



Police, Fire and Crime Commissioner for Cumbria

COMPLAINTS POLICY

Document control

This policy applies to all employees of the Office of the Police, Fire and Crime Commissioner for Cumbria.

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Introduction

The Police, Fire and Crime Commissioner (Commissioner) for Cumbria is committed to delivering high standards of professionalism and behaviour at all times and takes all complaints seriously. Fire, policing and crime reduction relies upon communities having trust and confidence in the police service and those who are elected to oversee it.

This policy sets out the duties and responsibilities of the Office of the Police, Fire and Crime Commissioner (OPFCC) imposed by the following legislation:

- [Police Reform and Social Responsibility Act 2011](#)
- [Policing and Crime Act 2017](#)
- [The Equality Act 2010](#)
- [The Police \(Complaint and Misconduct\) Regulations 2020](#)
- Elected Local Policing Bodies specified information orders of [2011](#), [2012](#), [2013](#) and [2021](#)
- [The Elected Local Policing Bodies \(Complaints and Misconduct\) Regulations 2012](#)
- [The Elected Policing Bodies \(Specified Information\) Order 2011 \(Amendment\) Fire and Rescue Authorities 2017](#)

The OPFCC strives to ensure that any complaint is dealt with in an efficient and effective manner, by the appropriate authority and that the public receive the highest standards of public service.

In this policy we will explain how to make complaints, what help is available to enable you to make a complaint, the role of the OPFCC and what to do if you are not happy with how your complaint was handled. Complaints against different people or groups have to be made and handled in different ways.

Members of the public can make a complaint about:

- A person's conduct or attitude
- A decision or policy which has affected them
- The service they have received

This policy covers responsibilities for complaints about the Chief Constable (or any Acting Chief Constable) of Cumbria Constabulary, the Commissioner, the Deputy Commissioner, OPFCC staff, staff and officers of Cumbria Constabulary; and staff and officers of Cumbria Fire and Rescue Service. It also covers the statutory role of the Commissioner in reviewing the handling of complaints made to Cumbria Police where the Commissioner is determined to be the Relevant Review Body.

General Principles

When dealing with complaints we will always –

- Take your complaint seriously, treating you with dignity and respect
- Contact you using your preferred means of communication, usually the way you have first contacted us
- Handle matters in a fair and independent way
- Only pass on your details to Cumbria Constabulary or Cumbria Fire and Rescue Service if you agree that we can or they are the relevant body to deal with the complaint or quality of service issue that you wish to raise
- Deal with issues as quickly as we can and keep parties informed until we are able to provide you with an outcome
- Advise whether there is an appeal process available to you
- Ensure that the OPFCC, Cumbria Constabulary and Cumbria Fire and Rescue Service learn lessons from your complaint to help improve the quality of service provided

The OPFCC appreciates that making a complaint can be stressful and the prospect can be daunting. If you want advice on how to complain, you can contact the OPFCC for assistance.

Alternatively, you may want to consider approaching your local MP, County or District Councillor or the Citizens' Advice Bureau.

What we can't do

The Police, Fire and Crime Commissioner and the Office of the Police, Fire and Crime Commissioner are unable to deal with complaints that are about operation policing matters or the performance of Cumbria Constabulary or any of its officers and staff. We are also unable to deal with operational matters relating to Cumbria Fire and Rescue Service, any of its firefighters or staff.

Ethical Standards

The OPFCC prides itself on upholding the highest ethical standards in all its practices and work. Our staff and volunteers are committed to working within agreed guidelines and to the relevant Codes of Conduct.

Complaints about the Commissioner/Deputy Commissioner, OPFCC Staff and Volunteers

The OPFCC for Cumbria is responsible for investigating complaints about the Chief Constable, Chief Fire Officer, OPFCC staff, Independent Custody Visitors; members of the Joint Audit Committee; and members of the Ethics and Integrity Panel.

By law the OPFCC is not allowed to investigate complaints about Police Officers under the rank of Chief Constable, or members of Police Staff working for the Chief Constable. This is the statutory responsibility of the Chief Constable to deal with. Similarly, complaints regarding staff and firefighters below the rank of Chief Fire Officer will be dealt with by Cumbria Fire and Rescue Service.

How to complain about the Police, Fire and Crime Commissioner and the Deputy Police, Fire and Crime Commissioner

As a representative of the local community, the Police, Fire & Crime Commissioner and the Deputy Police, Fire and Crime Commissioner, sign up to a Code of Conduct. This includes the ten principles of conduct in public life:

- Selflessness
- Honesty and Integrity
- Objectivity
- Accountability
- Openness
- Personal Judgement
- Respect for Others
- Duty to Uphold the Law
- Stewardship
- Leadership

The responsibility for considering complaints that the Commissioner, or the Deputy Commissioner may have breached their Code of Conduct sits with the Police, Fire and Crime Panel. This panel is made up of representatives from district councils and the county council, plus 2 independent people who are not councillors.

If you want to complain about the conduct of the Commissioner, or the Deputy Commissioner you must submit your complaint to:

The Monitoring Officer

Westmorland and Furness Council

Tel: 0300 3733 300

Website: [Contact us | Westmorland and Furness Council](#)

They will make an initial assessment of the complaint. Following this, the complaint will be sent to the Police, Fire and Crime Panel. Details of how to make a complaint are also available on the Police, Fire and Crime Panel's website -

www.cumbriapcp.org.uk

The Police, Fire and Crime Panel can only deal with complaints about the behaviour of the Commissioner/Deputy Commissioner. It will not deal with complaints about things that are not covered by their Code of Conduct. If you make a complaint to the Police, Fire and Crime Panel, you must explain fully the reasons for your complaint.

If you feel that the Commissioner/Deputy Commissioner has committed a criminal offence then this should be reported to the Police, Fire and Crime Panel. They will then refer the matter to the Independent Office of Police Conduct (IOPC) who will investigate the matter. Alternatively, such a criminal offence could be reported to Cumbria Constabulary who will then deal with the matter appropriately.

How to complain about decisions made by the Police, Fire & Crime Commissioner

If you would like to make a complaint or compliment about the decisions of the Commissioner, the first step is to contact the OPFCC.

If you have concerns regarding matters which relate to fraud, financial misconduct or financial irregularity please read our Anti-Fraud and Corruption Procedure which provides details of who you can report such matters to. The procedure can be found on our website: <https://cumbria-pcc.gov.uk/contact/confidential-reporting/>

How to complain about a member of staff of the Office of the Police, Fire and Crime Commissioner

While OPFCC staff are not representatives of the community, they are still expected to maintain the highest standards of conduct.

OPFCC staff have adopted a code of ethics which includes:

- Honesty and Integrity
- Equality and Diversity
- Authority, Respect and Courtesy
- Ensuring Confidentiality

All OPFCC staff undertake to adhere to an anti-discrimination code and follow a Police, Fire and Crime Commissioner/Officer Protocol that ensures good relations between the Commissioner, any appointed deputies and the staff who work for them.

If your complaint is about the actions of **OPFCC staff** it must be submitted in writing to:

The Chief Finance Officer / Deputy Chief Executive
Office of the Police, Fire and Crime Commissioner, Carleton Hall, Penrith CA10 2AU
Telephone: 01768 217734
E-mail: commissioner@cumbria-pcc.gov.uk

If you wish to complain about the Chief Finance Officer / **Deputy Chief Executive**, you should submit your complaint in writing to:

The Chief Executive
Office of the Police, Fire and Crime Commissioner, Carleton Hall, Penrith CA10 2AU
Telephone: 01768 217734
E-mail: commissioner@cumbria-pcc.gov.uk

Any complaints regarding staff will be dealt with in line with the OPFCC Staff Complaints Procedure.

How to complain about a member of the Joint Audit Committee or a member of the Ethics and Integrity Panel

If your complaint is about the actions of either a member of the Joint Audit Committee or the Ethics and Integrity Panel, your complaint must be submitted in writing to:

The Chief Executive
Office of the Police, Fire and Crime Commissioner, Carleton Hall, Penrith CA10 2AU
Telephone: 01768 217734
E-mail: commissioner@cumbria-pcc.gov.uk

Complaints about an Independent Custody Visitor

The Office of the Police, Fire and Crime Commissioner has an Independent Custody Visiting Scheme, which is operated by volunteers. Independent Custody Visitors make random, unannounced visits to police stations to check on the welfare of detainees in police custody. On appointment they agree to abide by a Code of Conduct and they have a separate complaints policy.

If you want to make a complaint about an Independent Custody Visitor, you can do this by contacting the Independent Custody Visiting Scheme Administrator:

Office of the Police & Crime Commissioner
Carleton Hall, Penrith, Cumbria, CA10 2AU
Telephone: 01768 217734
or by e-mail to commissioner@cumbria-pcc.gov.uk

Complaints about Cumbria Constabulary

Who can complain?

In line with statutory police complaint and misconduct regulations and the Independent Office of Police Conduct (IOPC) statutory guidance, a complaint may be made by any of the following:

- a member of the public who claims that the conduct took place in relation to him or her
- a member of the public who claims to have been *adversely affected* by the conduct, even though it did not take place in relation to him or her
- a member of the public who claims to have *witnessed the conduct*
- a person acting on behalf of someone who falls within any of the three categories above.

A person can only be considered as having been authorised to act on behalf of another for the purposes of making a complaint if he or she has and is able to produce written consent from that person. Written consent should be clear and unambiguous and it need not be in English.

Police Officers and Staff

Under the Police Reform Act 2002 Police Officers and staff are not able to submit a complaint if:

- he or she was on duty at the time of the conduct he or she claims to have been a victim of, adversely affected by or to have witnessed; or
- the complaint relates to the conduct of a person who, at the time of the alleged conduct, was under the direction and control of the same chief officer as themselves.

Should they have any issues or wish to complain there are internal systems that can be used in these circumstances.

Partners and relatives

A partner or relative of someone who has served or is serving with the police force will not be able to make a complaint on that person's behalf if the person is serving or who has served with the police.

Alternatively, a partner or relative might legitimately claim to have witnessed or been adversely affected by the conduct alleged and so may become a complainant in his or her own right.

What can I make a complaint about?

A police conduct complaint is defined within the Independent Office of Police Conduct (IOPC) statutory guidance as - *an expression of dissatisfaction by a member of the public about the **conduct** of a person serving with the police.* All police officers and police staff must adhere to the published Code of Ethics, which defines the nine policing principles:

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

These principles underpin and strengthen the existing procedures and regulations for ensuring standards of professional behaviour for both police officers and police staff.

A person may be affected by a policing decision, how certain police powers were exercised, operational management decisions regarding the police force, including force-wide crime initiatives or policies.

How to complain about the Chief Constable

The Police, Fire and Crime Commissioner is responsible for investigating complaints against the Chief Constable. All complaints must be made in writing to the Police, Fire and Crime Commissioner at:

Office of the Police Fire & Crime Commissioner

Carleton Hall

Penrith

Cumbria

CA10 2AU

or by e-mail to commissioner@cumbria-pcc.gov.uk

How to complain about the Deputy or Assistant Chief Constables

The Chief Constable is responsible for investigating complaints against the Deputy Chief Constable and Assistant Chief Constable. All complaints must be made in writing to the following address:

Professional Standards Department

Cumbria Constabulary

Carleton Hall

Penrith

Cumbria, CA10 2AU

Telephone: 101

Email: PSAdmin@cumbria.police.uk

How to complain about a Police Officer; Special Constable; PCSO and Constabulary Staff.

If you wish to make a complaint about the conduct or behaviour of a police officer, a police community support officer, a member of police staff or a special constable, then you can do so either by contacting:

Professional Standards Department

Cumbria Constabulary
Carleton Hall
Penrith, CA10 2AU
Telephone: 101
Email: PSDAdmin@cumbria.police.uk

You can find out further information on how to make complaints about police officers or police staff by visiting Cumbria Constabulary's website:

<https://www.cumbria.police.uk/contact-us/thanks-and-complaints>

The Constabulary's Professional Standards Department is a separate part of Cumbria Constabulary that has no direct working links with any of the other departments. They deal impartially with all the complaints they receive.

Alternatively, the Police Complaints system is overseen by the Independent Office of Police Conduct (IOPC) and governed by the Police Reform Act 2002. The IOPC is completely independent from the Cumbria Constabulary. You can visit the IOPC website for further information and to make a complaint –

<https://www.policeconduct.gov.uk/>-

If your query is about the progress of a case or investigation you may be involved in, then you should contact the Constabulary directly by one of the following means:

Email: 101emails@cumbria.police.uk

101 live chat: <https://www.cumbria.police.uk/report-it/101-live-chat>

Tel: 101

Complaints involving Victims of Crime

The Code of Practice for Victims of Crime (the Victims' Code) places a statutory obligation on criminal justice agencies to provide a standard of service to victims of crime or, where the victim died as a result of the criminal conduct, their relatives.

If you are a victim of crime in England and Wales and believe a criminal justice agency has failed to provide you with the service set out in the Victims' Code, you should first make your complaint direct to the organisation concerned. If you remain unhappy after that then you should contact an MP and ask them to refer your complaint to the Ombudsman.

The [Parliamentary and Health Service Ombudsman](#) can investigate complaints in relation to the Victims' Code. If you have any questions about making a complaint under the Victims' Code, you can contact the Ombudsman via their Helpline on 0345 015 4033. Alternatively visit their website [complaints page](#).

Information regarding Victim Services in Cumbria is available on the Office of the Police, Fire and Crime Commissioner's website - <https://cumbria-pcc.gov.uk/victim-service/page/2/>

If your query is about the progress of a case or investigation you are involved in, then you should contact the Constabulary directly by one of the following means:

Email: 101emails@cumbria.police.uk

101 live chat: <https://www.cumbria.police.uk/report-it/101-live-chat>

Tel: 101

Complaint following the outcome of a police complaint review

The outcome of a police complaint review is final. If a complainant is dissatisfied with the outcome, they have the ability to challenge the decision through a Judicial Review process.

Where a complainant has further information or evidence which was not previously available this should be provided to Cumbria Constabulary's Professional Standards Department to enable them to consider it. The OPFCC can only deal with reviews of a finalised outcome.

The Police, Fire and Crime Commissioner plays no part in the review process to ensure its openness and transparency. Therefore, to make a complaint about them because of the outcome could be viewed as an abuse of the complaints process. Similarly, to make a complaint regarding a member of OPFCC staff simply because they have done their role would also be viewed as an abuse of the complaints process.

Any complaint regarding a member of staff would be dealt with by the OPFCC Staff Complaints Procedure.

The OPFCC may utilise the [Managing Contact Service User Policy](#) to deal with further communication where this becomes appropriate.

Complaints about Cumbria Fire and Rescue Service

In Cumbria, the Police, Fire and Crime Commissioner also has responsibility for governance of Cumbria Fire and Rescue Service. They perform this function as Cumbria Commissioner Fire and Rescue Authority (CCFRA) which is a separate legal entity.

Cumbria Fire and Rescue Service is committed to the ethical principles and professional behaviours outlined within the Fire Standards Board Core Code of Ethics. This sits alongside the Code of Ethics Fire Standard. Their ethical principles are:

- Leadership
- Integrity
- Dignity and Respect
- Putting Communities First
- Equality, Diversity and Inclusion

How to complain about the Chief Fire Officer

The Police, Fire and Crime Commissioner is responsible for investigating complaints against the Chief Fire Officer. All complaints must be made in writing to the Police Fire and Crime Commissioner at the following address:

Office of the Police, Fire & Crime Commissioner

Carleton Hall

Penrith

Cumbria

CA10 2AU

or by e-mail to commissioner@cumbria-pcc.gov.uk

How to complain about Cumbria Fire and Rescue Service staff and firefighters

Cumbria Fire and Rescue Service have a full set of policies and procedures setting out how complaints which relate to staff and firefighters will be dealt with.

If you would like to make a complaint, or pay a compliment, about Cumbria Fire and Rescue Service, their staff or firefighters, you can do so by writing to:

Cumbria Fire and Rescue Service, Fire Service Headquarters, Carleton Avenue, Penrith, CA10 2FA.

Quality of Service Issues

The Police, Fire and Crime Commissioner for Cumbria is charged with the governance of Cumbria Constabulary and Cumbria Fire and Rescue Service, ensuring that they are delivering effective and professional services.

One of the ways we do this is by talking to members of the public about their experience of dealing with the police and fire service. This then allows feedback to be provided to enable each organisation to improve the way in which they provide their services.

If you wish to make a compliment; you are not happy with how the police or fire service have dealt with you but don't want to make a formal complaint; you would like them to learn from your experience without having to talk to them directly, you can contact the Office of the Police, Fire and Crime Commissioner.

If you want to give feedback on your experiences:

- You can contact us by phone, email, letter or by talking to the Police, Fire and Crime Commissioner/Deputy Police, Fire and Crime Commissioner at one of our events.
- We will listen to your concerns and, if it is appropriate and you wish us to do so, raise them with the Chief Constable/Chief Fire Officer or other relevant organisation.
- If you wish and provide consent, we will contact the police or fire service to find out more about what happened but will never pass on your personal details to them unless you want us to.
- We will let you know what happens as a result.

Contact us on:

Telephone: 01768 217734 (Office hours are Monday to Thursday 9.00am - 5pm and Fridays 9.00 am - 4pm; please leave a message on our voicemail at other times).

Email - commissioner@cumbria-pcc.gov.uk

Write to:

Office of Cumbria Police, Fire & Crime Commissioner for Cumbria,
Carleton Hall, Penrith
Cumbria, CA10 2AU

We aim to acknowledge receipt of your correspondence within 5 working days. Any letters, telephone or e-mail messages will only be accessible to OPFCC staff.

Communicating with You

We will be polite, professional and treat you with respect. We understand that people who contact us might sometimes be frustrated, or angry, and we are committed to providing a fair and accessible service to all. Nonetheless, we have a responsibility to protect the safety and welfare of our staff and we will not accept abusive, aggressive or threatening behaviour.

You can reach the Office of the Police, Fire and Crime Commissioner between 9am and 5pm, Monday to Thursday and 9am to 4.00 pm on Fridays (not including public holidays). We aim to acknowledge email enquiries within five working days. Phone messages will normally be returned by the end of the next working day. We do not operate a face-to-face service and will only contact you by phone or in writing.

Vexatious, Repeated or Persistent Complaints

There are times when a complainant is not satisfied with the resolution offered and they may attempt to pursue their complaints again or in an unreasonable way. Their actions and behaviour may impede the proper investigation of their complaint or the normal running of OPFCC business. This may lead to significant resource implications which are out of proportion with the nature/seriousness of the complaint. The OPFCC would define such behaviour as 'unreasonable', 'persistent' or 'vexatious'

To manage our work effectively and provide a fair service to all, it might be necessary for us to limit the way we communicate with individual customers and the frequency of contact. This only applies in certain circumstances.

Find out more in our [Managing Service User Contact Policy](#) which can be found in the compliments and complaints section on our website.

Monitoring of Complaints

The Police, Fire and Crime Commissioner, Cumbria Constabulary and Cumbria Fire and Rescue Service welcome complaints as they provide valuable feedback from the community and enable lessons to be learnt to allow a higher standard of service to be provided in the future. The Commissioner monitors complaints, expressions of dissatisfaction, conduct matters and other legal proceedings involving Cumbria Constabulary and Cumbria Fire and Rescue Service.

Performance Monitoring

On behalf of the Police, Fire and Crime Commissioner the **Ethics and Integrity Panel** receive quarterly reports on complaints, expressions of dissatisfaction and conduct matters; and also look at how that information compares with previous years.

The Panel members undertake spot checks (referred to as dip-sampling) of complaint and misconduct files. This process provides an independent check that the correct process has been followed, and in particular looks for:

- Whether it has been dealt with according to agreed procedures
- That they are being investigated to agreed timescales
- Treatment of the complainant
- Treatment of the officer or member of staff
- The handling and outcome are reasonable and proportionate

Further information on the work of the [Ethics and Integrity Panel](#) can be found on our website.

Powers to Direct

The Police Reform and Social Responsibility Act 2011 [Schedule 14 Section 7] provides the Commissioner with the ability to direct Chief Officers to comply with their obligations in dealing with complaints. The Chief Officer must comply with any direction given under the above.

The Commissioner has no statutory authority to direct how Cumbria Constabulary or Cumbria Fire and Rescue Service deal with each individual complaint, only that they must deal with them in line with legislation and policies.

