

THE ROLE OF THE STAFFORDSHIRE COMMISSIONER'S OFFICE IN THE POLICE COMPLAINTS PROCESS

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1.1

Can I complain to the SCO about Staffordshire Police?

No. The SCO cannot become involved in complaints against Staffordshire Police as we are not the appropriate authority to do so. Legislation prohibits the SCO from becoming involved in operational policing which includes the handling of complaints about the force. This includes complaints about force policy, investigations, complaint handling and also the conduct of police officers and police staff.

The SCO cannot step outside of this legal framework.

1.2

Why has the SCO passed my complaint to Staffordshire Police?

If you make a complaint to us about Staffordshire Police or its officers or staff, we are legally obliged to send it to Staffordshire Police at the earliest opportunity. That is because the Chief Constable is the appropriate authority. He delegates his authority for complaint handling to his Professional Standards Department.

You will be informed that your correspondence has been passed to Staffordshire Police with an explanation that the SCO is not the appropriate authority to handle your complaint. This is our legal duty and consent is not required.

Once you have been advised that your complaint has been passed to Staffordshire Police, the SCO's handling of the matter is concluded.

1.3

Can I complain to the SCO about the Chief Constable?

Yes. But it's important to understand that the SCO is only the appropriate authority when a complaint is about the Chief Constable's personal actions; that is where the Chief Constable has had direct personal involvement in the matters you raise.

In order for your complaint to be assessed, we'll need to know:

- What specifically is your allegation – what did the Chief Constable personally say or do?
- What were the circumstances and when did it happen?
- What impact has it had on you? What was your involvement in what happened?

Once we have this information, your complaint will be assessed and dealt with in line with statutory guidance from the IOPC. You'll be updated throughout the process and advised of any right to review when the complaint is concluded.

1.4

I've complained about the Chief Constable. Why has the SCO sent it to the force?

The SCO is the appropriate authority to investigate or handle a complaint only when it relates to the personal conduct or actions of the Chief Constable.

When a complaint is made about the Chief Constable which does **not** relate to their own personal actions or personal conduct, the SCO is **not** the appropriate authority.

It may be that the concern you have raised relates to a delegated authority. An example of this would be complaint handling; whilst the Chief Constable is the appropriate authority for complaints about the force, they delegate that authority to their Professional Standards Department. They are not personally involved in the handling of complaints. This is an example of delegated authority.

In such cases, the SCO is not the appropriate authority and must pass your complaint to the force, in line with statutory guidance. This is a legal duty and consent is not required. You will be advised in writing and an explanation of our assessment provided to you.

Once you've been advised that your complaint has been passed to Staffordshire Police, the SCO's handling of the matter is concluded.

1.5

Can the SCO review the outcome of my complaint about the police?

Yes – where there is a right of review to the SCO if we are the correct review body. The IOPC also conducts reviews of complaints. The correct review body for your complaint will be explained to you when you are told the outcome by Staffordshire Police.

The SCO cannot lawfully review a complaint outcome unless your application is valid, there is a right of review and the SCO is the relevant review body.

All decisions the SCO make are final. There is no right of appeal against our decision following a review. Once a final decision has been determined, there will be no further consideration of a concluded review. Our decisions can only be overturned by the courts through the judicial review process.

FAQs in relation to the review process can be accessed on our website here

<https://staffordshire-pfcc.gov.uk/transparency/complaint-review/>

1.6

I have a question about operational policing. Why can't the SCO help me?

The SCO has no remit in operational policing and we are not permitted to become involved in operational policing matters. We cannot operate outside this legal framework. The SCO does not have access to police systems and we don't have direction or control over police officers or staff who work for Staffordshire Police. Correspondents making enquiries that relate to operational policing will be signposted to Staffordshire Police.

1.7

What can I do if I'm not happy with the SCO's response?

Police complaints: If the matter you raise does not sit within the SCO's remit to address, there is no action that can be taken to challenge our decision to forward it to the appropriate authority. Doing so is our legal obligation. We simply cannot become involved in issues that sit outside our legal remit and it would be unlawful for us to do so.

Chief Constable complaints: Formally recorded complaints against the Chief Constable's personal conduct carry a right of review. The SCO will advise you how to apply for a review to the IOPC, if you do not agree that the outcome of your complaint is reasonable and proportionate. This is the only route to challenge the outcome of a formal complaint concluded by the SCO.

Reviews: Review decisions made by the SCO are final. There is no right of appeal against our decision following a review. Our decisions can be overturned only by the courts through the judicial review process. Please note that there is a three month time limitation if you wish to judicially review an SCO

decision. You may wish to seek your own independent legal advice if you intend to pursue this course of action.

1.8

What will happen if I continue to pursue an issue that's been concluded?

Repeated demands for the SCO to revisit matters which have been concluded or which sit outside our remit are unreasonable and impact greatly on our ability to manage other business.

If you disagree with an SCO decision and wish to challenge it, you **must** follow the correct route advised to you. Such matters cannot be pursued through persistent contact, requests or demands to the SCO.

The SCO reserves the right to cease contact in relation to concluded matters where a final decision and rationale have already been provided. You will be advised where this is the case. Further written contact from you may be logged but not responded to.

The SCO reserves the right to implement a bespoke contact strategy, should your contact persist or your behaviour escalate. Contact strategies are applied on a case-by-case basis, in line with SCO policy and the IOPC's guidance on managing unacceptable and unreasonable complainant behaviour.

The SCO will remain accessible to you for fresh matters. Your right to complain and your right to review will not be affected.

The IOPC's Guidance on managing unacceptable and unreasonable complainant behaviour can be accessed on their website here.

https://policeconduct.gov.uk/sites/default/files/Documents/statutoryguidance/Guidance_on_managing_unacceptable_or_unreasonable_complainant_behaviour_2020.pdf

The SCO's policy on managing unacceptable and unreasonable complainant behaviour can be accessed on our website: <https://staffordshire-pfcc.gov.uk/new-document/complaint-review-policy-guidance/>
