



Mae'r ddogfen hon ar gael yn Gymraeg yn ogystal â Saesneg.

This document is available in Welsh as well as English.



## Complaints Procedure

Office of the Police and Crime Commissioner  
for Dyfed Powys

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## 1.0 Introduction

The Police and Crime Commissioner has three main duties in relation to police complaints, as outlined below:

1. Appropriate Authority to consider complaints about the Chief Constable
2. Duty to hold the Chief Constable to account in providing an effective and efficient complaints process.
3. Relevant Review Body of some police complaints

## 2.0 Aims and Objectives

The Police and Crime Commissioner has a statutory duty to hold the Chief Constable to account in respect of how they handle complaints locally. The way complaints are dealt with has a significant impact on confidence in the police. The Police and Crime Commissioner has set out a clear policy of taking every complaint seriously and pursues this through the processes set out in legislation laid down by Parliament and overseen by the Independent Office for Police Conduct. The aim is to improve the police service and individual performance through learning and put things right when they have gone wrong.

## 3.0 Complaints against Staff/Officers below rank of Chief Constable.

The Police and Crime Commissioner **is not** responsible for investigating complaints against police officers/staff below the rank of Chief Constable.

Complaints against Police Officers and Police Staff are referred to the Professional Standards Department of Dyfed Powys Police for consideration in accordance with the law and the requirements of the Independent Office for Police Conduct. [Dyfed Powys Police](#).

- Except for complaints against the Chief Constable, the Commissioner is not directly responsible for any investigations. However, he does maintain oversight of the efficiency of the process, through performance reports and "sample" checks, and he works with the Welsh Director of the Independent Office for Police Conduct on appropriate checks and challenges to ensure the system is as effective and timely as possible.

#### **4.0 Complaints about the Chief Constable**

The Police and Crime Commissioner for Dyfed Powys is statutorily responsible for considering complaints made against the Chief Constable of Dyfed Powys Police. It is also the role of the Police and Crime Commissioner to ensure those complaints are dealt with in a reasonable and proportionate manner.

The Independent Office for Police Conduct (IOPC) is the Relevant Review body for these complaints.

In order to make a complaint against the Chief Constable, you must be eligible to be a complainant. This is defined by the legislation as someone who has directly witnessed the incident or who is directly affected by it. Complaints can be raised by other people on their behalf, but only with their written consent. Therefore, if you are not directly affected, or were not present at the incident that you have concerns about, you cannot use the police complaints system to make your concerns known. You can still make your concerns known to the OPCC or police force as part of general feedback. Further detail explaining eligibility can be found in the Independent Office for Police Conduct Statutory Guidance: [https://policeconduct.gov.uk/sites/default/files/Documents/statutoryguidance/2020\\_statutory\\_guidance\\_english.pdf](https://policeconduct.gov.uk/sites/default/files/Documents/statutoryguidance/2020_statutory_guidance_english.pdf).

#### **5.0 Complaints against the Police and Crime Commissioner**

If you wish to complain about the Police and Crime Commissioner, please contact the Dyfed-Powys Police and Crime Panel. <http://www.dppoliceandcrimepanel.wales/home/>

#### **6.0 Complaints against the Chief Executive**

Complaints made against the Chief Executive should be made direct to the Police and Crime Commissioner.



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These will be dealt in accordance with our policy. You can submit your complaint via email to **opcc@dyfed-powys.police.uk** or in writing to Police and Crime Commissioner, PO BOX 99, Llangunnor, Carmarthen, SA31 2PF. Alternatively you can ring the office on 01267 226440.

The Commissioner has the option to delegate investigation of the complaint to any person he feels appropriate.

## **7.0 OPCC Staff**

Complaints about members of staff in the Office of the Police and Crime Commissioner (OPCC) should be directed to the Chief Executive of the OPCC via email: **opcc@dyfed-powys.police.uk** or in writing to OPCC, PO Box 99, Llangunnor, Carmarthen SA31 2PF.

Alternatively, you can ring the office on 01267 226440. These will be dealt with in accordance with our policy.

Some details you may wish to include in this are:

- The name of the staff member you are complaining about
- When the incident occurred
- What happened during the incident
- What was done
- Whether there were any independent witnesses, and if so, how or where they can be contacted
- What proof exists of any damage or injury

## **8.0 OPCC Reviews**

The OPCC's role in relation to a 'Request for Review' of a complaint following the outcome provided by the Professional Standards Department (PSD), does not include reinvestigating your complaint, however it does include impartially considering the following:

1. Whether your request for a review was valid
2. Whether the outcome of your complaint was reasonable and proportionate
3. Any recommendations that should be made to the Force as a result of the handling and/or outcome of your complaint

Only a complainant, or someone acting on their behalf, can make an application for a review in relation to a complaint. You must have had written notification of the outcome of your complaint before you make an application for a review.

The Office of the Police and Crime Commissioner (OPCC) must receive your request for a review within 28 days from the day after the date stated on your outcome letter from Dyfed Powys Police. For example, if your letter is dated 1<sup>st</sup> April, you have to make sure we receive your request for a review by 29<sup>th</sup> April.

**What happens to the information in my review form?** The information you provide on this form will be entered into our systems. We may also need to pass the details of your review to Dyfed Powys Police Force and/or an Independent Reviewer who will consider your review and make recommendations to the Police and Crime Commissioner. Please Note: All of the contents of this form (including your equality and diversity information) may be passed to both Dyfed Powys Police Force and the Independent Reviewer.

## **9.0 Community Trigger Appeal**

(Section 104, ASB Crime & Police Act 2014)

### [Community Trigger Appeal Form](#)

If an Anti-Social Behaviour (ASB) victim(s) is not content with the response that they have received from the Dyfed Powys Anti-Social Behaviour Group, a community trigger can be escalated to the Office of the Police and Crime Commissioner (OPCC) where one of the following measures is satisfied:

#### **Measures:**

1. The decision provided outlining why the case did not meet the threshold for a Community Trigger Review has failed to provide sufficient detail to understand why a review did not take place
2. The community trigger review has failed to consider a relevant process, policy or protocol;
3. The community trigger review has failed to consider relevant factual information. **Please Note:** During a case review, the use of a particular enforcement tool may have been considered. When considering the facts and relevant protocols, it may have been determined that it would not be appropriate to utilise that enforcement tool. If an enforcement tool has been considered and the outcome explained to the ASB victim, then a community trigger review cannot be escalated to the OPCC because the ASB victim is dissatisfied with the outcome of the decision concerning the enforcement tool. The role of the OPCC will be to consider due process and ensure that Dyfed Powys Anti-Social Behaviour Group has properly and effectively undertaken a review. In considering a community trigger escalation the OPCC can either:

#### **Outcome:**

1. Uphold the appeal and refer the case back to the Dyfed Powys Anti-Social Behaviour Group asking them to consider a particular process, policy or protocol not previously considered.



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2. Uphold the appeal, outlining the relevant factual information that has not been considered by the Dyfed Powys Anti-Social Behaviour Group when reaching their decision;
3. Not Uphold the appeal i.e. Determine that the Dyfed Powys Anti-Social Behaviour Group has reviewed the case by considering all relevant factual information, policies, process and protocols satisfactory in line with its Community Trigger Procedure and reached an informed decision. The appeal process will essentially be a desk top review and will not involve hearings or meetings with victim(s). Should the victim wish to invoke the Appeal procedure, this request should be made directly to the OPCC within 28 days of receiving the community trigger application outcome from the Dyfed Powys Anti-Social Behaviour Group. All relevant paperwork together with the grounds for the appeal (i.e. why measures 1, 2 or 3 have not been met) need to be submitted. The Commissioner's office will undertake the appeal and let the victim(s) know the outcome (either 1, 2 or 3 above) as soon as possible, and in any case within 30 working days.

Please Note: The OPCC decision is final and cannot be appealed

## **10.0 Complaints about Independent Custody Visitors**

If you wish to complain about the conduct of an Independent Custody Visitor, please contact the Chief Executive either in writing or by email at the following address: Chief Executive OPCC, PO BOX 99, Llangunnor, Carmarthen, SA31 2PF. Alternatively you can ring the office on 01267 226440.

Email: [opcc@dyfed-powys.police.uk](mailto:opcc@dyfed-powys.police.uk)

## **11.0 Freedom of Information Request Complaints**

As the Police and Crime Commissioner is a public body, Freedom of Information requests can be made in respect of information that the Police and Crime Commissioner holds. Should you be unhappy with a response made to a Freedom of Information request or you feel that the Commissioner has failed in his obligations to meet your Freedom of Information request, you may complain to the Information Commissioner. The Information Commissioner can be contacted on the below details:

Information Commissioner's Office – Wales  
2<sup>nd</sup> Floor  
Churchill House



Churchill Way  
Cardiff  
CF10 2HH



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Tel: 0330 414 6241

Email:

[wales@ico.gsi.gov.uk](mailto:wales@ico.gsi.gov.uk)

## 12.0 Dealing with your complaint

What to expect The Appropriate Authority will review the complaint and will decide on the relevant action to take.

The options are:-

- If no performance issue or conduct is identified: No Further Action will be taken.
  - The Appropriate Authority will deal with the complaint as Management Action or refer to the relevant line manager as appropriate.
- If the Appropriate Authority considers that the matter cannot be dealt with as Management Action and may be considered to be Misconduct, Gross Misconduct or On Duty Conduct he will refer the matter to the Head of the Force's Professional Standards Department for a formal assessment and possible investigation.
- If an investigation is required, a plan will be drawn up, and actions logged as the investigation progresses. Possible outcomes to a complaint include, but are not restricted to:
  - An apology and actions to prevent recurrence
  - Individual or/and Organisational learning
    - Referring the matter to be dealt with under criminal, disciplinary or performance proceedings in accordance with the Police Staff Council regulations
  - Taking no further action What we will do We will log your complaint on our systems and provide you with an acknowledgement within 5 working days. We will also provide you with the contact details of the person nominated to keep you informed of progress. At the same time, we will seek clarification to ensure that we properly understand your complaint, the outcome you want and any adjustments that may be required to enable you to participate effectively in the process, as required. Depending on the nature of your complaint, we may need to share information with other organisations such as North Wales Police in order to come to a resolution. Further information can be found in our privacy notice

We will inform you in writing of the outcome to your complaint as soon as is reasonably practicable. You will be provided with an update on progress with



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your complaint at least every 28 days. This will be sent to you in the same format you used to contact us unless agreed otherwise.

Outcome of your complaint You will receive a letter from the person investigating your complaint to inform you of the outcome. We will include an explanation of how the matter has been handled, the actions taken and the findings. If appropriate, it will also include a clear rationale for not taking certain actions. The outcome of your complaint will be final, there is currently no right to request a review.

### **13.0 IOPC**

In some circumstances, complaints and some other issues have to be "*referred*" to the Independent Office for Police Conduct to decide how they should be investigated. If the IOPC decides that the matter must be investigated, it will decide whether the mode of investigation will be either Local Investigation (carried out by Dyfed Powys Police), Directed Investigation (carried out by Dyfed Powys Wales Police under the control of the IOPC) or an Independent Investigation (carried out by the IOPC itself).

Postal Address: Independent Office for Police Conduct, PO Box 473, Sale, M33 0BW

Telephone: 0300 020 0096

Email: [enquiries@policeconduct.gov.uk](mailto:enquiries@policeconduct.gov.uk)

### **14.0 Complaints Scrutiny**

As part of The Policing Protocol Order 2011, there is a requirement to monitor all complaints made against officers and staff . The OPCC have created a Complaints Scrutiny Framework which provides an action plan in respect of monitoring/auditing complaint matters both internally i.e. complaints raised with the OPCC and externally i.e. complaints raised with Dyfed Powys Police Force, Independent Office for Police Conduct (IOPC). [Strategies and Policies \(dyfedpowys-pcc.org.uk\)](http://dyfedpowys-pcc.org.uk)

### **15.0 Abuse of the complaints system**

The OPCC has adopted the IOPC definitions of these types of complaints as follows.

- Vexatious complaints are without foundation, which is intended, or tends to vex, worry, annoy or embarrass.



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- An oppressive complaint is without foundation that is intended or likely to result in burdensome, harsh or wrongful treatment of the person complained against.

- An abuse of the complaints system is where there is or has been a manipulation or misuse of the complaints system to initiate or progress a complaint which, in all the circumstances of the particular case, should not have been made or should not be allowed to continue.

- A complaint is fanciful if no reasonable person could lend any credence to it. It is an objective test. The PCC wants to deal fairly and openly with complaints and ensure that other service users or the PCC staff do not suffer detriment from persons making vexatious, oppressive, abusive or fanciful complaints. The PCC's office may write to any complainants making such complaints to inform them that their complaints will no longer be dealt with and may decide to no longer respond to a complainant fulfilling any of the criteria outlined above.

The PCC office aims to handle all complaints fairly and honestly regardless of who makes a complaint. The PCC office treats all members of the community equitably and will not show bias to any particular individual or group. The OPCC endeavours to make its services accessible to everyone.

## **16.0 Accessibility**

If it is difficult for you to use this service, for example, if English is not your first language, you have a disability or you would like to make a complaint in Welsh then please contact us on the contact details provided below:

Telephone: 01267 226440

Email: [opcc@dyfed-powys.police.uk](mailto:opcc@dyfed-powys.police.uk)

If you require any adjustments to support you through the review system, please outline these below. For example, if you have a visual impairment, you may require a written responses in larger text.

If you have any concerns about your information being passed to the police or you require further information about how your data will be handled, please call us on 01267 226440.

For information about how we handle your personal information, please read our privacy notice at: <http://www.dyfedpowys-pcc.org.uk/en/contact-us/access-to-information-we-hold/>.

**This document will be reviewed every 4 years, when changes are identified or required by legislation. The next review date is October 2026.**



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