

Complaints about staff working for the Kent Police and Crime Commissioner

General principles

Staff working for the Kent Police and Crime Commissioner will act in accordance with the seven Nolan Principles, the details of which are included at the end of this policy. This forms part of the Policing Protocol Order 2011.

The seven principles are:

- Selflessness
- Integrity
- Objectivity
- Accountability
- Openness
- Honesty
- Leadership

A robust complaints mechanism which deals with the conduct of staff in the Commissioner's office is vital in maintaining public confidence in police governance and oversight.

Staff working for the Commissioner are not bound by Police Regulations, but this complaints process will take account of the principles behind them, and also actions and terminology used, where appropriate.

Initial handling

1. Complaints from the public can be received in a number of ways, via the website, e-mail, by letter and so on. When a complaint is received, the Office of the Kent Police and Crime Commissioner an acknowledgement will be sent (where needed) within three working days.
2. A decision will then be taken about whether to record the complaint, and the individual will be informed within ten working days.
3. If however, the complaint is not a valid complaint against a member of staff, but, for example, a complaint about the Force, or a vexatious complaint, it will not be recorded. In these instances, the Commissioner's office will write to the complainant about how the issue will be handled.
4. If the complaint is recorded, an officer from Kent Police and Crime Commissioner's office will then:
 - 4.1 Write to the complainant with a record of the complaint;
 - 4.2 Let the complainant know how often they will be contacted;
 - 4.3 Inform the complainant who they can contact;

4.4 What will be expected of and/or requested from the complainant.
Unless requested otherwise, the Kent Police and Crime Commissioner will respond to complainants in writing.

Investigating

5. This table demonstrates who will make the decision about the complaint, and who the right of appeal is to, in every instance.

Complaint against	Decision Maker	Appeal Body
Staff	Line manager	Chief of Staff
Member of senior management team	Deputy Monitoring Officer	Chief of Staff
Chief Financial Officer	Chief of Staff	Police and Crime commissioner
Chief of Staff	CFO with Independent Oversight	Police and Crime Commissioner

6. The complaint will be subject to an initial review by the policy officer with responsibility for this area, unless that individual is the subject of the complaint. In this instance, it will be reviewed by the Chief Financial Officer. Should the allegations appear that, if proved, they would amount to misconduct, then the Force's policy L11 applies. If there is any allegation of criminal behaviour, please see the later section of this policy.
7. If the complaint does not appear to relate to misconduct or criminal behaviour, then it will be handled in the following manner.
8. The complaint will be shown to the member of staff in question. They will then be given a set amount of time to formulate their response (no longer than ten working days, but taking into account annual leave and other commitments).
9. At the end of those ten working days, the member of staff will present their statement. If necessary, an interview will be conducted. The member of staff will be allowed to have a union representative or workplace colleague/friend present if they so choose.
10. At this point, it will be determined what level of investigation, and by whom, is required. If this is necessary, it will be undertaken. For members of staff (excluding the CFO and CEO), this will be undertaken by a member of the Commissioner's staff. For the CFO and CEO, this will be undertaken by an independent individual.
11. If an investigation is required, a plan will be drawn up, and actions logged as the investigation progresses.

Outcomes

12. A report will be presented to the nominated decision maker (see table above), who will review the evidence and make their decision.

13. A response will then be formulated and sent to the complainant, along with details of their right of appeal. Details and timescales are below.

- 13.1 If the complainant is unhappy with the outcome of the complaint, then they can appeal directly to the Chief of Staff/Police and Crime Commissioner/Independent reviewer. Their decision is final.
- 13.2 When the complaint has been finalised (either with or without an appeal), then the outcome will be communicated to the complainant.

Sanctions

14. Possible sanctions, or responses to the complaint may include:

- 14.1 An apology from the individual
- 14.2 An apology from the Office of the Kent Police and Crime Commissioner
- 14.3 An explanation for the incident
- 14.4 How the Kent Police and Crime Commissioner will ensure that there is no repeat of the incident; this could include changes to policy
- 14.5 A note made on the member of staff's file

Appeals

Appeals to the Chief of Staff or the Commissioner

15. Appeals can be made to the Chief of Staff or Commissioner in two instances:

- 15.1 Where a complaint has been decided as vexatious or otherwise inappropriate.
 - 15.1.1 In this instance, the complainant will be informed of this decision and the reasons for it. They will also be informed of their right of appeal.
 - 15.1.2 The complainant will be given ten working days in which to appeal, unless there are extenuating circumstances.
 - 15.1.3 When the appeal is received, this will be acknowledged within three working days.
 - 15.1.4 The Chief of Staff or Commissioner will consider the appeal. This will include whether:

The correct procedure has been adhered to;

- Whether the person has been kept informed;
- Whether the decision was correct.

- 15.1.5 The Chief of Staff or Commissioner will respond in full within ten working days after the date of the acknowledgement, unless there are extenuating circumstances.

15.1.6 The Chief of Staff or Commissioner's decision is final.

16.2 Where a complaint has been finalised and the complainant is dissatisfied with the outcome.

16.2.1 In this instance the complainant will be informed of the outcome of his/her complaint against a member of staff, and given the reasons for it. They will also be informed of their right of appeal.

16.2.2 The complainant will be given ten working days in which to appeal, unless there are extenuating circumstances.

16.2.3 When the appeal is received, this will be acknowledged within three working days.

16.2.4 The Chief of Staff/Commissioner/Independent reviewer will consider the appeal. This will include whether:

- The correct procedure has been adhered to;
- Whether the person has been kept informed;
- Whether the investigation was appropriate
- Whether the decision was correct and/or reasonable (however, there can be no appeal against the specific disciplinary outcome)

16.2.5 They will respond within ten working days, unless there are extenuating circumstances.

16.2.6 Their decision is final.

This policy is subject to review by the Police and Crime Commissioner/her Office. It was last reviewed in October 2016

Complaints against the Chief of Staff

17 Where a complaint is made against the Chief Executive, the above policy will be followed.

18 However, the exception to this will be:

19 Investigations.

19.1 If it is decided that an investigation should be carried out, this will be the responsibility of an independent person.

20 Appeals

20.1 This will be referred to an independent person for review.

21 Disciplinary action

21.1 This will be carried out by the Commissioner,

Allegations of criminal behaviour by staff working for the Kent Police and Crime Commissioner

22 If an allegation is made about the behaviour or actions of staff where they are acting in that capacity, and it is considered criminal, then this internal policy will apply. The matter will also be referred to the police.

23 If an allegation is made about the behaviour or actions of staff where they are not acting in that capacity (ie in their personal life), and their actions contains issues that may be considered criminal, then the matter will be referred to the police.

Following the conclusion of that matter by the police, then the Chief Executive will decide what action will be taken, if any.

24 The complainant will be informed of the outcome of any internal action.

This policy is subject to revision by the Kent Police and Crime Commissioner

THE SEVEN PRINCIPLES OF PUBLIC LIFE

SELFLESSNESS

Holders of public office should act solely in terms of the public interest. They should not do so in order to gain financial or other material benefits for themselves, their family, or their friends.

INTEGRITY

Holders of public office should not place themselves under any financial or other obligation to outside individuals or organisations that might seek to influence them in the performance of their official duties.

OBJECTIVITY

In carrying out public business, including making public appointments, awarding contracts, or recommending individuals for rewards and benefits, holders of public office should make choices on merit.

ACCOUNTABILITY

Holders of public office are accountable for their decisions and actions to the public and must submit themselves to whatever scrutiny is appropriate to their office.

OPENNESS

Holders of public office should be as open as possible about all the decisions and actions that they take. They should give reasons for their decisions and restrict information only when the wider public interest clearly demands.

HONESTY

Holders of public office have a duty to declare any private interests relating to their public duties and to take steps to resolve any conflicts arising in a way that protects the public interest.



LEADERSHIP

Holders of public office should promote and support these principles by leadership and example.

These principles apply to all aspects of public life.

