



Cheshire Police Authority

How to make a complaint about a Member

Are you using the correct form?

The points listed below will help you decide whether this is the correct form to use when making your complaint. You should speak to the Deputy Monitoring Officer (Damon Taylor – 01244 614003) if you are not clear if the Standards Committee can consider your complaint. The Assessment Sub-Committee of the Standards Committee will make the decision about what action, if any, to take on your complaint.

- Your complaint must be about conduct that occurred while the Member(s) complained about were in office. Conduct of an individual before they were appointed to the Authority, or after they have resigned or otherwise ceased to be a Member, cannot be considered by the Assessment Sub-Committee.
- The Code of Conduct came into effect on 5 May 2002, although some authorities adopted the Code of Conduct earlier. If your complaint concerns matters that occurred before 5 May 2002 you should contact the Deputy Monitoring Officer (Damon Taylor – 01244 614003) before making your complaint to check whether it is within the jurisdiction of the assessment sub-committee to consider.
- Your complaint must only be about one or more named Members of Cheshire Police Authority.
- Your complaint must be that the Member(s) has, or may have, breached the Code of Conduct. A copy of the Code of Conduct is available on the Authority's website (www.cheshirepa.police.uk) and frequently asked questions about the Code of Conduct can be found on the Standards Board for England's website (www.standardsboard.gov.uk) You may also contact the Deputy Monitoring Officer (Damon Taylor – 01244 614003) if you require further information.
- Complaints about dissatisfaction with a decision or action of the Authority or one of its committees, a service provided by the Authority or the Authority's procedures do not fall within the

jurisdiction of the Standards Committee. Complaints about the actions of people employed by the Authority also do not fall within the jurisdiction of the Standards Committee. Details of how to make complaints in respect of those areas can be found on the Authority's website.

- Your complaint must be in writing (letter, fax or email). If a disability prevents you from making your complaint in writing you may contact the Deputy Monitoring Officer (Damon Taylor – 01244 614003) for assistance.

It is important to note that not every complaint that falls within the jurisdiction of the Standards Committee will be referred for investigation or other action. The Assessment Sub-Committee of the Standards Committee must decide whether this is appropriate. It will make this decision using the following initial tests. If the complaint fails one or more of the following tests, it cannot be investigated as a breach of the Code, and the complainant will be informed that no further action will be taken in respect of the complaint:-

- it is a complaint against one or more named Members of the Authority;
- the named Member was in office at the time of the alleged conduct and the Code of Conduct was in force at the time; and
- the complaint, if proven, would be a breach of the Code under which the member was operating at the time of the alleged misconduct

If the Assessment Sub-Committee decides not to refer your complaint for investigation or other action it will give you the reasons for this decision. It will also explain any right that you may have to ask for the decision to be reviewed.

What happens once you submit your complaint?

When you submit your complaint we will write to you to let you know we have received it. We will also tell the Member that you are complaining about that we have received your complaint, who made the complaint and the relevant paragraphs of the Code of Conduct that it is alleged may have been breached.

The Assessment Sub-Committee will then meet to consider your complaint and decide whether it should be referred for investigation or other action. This will happen within an average of 20 working days of the date we receive your complaint. Meetings of the Assessment Sub-Committee are 'closed', which means that you will not be able to attend. It is therefore very important that you set your complaint out clearly and provide at the outset all the information you wish the Assessment Sub-Committee to consider.

The criteria that will be used to assess your complaint and decide whether it should be investigated are as follows:-

- Has the complainant submitted enough information to satisfy the Assessment Sub-Committee that the complaint should be referred for investigation or other action?
- Is the complaint about someone who is no longer a member of the Authority, but is a Member of another authority? If so, does the Assessment Sub-Committee wish to refer the complaint to the monitoring officer of that other authority?
- Has the complaint already been the subject of an investigation or other action relating to the Code of Conduct? Similarly, has the complaint been the subject of an investigation by other regulatory authorities?
- Is the complaint about something that happened so long ago that there would be little benefit in taking action now?
- Is the complaint too trivial to warrant further action?
- Does the complaint appear to be simply malicious, politically motivated or tit-for-tat?

When the Assessment Sub-Committee has reached its decision you will be notified in writing whether your complaint has been referred for investigation or other action. At the same time, the Member(s) you have complained about will also be notified of the decision. The decision letters will be sent within five working days of the Assessment Sub-Committee reaching its decision. The decision of the Assessment Sub-Committee is made available for public inspection once the Member the complaint is about has been given a summary of the complaint. In very limited situations the Member may not be given this summary immediately and if so any public inspection will not happen until the Member does get the summary.

What is meant by ‘other action’?

The Assessment Sub-Committee may decide to refer your complaint for ‘other action’ instead of referring it for investigation. Other action is a deliberately broad term that may include options such as requiring the person you have complained about to apologise or undergo training or mediation. The Assessment Sub-Committee will carefully consider the circumstances surrounding your complaint when deciding whether other action is appropriate. If the Assessment Sub-Committee decides to refer your complaint for other action, what this involves will be explained to you.

How should I set out my complaint?

It is very important that you set your complaint out fully and clearly, and provide all the information at the outset. You should also provide any documents or other material that you wish the Assessment Sub-Committee to consider, where possible. Unless the Authority advises you otherwise, you will not be able to attend the meeting of the Assessment Sub-Committee.

You are recommended to use the Authority's complaint form or provide a covering note summarising what you are complaining about, especially if your complaint includes a lot of supporting documentation. In the summary you should tell us exactly what each person you are complaining about said or did that has caused you to complain. If you are sending supporting documentation please cross-reference it against the summary of your complaint.

You should be as detailed as possible and substantiate your complaint where you can. Although you are not required to prove your complaint at this stage of proceedings, you do have to demonstrate that you have reasonable grounds for believing that the Member(s) complained about has breached the Code of Conduct.

Further Information

For further information about this process:-

Telephone: Deputy Monitoring Officer on 01244 614003

Email: police.authority@cheshire.pnn.police.uk

Visit the Authority's website www.cheshirepa.police.uk

Or the Standards Board for England website www.standardsboard.gov.uk

Or write to:-

Cheshire Police Authority
Constabulary Headquarters
Clemonds Hey
Oakmere Road
Winsford
Cheshire
WA16 8QE