

Chairs' Committee  
18<sup>th</sup> December 2008  
Open  
Report of the Chief Executive

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## MEMBERS' COMPLAINTS PROCEDURE

**RECOMMENDED that the scheme be recommended to the Police Authority for approval.**

### Introduction

This procedure is designed to deal with any complaints or grievances that Members of the Authority may have about their interaction with Officers or other Members of the Authority or about decisions of the Authority that affect personally their membership of the Authority.

It is not for resolving:

1. Complaints against Police Officers or Police Staff within the Constabulary for which separate formal processes exist
2. Concerns that individual Members may have about decisions of the Authority properly made in accordance with the Authority's Constitution that do not affect them personally.

### STAGE 1

In the event that a Member has a matter of concern that is covered by this procedure he/she should make every effort to resolve the matter directly with the Member or Officer of the Authority with whom he/she has a difference or, if it affects their membership of the Authority, with the Chairman.

### STAGE 2

If it does not prove possible to dispose of the matter by directly discussing it with the other party/parties involved, the complaint may be raised informally with the Chief Executive. If the complaint involves the Chief Executive it should be raised with the Chairman. The details of the complaint should initially be made orally but will need to be put in writing if it is progressed to Stage 3. Ideally the aggrieved Member should indicate the resolution being sought.

Should the complaint relate to a colleague Member or Officer of the Authority it will be necessary to discuss the complaint with that Member or Officer to hear their viewpoint and establish as many facts as possible before the Chief Executive/Chairman reaches a conclusion as to the veracity of complaint and what action, if any, he is proposing should be taken to resolve the matter.

Where reasonably practicable the Chief Executive/Chairman will endeavour to give a response within 15 working days of receiving the complaint.

Nothing in this procedure prevents the Chief Executive/Chairman from exploring with the complainant possible ways to resolve the issues raised.

### STAGE 3

If the matter is not resolved at Stage 2 and the Member wishes to take the matter further he/she must submit the complaint formally in writing to the Chief Executive or Chairman, as appropriate, with ideally an indication of the resolution sought and request that it be dealt with by a Member Panel.

The Panel, which will be appointed by the Chairman in consultation with the Chief Executive, will comprise three Members of the Authority. Members who have been directly or indirectly involved in the particular complaint should not be part of the panel hearing that complaint. In the event that the complaint relates to a decision of the Authority an independent panel involving members of the misconduct panel may be necessary.

The panel may be advised by the Authority's independent HR Advisor or some other person appointed for the purpose.

The complainant will be expected to present his or her complaint personally.

The Chief Executive/Chairman will advise the Panel about the action they took to try and resolve the matter at Stage 2, including any facts about the substance of the case or relevant background information.

The decision of the Panel is final.

The complainant and the Chief Executive/Chairman will be expected to exchange any documents relating to the complaint no later than 10 working days in advance of the hearing. Otherwise the timescales set for this stage are flexible as much may depend on factors such as the proximity of a meeting of the Authority to the notification of a Stage 3 complaint and the diary commitments of Members. Nevertheless the intention is that hearing should be convened as soon as is reasonably practicable after the complaint has been formally submitted to the Chief Executive/Chairman.

### PANEL PROCEDURE

The Chair of the panel will introduce those present and outline the procedure for the hearing, which will normally be that:

- The complainant will explain the complaint and call relevant witnesses if required.
- The Chief Executive/Chairman may ask questions of the complainant and any witnesses that he/she has called.
- The Panel may ask questions of the complainant and any witnesses that he/she has called.
- The Chief Executive/Chairman will outline what he has ascertained about the substance of the complaint and the action (if any) that he had proposed at Stage 2 to

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resolve the issue. If appropriate the Chief Executive/Chairman may call other members or officers of the Authority to give evidence in relation to the complaint.

- The Complainant may ask questions of the Chief Executive/Chairman and any witnesses that he has called.
- The Panel may ask questions of the Chief Executive/Chairman and any witnesses that he has called.
- The Chief Executive/Chairman will have the opportunity sum up
- The Complainant will have the opportunity sum up

The Panel may adjourn the hearing if it is considered that further information is required and/or if an adjournment would provide an opportunity to find a resolution acceptable to all the parties involved.

**Contact for further information:**

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