaints.

Email: [OPCC@dyfed-powys.police.uk](mailto:OPCC@dyfed-powys.police.uk)

Post: Chief Executive Office of the Police and Crime Commissioner Dyfed Powys, Police Headquarters, Llangunnor SA31 2PF

Social Media: Complaints can be made via social media if they are sent by a direct message. We do not scan social media platforms for complaints.

Complaints against the Chief Executive should also be sent using the contact details above but highlighted for the attention of the PCC. The PCC is the Appropriate Authority for these complaints.

The Commissioner has the option to delegate investigation of the complaint to any person he feels appropriate.

Complaints against the PCC should be sent to the Police and Crime Panel who are the Appropriate Authority for these complaints [Dyfed Powys Police And Crime Panel \(dppoliceandcrimepanel.wales\)](http://dppoliceandcrimepanel.wales).

## 7.0 Dealing with your complaint

The Appropriate Authority will review the complaint and will decide on the relevant action to take.

The options are:-

- If no performance issue or conduct is identified: No Further Action will be taken.
- The Appropriate Authority will deal with the complaint as Management Action or refer to the relevant line manager as appropriate.

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<sup>3</sup> [Statutory guidance on the police complaints system \(policeconduct.gov.uk\)](http://policeconduct.gov.uk)

- If the Appropriate Authority considers that the matter cannot be dealt with as Management Action and may be considered to be Misconduct, Gross Misconduct or On Duty Conduct the matter will be referred to the Head of the Force's Professional Standards Department for a formal assessment and possible investigation.
- If an investigation is required, a plan will be drawn up, and actions logged as the investigation progresses. Possible outcomes to a complaint include, but are not restricted to:
  - An apology and actions to prevent recurrence
  - Individual or/and Organisational learning
  - Referring the matter to be dealt with under criminal, disciplinary or performance proceedings in accordance with the Police Staff Council regulations
  - Taking no further action

## **8.0 What we will do**

Your complaint will be logged on our systems and an acknowledgement of the complaint will be provided within 5 working days. An opportunity will be provided to discuss any reasonable adjustments if required and to ensure that the complaint is understood.

Depending on the nature of your complaint, we may need to share information with other organisations such as Dyfed Powys Police in order to come to a resolution. Further information can be found in our [privacy notice](#).

We will inform you in writing of the outcome to your complaint as soon as is reasonably practicable. You will be provided with an update on progress with your complaint at least every 28 days. This will be sent to you in the same format you used to contact us unless agreed otherwise.

## **9.0 Outcome of your complaint**

You will receive a letter from the person considering your complaint to inform you of the outcome. We will include an explanation of how the matter has been handled, the actions taken and the findings. If appropriate, it will also include a clear rationale for not taking certain actions.

The outcome of your complaint will be final, there is currently no right to request a review.

## **10.0 Legal Requirement**

Although there is no legal requirement for specific processes to be followed for complaints against the OPCC or its staff as there is for complaints against police forces and their staff, we have aligned this procedure as closely as possible to the Police (Complaints and Misconduct) Regulations 2020 <sup>4</sup>

## **11.0 Abuse of the complaints system**

The OPCC has adopted the IOPC definitions of these types of complaints as follows.

- Vexatious complaints are without foundation, which is intended, or tends to vex, worry, annoy or embarrass.
- An oppressive complaint is without foundation that is intended or likely to result in burdensome, harsh or wrongful treatment of the person complained against.
- An abuse of the complaints system is where there is or has been a manipulation or misuse of the complaints system to initiate or progress a complaint which, in all the circumstances of the particular case, should not have been made or should not be allowed to continue.
- A complaint is fanciful if no reasonable person could lend any credence to it. It is an objective test. The PCC wants to deal fairly and openly with complaints and ensure that other service users or the PCC staff do not suffer detriment from persons making vexatious, oppressive, abusive or fanciful complaints. The PCC's office may write to any complainants making such complaints to inform them that their complaints will no longer be dealt with and may decide to no longer respond to a complainant fulfilling any of the criteria outlined above.

The PCC office aims to handle all complaints fairly and honestly regardless of who makes a complaint. The PCC office treats all members of the community equitably and will not show bias to any particular individual or group. The OPCC endeavours to make its services accessible to everyone. If you have a specific requirement, please contact us to discuss how we can help you.

## **12.0 Human Resources**

The OPCC does not have its own human resources policies and procedures but utilises those of Dyfed Powys Police and will be supported by the Professional Standards Department if a complaint leads to disciplinary or performance proceedings.

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<sup>4</sup> [The Police \(Complaints and Misconduct\) Regulations 2020 \(legislation.gov.uk\)](https://www.legislation.gov.uk)

## **13.0 Training**

All line managers will be provided with training on how to deal with complaints

## **14.0 Monitoring**

The monitoring of this document will be undertaken by the Quality of Service Caseworker who works regularly with police complaints and will keep up to date with any legislative requirements that may require changes to be made.

## **15.0 Consultation**

The Chief Executive was consulted during the drafting of this procedure.

## **16.0 Review Period**

This document will be reviewed every 4 years, when changes are identified or required by legislation. The next review date is October 2026.