



Informal Resolution Complaints Procedure

1. The following procedure shall apply when the Clerk to the Panel receives a non-serious complaint against the Sussex Police and Crime Commissioner (PCC), which falls within the remit of the Sussex Police and Crime Panel (PCP). A non-serious complaint is one which does not allege the commission of a criminal offence.
2. Such complaints will be handled in accordance with the relevant parts of the Elected Local Policing Bodies (Complaints and Misconduct) Regulations 2012 (the Regulations).
3. The Regulations provide that the complaint may be remitted at any time to the Panel as a whole (whether at the request of an appointed sub-committee or authorised person, the complainant or the person complained against, or otherwise) if the Panel is of the opinion that this will lead to a more satisfactory resolution.
4. The role of the Panel (or sub-committee, if so delegated) is to make an assessment based on information provided by the complainant and the PCC and reach a conclusion in the context of what is required or may reasonably be expected of the PCC, in terms of their conduct. Potential outcomes include that:
 - The complaint is upheld.
 - The complaint is dismissed.
 - The complaint is upheld in part.
5. The Panel's remit in complaints handling is limited to the personal conduct of the PCC. Members are prohibited from carrying out an investigation, and no aspect of this procedure shall be taken to constitute such.
6. At all stages of the process, from initial receipt and assessment through to recording and conclusion, all communication with the PCC (or their officers), the complainant or any other party, will make clear who it is intended for, the purpose of that communication and any associated timescales.
7. It will be for the Clerk, in consultation with the chair of the PCP to determine what, if any, publicity will be given to the arrangements for the handling of a complaint and the papers relating to any hearing of a complaint. In all cases however, the date of the hearing and the agenda will be published on the Panel's website, together a summary of the outcome once the process has been completed. Information will also be provided within the Quarterly Report of Complaints, considered by the Panel at each of its formal meetings. Any publicity of the complaint will have regard to any request by the complainant for anonymity (see paragraph 16).

Interpretation and Notes:

8. Any reference to the PCC should also be taken to apply to their deputy, where one has been appointed.
9. 'Legal adviser' means the officer responsible for providing legal advice to the Sub-Committee. This will be the person appointed by the Clerk to the Police and Crime Panel, being a suitably qualified officer, or someone appointed for this purpose from outside the host authority.
10. The Clerk, under delegated powers, will have already considered the following before deeming a complaint suitable for Informal Resolution:
 - a) That the complaint is a valid complaint and is complete and clearly identifies the alleged conduct of the PCC. Further information will be sought from the complainant for any incomplete or unclear complaints.
 - b) That the complaint is a complaint against the PCC for Sussex.
 - c) That it is a complaint for which the Sussex PCP is the relevant PCP.
 - d) That the complaint does not allege the commission of a criminal offence by the PCC, in which case the complaint will be referred to the Independent Office of Police Conduct (IOPC), as a potential serious complaint.
 - e) That the matter is not already the subject of a complaint.
 - f) That the complainant has provided their name and address.
 - g) That it is not a complaint relating to Sussex Police, the Chief Constable, or an employee of the Office of Sussex Police and Crime Commissioner, in which case the complainant would be directed to the relevant person responsible for such complaints.
 - h) That no more than 12 months has elapsed between the latest incident and the making of the complaint, without good reason, per 15(3) of the Regulations.
 - i) That the complaint is not vexatious, oppressive, or otherwise an abuse of this procedure.
 - j) That the complaint is not repetitious.

Procedure:

11. The PCP will, in accordance with paragraph 28(3) of the Regulations, appoint a Complaints Sub-Committee (the Sub-Committee) with delegated powers and responsibility, on behalf of the Panel, to consider and secure the informal resolution of a complaint. If need be the appointment of a Sub-Committee shall be completed without the need for the PCP to be convened as a formal meeting.
12. The Sub-Committee shall have a quorum of three, and up to five members. It should strive to be cross-party, and to include at least one independent member.

13. Once a non-serious complaint has been recorded as such, a notification will be sent to the PCC and the complainant shall be advised. This will include a copy of the complaint and the name of the complainant, except where a request is made to treat a complaint, or part thereof anonymously (see 16 below). The PCC shall have ten working days to prepare a response to the complaint which shall be sent back to the office of the Clerk. The Clerk may agree to an extension of time for the preparation of a response by the PCC if reasonably requested by the PCC.
14. The Clerk shall collate the papers relating to the complaint and the response to the complaint and prepare a report with an assessment of the complaint and the related material for consideration by the Sub-Committee. The papers for the Sub-Committee shall be served electronically (where possible) upon the PCC and complainant who will have five working days in which to make any representations in relation to the papers. If any additional material is submitted by the complainant this will be passed on for any additional comment from the PCC.
15. The finalised papers for the Sub-Committee shall be dispatched a minimum of five clear working days in advance of its meeting. It will be for the Sub-Committee to decide whether to accept documents submitted after the dispatch.
16. The Regulations allow for complaints made against the PCC to be handled anonymously by the Panel. A complainant, when submitting a complaint, will have the opportunity to request that their identity be treated with anonymity. Requests for anonymity or requests for suppression of complaint details will be considered by the Clerk to the Panel, who will determine whether keeping anonymous the identity of the complainant would adversely affect the Sub-Committee's ability to determine the complaint. The Clerk will write to the complainant to confirm whether a request for anonymity is granted. When a request for anonymity cannot be granted, the complainant will be offered the opportunity to amend or withdraw their complaint before any notification is made to the PCC. Any decision taken to not provide a copy of a complaint to the PCC or to provide anonymity to the complainant or any other person, will be reported to the Sub-Committee.

The Hearing

17. The Sub-Committee may decide to have an informal pre-meeting, to discuss the arrangements for the hearing.
18. The hearing will take place formally. It will usually include confidential personal information and, in such cases, will not be expected to be open to the public or press unless the Sub-Committee deems the resolution would be thereby improved and it is considered to be in the public interest. The Sub-Committee will be invited to consider at each meeting any exclusion of the press and public, in accordance with Part 1 of Schedule 12A of the Local Government Act 1972.
19. The hearing will normally be held within 25 working days from the date of notification to the PCC (see 13 above). The PCC will be required to attend, but the complainant will not be expected to attend unless the Sub-Committee considers that such attendance is required to ensure an effective hearing of the complaint. Should the complainant be required to attend by the Sub-Committee, and has been anonymised for the purpose of the complaint, the

Sub-Committee shall have regard to any practical measures it can adopt to preserve the complainant's anonymity.

- 20.If the PCC wishes to use the services of an advocate or representative, this should be notified in advance. The role of a representative will be to advise and, at the Sub-Committee's discretion, to address the Sub-Committee. However, the Sub-Committee's questions will be put to and be answered by the PCC.
- 21.If the PCC considers that witnesses should be called to give evidence to the Sub-Committee, it will be the responsibility of the PCC to arrange that. Where possible third-party evidence should be submitted via written signed and dated statements supplied in advance and dispatched with the hearing papers. It is for the Sub-Committee and Clerk to determine whether other witness evidence is required to substantiate the complaint. The attendance of witnesses shall be exceptional. Conflicts of facts shall be resolved by the Sub-Committee by reference to written material or other available records.
- 22.The Sub-Committee will consider the report on the complaint produced by the Clerk and shall also consider any comment or additional material submitted by the PCC or the complainant and shall have regard to the PCC's Code of Conduct, to the General Principles of Public Life (the 'Nolan' principles) and to such other reference documents the Sub-Committee considers to be relevant.
- 23.It will be for the panel to decide whether to accept documents submitted late in the process.
- 24.The PCC may be accompanied by an officer or other representative at the hearing but legal representation is not expected to be necessary.
- 25.The report to the Sub-Committee will set out the detail of the procedure to be followed.
- 26.The members of the Sub-Committee may question the PCC or any witnesses called to attend. If any new information is presented by the PCC which has not been provided to the complainant the Sub-Committee may consider whether the hearing should be adjourned to allow the complainant to comment on such new information.
- 27.The Sub-Committee may take advice from its Clerk or its appointed legal adviser at any time during the hearing or while it is considering what action to take. The substance of any legal advice given will be shared with the PCC and any representative if they are present.
- 28.If the Sub-Committee finds that there is no substance or merit in the complaint, or that no findings against the PCC are to be made, the matter will conclude at that point. The Sub-Committee will give reasons for its conclusion. There is no right of appeal against such a conclusion by the Sub-Committee.
- 29.If the complaint is upheld in part or in whole, the Sub-Committee will make relevant findings of facts with reasons and shall determine a resolution, taking the form of any action that it asks the PCC or any other person to take, or any other form of resolution of the complaint. Any proposals or

requests from the complainant will be taken into account in formulating the resolution.

30. The Sub-Committee will announce its decision and recommendation at the conclusion of the hearing and provide a short written decision on that day to the complainant and the PCC. It will also issue to the parties a full written decision shortly after the end of the hearing.
31. The complainant and the PCC will then be provided a draft statement of the outcome for publication. Both parties will be allowed five working days to make representations on this draft, which will then be published on the PCP's web site and in such other way as the Sub-Committee may decide.
32. The PCC may, within five working days of the conclusion of the hearing, appeal any findings which uphold the complaint in whole or in part or any aspect of the resolution. This shall be referred to a full meeting of the PCP. The members of the Sub-Committee shall not take part in any appeal hearing other than to provide any explanation for their findings and decision in so far as these are not evident from the record of their decision or at the request of the PCP. In addition, the Sub-Committee may choose to remit the matter to the full PCP at any time (whether or not requested to do so) if this would lead to a more satisfactory resolution. Where the full PCP meets to resolve the matter there is no right of appeal against its decision.

Retention of Papers

29. All papers relating to the hearing of a non-serious complaint under this procedure shall be retained by the Clerk until the end of a period of six years from the date of the hearing.
30. Written summaries of the proceedings of the Sub-Committee will be available for inspection if this would not be in breach of any duty of confidence or data protection principles.