

# KENT POLICE AUTHORITY

## STANDARDS COMMITTEE 12 JUNE 2007

### KPA COMPLAINTS POLICY

*Report by:* Chief Executive  
*Classification:* Unrestricted

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1. The Authority does not have a statement of how it deals with complaints. These have to be considered under a wide variety of legislation and practice depending who they are made against or the issue complained about..

2, I have prepared the attached statement which will be published on the Authority's web-site. Before doing so I would appreciate the Committee's comments on the document.

#### FOR DISCUSSION

**The following issues have been considered for relevance in preparing this report**

*(mark as "None" or refer to relevant paragraph)*

|                          |  |
|--------------------------|--|
| Policing Plan            | None   |
| Budget                   | None   |
| Diversity                | In policies conduct against which complaints would be judged |
| Risk                     | Poor handling of complaints                                  |
| FOI background documents | None   |

# **KENT POLICE AUTHORITY**

## **COMPLAINTS POLICY (June 2007)**

Complaints against members of the Authority  
(including non-Authority members of the Standards Committee)

See [www.standardsboard.co.uk](http://www.standardsboard.co.uk)  
*KPA Code of Member Conduct*  
*Code of conduct for staff in Force policy L11*

1. These are considered in accordance with Part 3 of the Local Government Act 2000, regulations under the Act, guidance from the Standards Board for England and procedures adopted by the Authority's own Standards Committee. At present any complaint has to be referred to the Standards Board. This is due to change when most complaints will initially be considered by the KPA Standards Committee.
2. If a complaint is received, it should be investigated by the Treasurer. The member must be shown a copy of the complaint, their views sought, and a reply sent to the complainant. The letter should make it clear the complainant may submit their complaint to the Standards Board. When, in due course, the initial consideration falls to the Standards Committee, the complaint should be investigated, a response sent and the complainant informed the matter will be referred to the Standards Committee if they so wish.
3. If a complaint is referred to the KPA Standards Committee or Monitoring Officer by the Standards Board, an Ethical Standards Officer or at the request of a complainant, the Committee has agreed to adopt the model procedures advocated by the Standards Board for their consideration.
4. If a complaint is considered by the KPA Standards Committee, it must be advised by the Chief Executive as Monitoring Officer. The guidance requires that the Monitoring Officer should not have been involved in earlier consideration of the matter nor have conducted any investigation. Complaints will therefore normally be responded to by the Treasurer supported by a Policy Officer. The Chair of the Authority will also be consulted before any response is sent. The Chair of the Standards Committee should NOT be involved at this stage.
5. If a complaint is to be considered by the Standards Committee, and is such that an investigation might be required, the Chief Executive (as Monitoring Officer) will consult with the Chair of the Committee as to who should carry this out. If the Chair thinks it necessary, someone from outside of the Authority will be commissioned as investigator.

6. Complaints by one member against another (or concern that a fellow member may have breached the Code of Conduct) should be pursued in accordance with the advice agreed by the Standards Committee.

#### Complaints against the Chief Executive

7. Any complaint against the Chief Executive will be considered by the Chair of the Authority who may seek advice from the Chair of the Standards Committee and shall do so if requested by the Chief Executive. The Chief Executive will be shown the complaint and given the opportunity to comment before any response is sent.

#### Complaints against Authority directly managed staff

8. Complaints against any other member of staff will be considered by the Chief Executive. The complaint will be shown to the staff member and their comments requested before any response is sent or any member of the Authority is informed of the complaint.

9. Any grievance by the Chief Executive or a staff member arising out of the consideration of a complaint shall be dealt with in accordance, as far as is possible, with the Force grievance policy L99 including the use of an external or Force mediator.

#### Complaints against custody visitors

10. These are dealt with in accordance with the Independent Custody Visitor Scheme:

11. "Any complaints against a visitor will be shown to the visitor and their comments requested. After any necessary investigation by the scheme administrator, the response to the complaint will be decided by the Authority Chief Executive in consultation with the lead member. The response will be copied to the visitor."

#### Complaints against other office holders

*(Members of Selection Panel and Discipline Appeals Panels – not the IAG which is independent and has its own procedures)*

12. Any complaints against another office holder with the Authority will be shown to the person complained against and their comments requested. After any necessary investigation, the response to the complaint will be decided by the Authority Chief Executive in consultation with the Chair of the Authority. The response will be copied to the person complained against.

### Complaints against members of Kent Police

See [www.ipcc.gov.uk](http://www.ipcc.gov.uk)

13. A member, employee, custody visitor or other office holder wishing to raise a complaint or grievance against a police officer or other member of Kent Police should raise this initially with the Chief Executive who shall endeavour to resolve the issue by mediation. If the complainant is not satisfied, the complaint should then be pursued direct with the Force as either a conduct or direction and control complaint. The complainant shall ensure that the Chief Executive is kept informed of how the matter is progressing.

### Local Government ombudsman

See [www.lgo.org.uk](http://www.lgo.org.uk)

14. The actions of the Authority and its directly managed staff do not fall within the remit of the IPCC or the police conduct complaints regulations (see section 12(7) of the Police Reform Act 2002). Some do fall within the jurisdiction of the Local Government Ombudsman. The Ombudsman's office should be consulted if the possibility of such a reference is raised by a complainant.

### Data Protection and Freedom of information

See [www.ico.gov.uk](http://www.ico.gov.uk)

15. Complainants about the withholding or release of data or information have the right to object to the Information Commissioner.