

Policy: Complaints

Equality Statement

1. 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, secondeed 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.

Complaints about police officers or police staff

2. All complaints about police officers and police staff must be submitted to West Midlands Police. The Police and Crime Commissioner has no powers to become involved with such complaints. If you wish to submit a complaint to West Midlands Police, further information can be found here: [Police Complaints](#)

Complaints about the Police and Crime Commissioner (PCC)

3. Complaints about the PCC must be submitted to West Midlands Police and Crime Panel. Information on how to submit such a complaint can be found here: [PCC Complaints](#)

Whistleblowing

4. In certain cases, the PCC is the whistleblowing authority. If there is a disclosure of serious wrongdoing, this will be assessed in accordance with our [Whistleblowing Policy](#).

Complaints about partner organisations, or organisations who have contracts with the PCC

5. In the majority of cases, a complaint against an external organisation should be dealt with in accordance with the Complaints or Grievance policy of that organisation.
6. The PCC is not the whistleblowing authority for such organisations, and the PCC cannot become involved with staff grievances.
7. In the case of charities, serious wrongdoing can be reported to the [Charity Commission](#).
8. If a complaint is submitted to the PCC which relates to an external organisation, it will be considered by the Deputy Chief Executive (DCEX). The DCEX will assess whether we are the most suitable organisation to consider the complaint. In most cases, the complaint should be submitted directly to the organisation, but occasionally it may be appropriate for the OPCC to become involved. The DCEX will determine whether the Office of the PCC (OPCC) will examine the complaint. In order to make this determination, the DCEX will have regard to the following:
 - a. Does the complaint allege behaviours which raise safeguarding concerns?
 - b. Does the PCC have a role of monitoring and oversight, in relation to the organisation?
 - c. Does the complaint allege behaviour that would be in breach of a contract between the organisation and the PCC?
 - d. Does the complaint allege behaviour which directly contradicts the values of the PCC and the OPCC?
 - e. Does the organisation have its own mechanism for dealing with complaints?
 - f. Is the complaint a grievance related to employment matters?

9. If the DCEX determines that the OPCC should become involved with the complaint, the following options will be considered, depending on the nature of the complaint and the nature of the PCC's relationship with the external organisation.
 - a) If the complaint alleges any breach of contract with the PCC, further enquiries may take place to determine whether such a contractual breach has occurred, and if so, appropriate action may then be taken to ensure contractual compliance.
 - b) If safeguarding concerns have been raised, the designated safeguarding lead will assess the matter and take action in accordance with our Safeguarding Policy.
 - c) If the complaint alleges behaviours which could impact on successful PCC partnership working, the OPCC may discuss the matter with the partnership in order to determine whether any action is required.
 - d) If the complaint alleges behaviour which may bring the OPCC or any PCC partnership into disrepute, further action may be taken to investigate the matter, and to work with the organisation to resolve the matter.
10. If the OPCC wishes to discuss the matter with any other person or organisation, consent will be sought from the complainant before personal data is shared (the exception to this is in cases where a safeguarding concern is raised, in which case it may not be possible to obtain consent).
11. In all cases, if the complaint alleges criminal behaviour, this must be submitted directly to West Midlands Police. Criminal allegations cannot be considered by the PCC.

Complaints about Police and Crime Commissioner Staff (including Violence Reduction Partnership staff)

Application of this procedure

This procedure only applies to complaints from external organisations, partners and members of the public about the OPCC and its staff. 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 (PCC) or his appointments, although it will apply if a member of staff takes a decision under delegated powers.

Complaints about the Police and Crime Commissioner should be submitted to West Midlands Police and Crime Panel.

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, using the contact details on the OPCC website. If the complainant is unable to make the complaint in writing, they may make a request for their complaint to be taken verbally, and if accepted an appointment will be made to take the complaint by telephone. 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 senior manager or make a formal complaint to the Deputy Chief Executive.

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

7. The first stage is for the member of staff to try and resolve the problem themselves. This means they should contact the complainant and try to resolve the complaint informally. The complainant shall be notified of the actions that have been taken to resolve the complaint and advised of further steps which may be taken if the complainant remains dissatisfied.
8. If the complainant remains dissatisfied after this informal resolution stage, they should make their complaint in writing to the Deputy Chief Executive.

Stage 2 – complaint resolution – decision by the Deputy Chief Executive

9. If the complaint relates to the Deputy Chief Executive it will be escalated to the Chief Executive. If the complaint relates to the Chief Executive it will be escalated to the PCC.
10. Once a formal written complaint is received, the informal procedure has been exhausted. the Deputy Chief Executive shall decide on the responsibility for dealing with a complaint either by responding to the complainant personally or by delegating the matter to a senior manager. The Deputy Chief Executive or the senior manager to whom the complaint has been delegated 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.
11. 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.
12. The member of staff who is subject to the complaint should be informed, and kept up to date on any progress or developments with the complaint. Unless the Deputy Chief

Executive (or person managing it on their behalf) thinks there is a strong reason not to do so, the member of staff subject to the complaint should be provided with a copy of the complaint.

Stage 3a – Formal investigation

13. In the event of a matter being referred for formal investigation, the Deputy Chief Executive shall appoint a person to investigate the complaint. The investigator may be a member of the staff or any other person the Deputy Chief Executive decides to appoint.
14. If necessary, 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 Deputy Chief Executive with a conclusion and recommendations as to the further steps, if any, which should be taken in response to the complaint.
15. The Deputy 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

16. In the event of the Deputy Chief Executive deciding to refer the matter to an agreed mediation or dispute resolution process, the Deputy Chief Executive (or a designated member of staff) shall make arrangements with the complainant 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. Upon agreement being reached the complaint shall then be handled in accordance with the agreed dispute resolution process.
17. In the event of agreement not being reached on the mediation or dispute resolution process, the Deputy Chief Executive shall determine the next steps to be taken in order to progress the complaint.

Appeals against decisions of the Deputy Chief Executive

18. A complainant who is dissatisfied with the outcome of the complaint may appeal to the Chief Executive. The Chief Executive may deal personally with the complaint in any manner considered appropriate or may delegate the matter to another party. The decision taken on appeal shall be final and the complainant shall be advised of the outcome.

Storage of records following conclusion of a complaint

19. Once a complaint against a member of staff is concluded, a record of the complaint shall be retained by the HR Governance Group. If the complaint results in any disciplinary action or management action against the member of staff, a copy shall also be retained on their HR record.

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