



**STANDARD OPERATING PROCEDURES:
OFFICE OF THE BEDFORDSHIRE POLICE AND CRIME COMMISSIONER**

Title	Complaints
Area of Compliance	Compliance
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Senior Lead	Chief Executive
Author	Transparency Manager

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17 September 2021	V7	No Change	17 September 2022

**Office of the Police and Crime Commissioner (OPCC) for
Bedfordshire Complaints Policy**

1. Introduction

We want people across Bedfordshire to be safe and feel safe and for the police to provide you with the best service possible. Everyone has a right to fair, honest and respectful treatment by the police.

Sometimes, something goes wrong in the force's day-to-day dealings with the public. When this happens, we want to ensure that the appropriate person or body responsible¹ for putting it right hears about it and takes appropriate action.

This policy document has been produced to make it easier for you to make a formal complaint. A summary of the policy is attached at Annex A.

This policy provides guidance in respect of making a complaint about:

- Bedfordshire Police
- Chief Constable of Bedfordshire Police
- Office of the Police and Crime Commissioner (OPCC) and its staff, including Signpost Victims Services Staff

¹ As set out in the Police Reform and Social Responsibility Act 2011, the Elected Local Policing Bodies (Complaint and Misconduct) Regulations 2012 and the Police (Complaints and Misconduct) Regulations 2020

- Police and Crime Commissioner (PCC)

We'd also like to hear if you believe any of our staff or officers have exceeded your expectations and gone further to help resolve your query, question or crime.

2. Complaints against Bedfordshire Police Force, including its officers and staff

A complaint is any expression of dissatisfaction with a police force that is expressed by or on behalf of a member of the public. It must be made by a person who meets the definition of a complainant, which is within the Independent Office of Police Conduct (IOPC) [Statutory Guidance](#). There must also be some intention from the complainant to bring their dissatisfaction to the attention of the force or local policing body. A complaint does not have to be made in writing, nor must it explicitly state that it is a complaint for it to be considered as one.

The Chief Constable is the appropriate authority for complaints, civil issues and other matters concerning operational policing, police officers and police staff of Bedfordshire Police Force. The Chief Constable delegates this function to departments within Bedfordshire Police to review and investigate complaints.

The PCC is therefore not involved in investigations of such complaints. The Chief Constable delegates are the correct authority to respond to all complaints concerning police officers and police staff.

Complaints about any member of Bedfordshire Police Force (except the Chief Constable) can be sent directly via the force website at:

[Make A Complaint](#) and follow the process outlined for complaints.

Alternatively, you may wish to e-mail your complaint to:
Customersupport@bedfordshire.pnn.police.uk

Complaints about the force received by the OPCC will be acknowledged within 10 working days, and forwarded on to Bedfordshire Police Force to review and respond.

The PCC oversees how the force deals with all complaints.

Office of the Police and Crime Commissioner for Bedfordshire

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Tel: 01234 842 064 | Email: pcc@bedfordshire.pnn.police.uk

Web: bedfordshire.pcc.police.uk

3. Complaints against the Chief Constable

The appropriate authority for a complaint or recordable conduct matter that relates to the conduct of a Chief Constable or acting chief officer is the local policing body with responsibility for that police force area, this is the Police and Crime Commissioner.

The Police and Crime Commissioner delegates responsibility to review and investigate Chief Constable complaints to their Chief Executive/OPCC.

Chief Constables engage with the public in a different way to most police officers. They are not usually involved in frontline policing, but they can still be the subject of a complaint. They may also be included in complaints made about their police force. When people raise concerns about Chief Constables, the OPCC should establish whether the matter is an expression of dissatisfaction and make sure the complainant is eligible to complain, as they do for all complaints.

The OPCC is the appropriate authority only when a complaint is about the conduct of the Chief Constable. Therefore, it is vital that the OPCC clarifies whether a complaint that references the Chief Constable does actually involve his or her conduct. If it is about the decisions of the force in general, or about a delegated power rather than the Chief Constable, these matters should be directed to the correct appropriate authority – Bedfordshire Police.

Chief Constable's or Police and Crime Commissioners may receive complaints about the Chief Constable that do not relate to their direct actions, but instead reference actions that have been delegated or given to another member of the police force to carry out. From a complainant's point of view, the Chief Constable represents the Force. These complaints are often made in good faith, but without a clear understanding that in practice, the matter does not involve the Chief Constable. The OPCC would provide a response that explains that the matters raised will be addressed by the appropriate authority and will include about the next steps.

Recording Complaints

A complaint must be recorded under Schedule 3 to the Police Reform Act 2002, and handled in accordance with the provisions of that Schedule, if at any point the person making the complaint wants it to be recorded.

This applies even if previous attempts have been made to handle the complaint outside of the requirements of Schedule 3. Where a complainant's wishes are unclear, reasonable steps should be taken to clarify what they are.

A complaint must also be recorded and handled under Schedule 3 if Bedfordshire Police or the OPCC (where it is the appropriate authority or it has taken on responsibility for the initial handling of complaints) decides that it is appropriate or if the complaint:

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- is an allegation that the conduct or other matter complained of resulted in death or serious injury
- is an allegation that, if proved, might constitute a criminal offence by a person serving with the police or justify the bringing of disciplinary proceedings
- is about conduct or any other matter which, if proved, might have involved the infringement of a person's rights under Articles 2 or 3 of the European Convention on Human Rights or
- meets any of the mandatory referral criteria

These criteria must be assessed on the basis of the allegations made, not on their apparent merit. Therefore, no scoping is required before making this decision, except to ensure that the complainant's allegations are fully understood.

The only time a complaint that meets these criteria does not need to be recorded is where it has been withdrawn.

Referrals to the IOPC involving the Chief Constable

For complaints, the mandatory referral criteria includes any complaint relating to a Chief Constable where the appropriate authority is unable to satisfy itself from the complaint alone that the conduct complained of, if proved, would not justify the bringing of criminal or disciplinary proceedings. The test must be applied to the substance of the complaint alone, and not to the merit of the allegation.

For all complaints involving the Chief Constable, the first consideration after logging is whether the complaint should be recorded and referred. For conduct matters, in deciding whether the matter relates to conduct, the OPCC will already have applied the indication test by reviewing the available evidence to decide if there is an indication that the Chief Constable may have committed a criminal offence, or behaved in a way that would justify the bringing of disciplinary proceedings. Therefore, all conduct matters, as they already meet that definition, must be referred to the IOPC.

Reasonable and Proportionate handling

Many complaints against a Chief Constable will be suitable for handling outside of Schedule 3 because an explanation is often all that is needed to resolve a matter to the satisfaction of the complainant. As with all complaints, the OPCC should try to understand the reasons behind the complaint and identify exactly what the complainant wants to be addressed.

An eligible complainant can request that their complaint is formally recorded under Schedule 3 at any time during the handling of their complaint. In addition, if

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they are dissatisfied with the outcome of any initial handling, and want the complaint to be recorded, then it must be recorded under Schedule 3.

Some complaints that have been recorded and referred to the IOPC will not meet the threshold for the indication test. In this situation, there is no requirement for the IOPC to investigate the complaint and it will be passed back to the OPCC to address.

The OPCC should follow the principles of reasonable and proportionate handling to resolve the matters raised. Good customer service is at the heart of the response the OPCC provides.

Making a Complaint

If you wish to make a complaint about the Chief Constable, then please set out clearly what the complaint is about in writing to the address below:

Office of the Police and Crime Commissioner
Bedfordshire Police Headquarters
Woburn Road
Kempston
Bedford
MK43 9AX
pcc@bedfordshire.pnn.police.uk

Dealing with a Complaint

We will acknowledge receipt of your complaint within five working days and the OPCC will decide whether to record the complaint and notify you accordingly in accordance with the Statutory Guidance produced by the IOPC.

In cases where a complaint is recorded, the OPCC will decide whether the complaint can be resolved locally by the OPCC or if there could be potential grounds for criminal or misconduct proceedings, which will require formal investigation and involvement and referral of the IOPC.

Right of Review

You have a right to review the decision of the PCC, in writing to the IOPC, who can be contacted at:

Independent Office of Police Conduct
PO Box 473
Sale
M33 0BW
oversight@policeconduct.gov.uk

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Complaints against a member of staff of the OPCC

The staff of the OPCC strive to uphold the highest standards in their dealings with the public. However, should you have a complaint against any member of the PCC's staff, then please write to us at the address below.

If the complaint refers to the Commissioner's statutory officers, the Chief Executive or Chief Finance Officer, the complaint should be addressed to:

The Police and Crime Commissioner for Bedfordshire
Office of the Police and Crime Commissioner
Bedfordshire Police Headquarters
Woburn Road
Kempston
Bedford
MK43 9AX
pcc@bedfordshire.pnn.police.uk

For all other staff, including Signpost (Victims Services Staff) the complaint should be addressed to:

The Chief Executive
Office of the Police and Crime Commissioner
Bedfordshire Police Headquarters
Woburn Road
Kempston
Bedford
MK43 9AX
pcc@bedfordshire.pnn.police.uk

When making your complaint, please try to be specific about what went wrong and what you would like the OPCC to do to put things right. The OPCC will acknowledge receipt of your complaint within 10 working days, providing the name and telephone number of the person investigating it and indicating the date by which you should receive a reply. This will not normally exceed 28 working days and if it is a relatively straight forward matter you should receive a reply more quickly. If we cannot meet this target, we will write explaining the reasons and keep you informed of progress.

Right of Appeal

We would expect all complaints to be satisfactorily resolved through our complaints procedure, but if having exhausted this process you are still not satisfied that the OPCC has dealt with your complaint appropriately, you have the right to make a complaint to the Local Government Ombudsman at the following address:

Local Government Ombudsman
PO Box 4771
Coventry
CV4 0EH

Tel: 0300 061 0614

<http://www.lgo.org.uk/make-a-complaint/how-to-complain>

Complaints against the PCC

The Police and Crime Panel (PCP) for Bedfordshire is responsible for handling complaints against the PCC.

A complaint form is available on the PCP's webpages. This may be submitted electronically, or alternatively downloaded for completion. A hard copy of the form may be obtained by telephoning (01234) 228256. Forms submitted through the PCP's webpages will automatically be forwarded to the Council's Monitoring Officer. Hard copies of the complaint form should be sent to:

Monitoring Officer
Bedford Borough Council
Borough Hall
Cauldwell Street
Bedford
MK42 9AP

The PCP complaints policy is available at the following link:

http://www.bedford.gov.uk/council_and_democracy/beds_police_crime_panel.aspx

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Annex A - Summary of Bedfordshire OPCC Complaints Policy

Complaint received by Bedfordshire OPCC			
Complaint is against Bedfordshire Police Force, or any of its officers and staff	Complaint is against the Chief Constable of Bedfordshire Police Force	Complaint is against a member of staff of the OPCC	Complaint is against the PCC
Complaint acknowledged by OPCC	Complaint acknowledged by OPCC	Complaint acknowledged by OPCC	Complaint forwarded to the Police and Crime Panel for consideration
Complaint sent to force (Customer Support Department) for initial handling	Decision made on whether to record the complaint or if can be handled reasonably and proportionately outside of Schedule 3 and complainant notified	If complaint is against the Chief Executive or Chief Finance Officer, the PCC will be notified. The investigation may be delegated for an appropriate person to complete and a reply to complainant within 28 working days	
	If decision is to deal with outside of Schedule 3 – Complainant to be notified full and informed of next steps	If complaint is against any other member of staff, the Chief Executive will investigate and reply to complainant within 28 working days	
	If decision is taken to <u>record</u> , action considered in accordance with IOPC guidelines		
PCC oversight of all complaints through regular meetings with OPCC and Bedfordshire Police Force			

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