

Item 9

Report to: Police and Crime Panel

Report of: Pat Jones Greenhalgh
Lead GM Chief Executive – Police and Crime

Subject: Greater Manchester Police and Crime Panel Rules of Procedure

Date: 31st October 2017

1.0 PURPOSE OF REPORT:

1.1 To present to the Panel the revised Complaints Procedure for the Panel regarding the conduct of the Greater Manchester Mayor and the Greater Manchester Deputy Mayor for Policing and Crime.

2.0 BACKGROUND:

2.1 Section 31 and Schedule 7 of the Police Reform Act and the Complaints Regulations require the provision of a complaints procedure for dealing with complaints against the Greater Manchester Mayor and the Greater Manchester Deputy Mayor for Policing and Crime as it relates to the discharge of their Police and Crime Functions

2.2 The previous procedure has been in place for 3 years and it has become necessary to update the procedure in light of the Election and Appointment (respectively) of a Greater Manchester Mayor and a Greater Manchester Deputy Mayor for Policing and Crime. The attached procedure therefore now reflects the current status in Greater Manchester (i.e. a Mayor, as opposed to a Police and Crime Commissioner)

3.0 RECOMMENDATIONS:

3.1 To note, comment and approve the revised Complaints Procedure for the Greater Manchester Police and Crime Panel with regard to the conduct of the Greater Manchester Mayor and the Greater Manchester Deputy Mayor for Policing and Crime.

4.0 Background Papers (available upon request)

- Police Reform and Social Responsibility Act 2011

5.0 Contact Officer

Jeanette Staley, Head of Community Safety, Salford City Council / GM Police and Crime Policy & Strategy Support Officer email: Jeanette.staley@salford.gov.uk tel: 0161 793 2616

Greater Manchester Police & Crime Panel

Procedure for Dealing with Complaints made against the Greater Manchester Mayor and the Greater Manchester Deputy Mayor for Policing and Crime

1. Introduction

- 1.1 This procedure details the process for dealing with complaints about the conduct of the Greater Manchester Mayor (GMM) and Greater Manchester Deputy Mayor for Policing and Crime (GMDMP&C) as it relates to the discharge of their Police and Crime functions.
- 1.2 The procedure has been introduced in accordance with Section 31 and Schedule 7 of the Police Reform and Social Responsibility Act 2011 (“the Police Reform Act”) and The Elected Local Policing Bodies (Complaints and Misconduct Regulations 2012 (“the Complaints Regulations”). Nothing in this procedure overrules the provisions of those Regulations.
- 1.3 A flow chart providing an overview of the complaints process can be found at appendix 1.

2. Roles and Responsibilities

- 2.1 Police and Crime Panels have statutory responsibilities under the Complaints Regulations relating to the recording and determination of complaints against the GMM and GMDMP&C as it relates to the discharge of their Police and Crime functions. The remainder of this procedure shall take complaints to mean complaints in relation to the discharge of their Police and Crime functions, unless otherwise stated.
- 2.2 In accordance with Part 2 of the Complaints Regulations, the GM Police and Crime Panel (GMPCP) is responsible for initially handling all complaints against the GMM and GMDMP&C, including all Serious Complaints (as defined by Paragraph 2(6) of Schedule 7 to the Police Reform Act) and Conduct Matters (as defined by Section 31(1)(b) of the Police Reform Act). Any Serious Complaints or Conduct Matters must be referred to the Independent Police Complaints Commission (IPCC).
- 2.3 Regulation 6 of the Complaints Regulations requires the GMPCP to be responsible for the following non delegable ‘general duties’ in

relation to complaints against the GMM and GMDMP&C (referred to in the Complaints Regulations as “Relevant Office Holders”):

- a) To ensure that the GMPCP is kept informed about all matters relating to a Relevant Officer Holder where these are:
 - matters with respect to which any provision of the Complaints Regulations has effect;
 - anything which is done under or for the purposes of any such provision; and
 - any obligations to act or refrain from acting that have arisen under the Complaints Regulations, but have not yet been complied with or have been contravened.
 - b) To provide the IPCC and every member of the IPCC’s staff with assistance as reasonably required for the purposes of, or in connection with, the carrying out of any investigation by the IPCC under Regulation 20 of the Complaints Regulations (Investigations by the IPCC itself).
 - c) To ensure that a person appointed under Regulation 19 of the Complaints Regulations (Investigations managed by the IPCC) to conduct an investigation under the management of the IPCC is given all such assistance and co-operation in the carrying out of that investigation as that person may reasonably require.
- 2.4 For complaints not being dealt with by the IPCC, the GMPCP can determine these through informal resolution in accordance with the arrangements set out in this procedure.
- 2.5 The Complaints Regulations and the Police and Crime Panels (Application of Local Authority Enactments) Regulations 2012 enable some responsibilities in relation to the handling of complaints against the GMM and GMDMP&C to be delegated to a Chief Officer of a local authority in the police area. The GMPCP has delegated the functions set out in Parts 2 and 5 of the Complaints Regulations to the GM Lead Chief Executive for Police and Crime which is currently the Bury Chief Executive. This appointment is taken by the AGMA Executive Board as the “GM Lead Chief Executive” in relation to the GMPCP.
- 2.6 The GM Lead Chief Executive is the main point of contact for complaints made under the Complaints Regulations and is responsible for recording formal decisions. (For the purposes of this procedure, reference to a “Recorded Complaint” means a Complaint that the GMPCP is obliged under the Complaints Regulations to record by entry into the Recorded Complaints and Conduct Matters Register).

- 2.7 The GMPCP will retain the responsibility for the overall effectiveness of this procedure and will monitor its implementation on a regular basis.

3. Scope of the Procedure

- 3.1 This procedure deals with complaints about the conduct of the Greater Manchester Mayor (“GMM”) or Greater Manchester Deputy Mayor for Policing and Crime “GMDMP&C”.
- 3.2 The procedure does not cover:
- Complaints about operational policing matters or the conduct of individual police personnel, which are dealt with by the Chief Constable.
 - Complaints about policing policy matters or complaints relating to the conduct of the Chief Constable, which are dealt with by the GMM.
 - Serious Complaints and Conduct Matters. Where a formal complaint has been received or the circumstances suggest potential criminal conduct of the GMM or GMDMP&C the matter will be referred to the Independent Police Complaints Commission (IPCC) for determination.

4. Making a complaint under this procedure

- 4.1 Complaints may be made in writing or by completing the complaint form attached at appendix 3 and returning to the GM Lead Chief Executive for the GMPCP:

GMPCP,
By post: Pat Jones Greenhalgh GM Lead Chief Executive for
c/o

Jeanette Staley
Head of Community Safety
Place Directorate
Salford City Council
Civic Centre Complex,
The Annex Building,
Chorley Road
Swinton,
M27 5AW

By e-mail: jeanette.staley@salford.gov.uk

- 4.2 Complaints about the conduct of the GMM or GMDMP&C may also be submitted to the following people or organisations who will pass the complaint on to the GM Lead Chief Executive within 3 working days to deal with in accordance with the complaints procedure:

- The GMPCP
- The GMM or GMDMP&C
- The Chief Constable of the GMP
- The IPCC

5. Initial Assessment on receipt of a complaint

- 5.1 The GM Lead Chief Executive has been delegated responsibility by the GMPCP for the discharge of its statutory functions under Part 2 of the Complaints Regulations. This includes the initial assessment as to whether or not a matter constitutes a complaint which is to be dealt with under the Complaints Regulations.
- 5.2 On receipt of a complaint about the GMM or GMDMP&C the GM Lead Chief Executive will acknowledge its receipt and record the complaint.
- 5.3 Correspondence with a complainant is usually via email, however, formal letters will be sent as an email attachment with a printed copy also sent by post on request.
- 5.4 The Complaints Regulations require the GM Lead Chief Executive to maintain a Recorded Complaints and Conduct Matters Register (“the Register”) – see section 6. Certain complaints are exempt from the requirement to be entered into the Register; however the GM Lead Chief Executive will keep an informal record of all complaints received.
- 5.5 The GM Lead Chief Executive will then establish whether the complaint concerns the conduct of the GMM or the GMDMP&C.
- 5.6 If the complaint does not relate to the conduct of the GMM or GMDMP&C it will be referred to the appropriate body as referred to in section 3.2 and the file will be closed.
- 5.7 Where the complaint does relate to the conduct of the GMM or GMDMP&C the complaint will be formally recorded in the Register (unless one of the exemptions apply) and the GM Lead Chief Executive will assess whether the complaint is a ‘Serious Complaint’ or ‘Conduct Matter’.
- 5.8 A ‘Serious Complaint’ is a complaint which *constitutes* or *appears to constitute* or *involve* the commission of a criminal offence. Serious Complaints are dealt with by the IPCC to whom the GM Lead Chief Executive will refer the complaint. The GM Lead Chief Executive will inform the parties of the decision and close the file.
- 5.9 A ‘Conduct Matter’ only requires there to be an *indication* that the GMM or GMDMP&C *may* have committed a criminal offence. Conduct Matters can arise without a formal complaint having been made. The Chief Lead Officer must refer conduct matters to the IPCC. Following referral of a conduct matter to the IPCC for

investigation, the GM Lead Chief Executive will inform the parties of the decision and close the file.

5.10 Complaints which are neither 'Serious' nor a 'Conduct Matter' will be dealt with under the following procedures.

5.11 The delegation to the GM Lead Chief Executive also includes the discharge of the GMPCP's duties under Regulation 8 of the Complaints Regulations in relation to the preservation of evidence which are set out in detail at section 12.

6. Taking no action on a Recorded Complaint

6.1 If a Recorded Complaint is not one that must be referred to the IPCC, and meets the criteria below, the GM Lead Chief Executive may handle the complaint in whatever manner he/she thinks fit.

6.2 The types of Recorded Complaint that may be dealt with in this way are:

- (a) Where more than twelve months have elapsed since the incident and there is no reason for the delay or injustice would be caused by it;
- (b) The matter has already been the subject of a Complaint;
- (c) The Complaint is anonymous;
- (d) The Complaint is vexatious, habitual, oppressive or otherwise an abuse of the procedures; (*see Appendix 2 for the procedure in handling vexatious, habitual complaints*).
- (e) The complaint is repetitious. A repetitious complaint is one which is substantially the same as a previous complaint, it concerns substantially the same conduct as a previous conduct matter, it contains no fresh allegations which significantly affect the account of the conduct complained of, no fresh evidence (being evidence which was not reasonably available at the time the previous complaint was made is tendered in support of it) and, in respect of the previous complaint or conduct matter, a determination or withdrawal of complaint has been made).

6.3 The GM Lead Chief Executive must notify the complainant that she/he has decided to handle the Recorded Complaint by taking no further action.

7. Complaints resolution

7.1 Stage one

- Where appropriate, the Office of the GMM will be given the opportunity to respond to complaints received before being considered by the GM Lead Chief Executive. If the complainant remains dissatisfied with the response at this initial stage, the complaint will be considered by the GM Lead Chief Executive.

7.2 Stage two

- The GM Lead Chief Executive will acknowledge the complaint and provide the complainant with information about the next steps to be taken.
- The complainant may be asked to provide further information or detail if required in order for the GM Lead Chief Executive to properly consider the complaint under the Complaint Regulations.
- A copy of the complaint will be provided to the GMM or GMDMP&C unless the GM Lead Chief Executive is of the opinion that to do so might prejudice any criminal investigation or pending proceedings, or would otherwise be contrary to the public interest.
- The GM Lead Chief Executive will invite written comments from the complainant and GMM or GMDMP&C as soon as practicable. Any comments received will be considered by the GM Lead Chief Executive.
- If the complaint can be resolved at this stage, the Lead Chief Officer will conduct an informal resolution. The decision will be communicated to all parties and the complaint record will be updated and the file closed.
- Wherever possible, the Lead Chief Officer will endeavour to facilitate a satisfactory outcome to a complaint with a view to avoiding, if possible, the application of the informal resolution process under the Complaints Regulations. If it is not possible to secure a satisfactory outcome for the complainant the Lead Chief Officer will refer the complaint to a Sub-Committee of the GMPCP who shall arrange for informal resolution of the complaint in accordance with the arrangements made by the GMPCP.

7.3 Informal Resolution Sub-Committee

- An Informal Resolution of Complaints Sub-Committee of the GMPCP, consisting of 3 Members of the GMPCP, including where possible the Chair or Vice Chair of the GMPCP, and one of the Independent Members of the GMPCP will be appointed

by the GM Lead Chief Executive, to consider the complaint and secure the informal resolution.

- The appointment of the Resolution Sub-Committee will take place after the GM Lead Chief Executive has consulted the Chair of the GMPCP, who may request that the matter be referred to the full GMPCP.
- The informal resolution will not include a formal investigation of the complaint but documents in relation to the complaint and meetings with the person complained against may be requested.
- In attempting to secure informal resolution of the complaint, the Resolution Sub-Committee will consider whether any further information, clarification or explanation is required and will provide an opportunity for both the complainant and the person complained against to comment on the complaint as soon as is practicable.
- Where the person complained against chooses not to comment on the complaint when invited to do so by the Resolution Sub-Committee, the Resolution Sub-Committee will record this fact in writing.
- Where it appears to the Resolution Sub-Committee that a Recorded Complaint against the GMM or GMDMP&C had in fact already been satisfactorily dealt with at the time it was brought to their notice, the Resolution Sub-Committee may, subject to any further representations, treat it as having been resolved. The Resolution Sub-Committee shall, prior to making a final decision that a complaint has already been resolved, give the complainant and the person complained against an opportunity to comment on the proposed decision.
- The Sub-Committee will consider both written and oral evidence and make an informal resolution. The decision of the Sub-Committee will be communicated to all parties, the complaint record updated and the file closed.
- The GM Lead Chief Executive or Sub-Committee of the PCP may seek informally to resolve a complaint by securing an apology from the GMM or GMDMP&C to the complainant, either directly or indirectly. The Resolution Sub-Committee will not, however, tender on behalf of the person complained against an apology for his / her conduct unless the person complained against has agreed to issue the apology.
- In exceptional circumstances a complaint may be referred to the PCP as a whole if the GM Lead Chief Executive is of the

opinion that this will lead to a more satisfactory resolution of the complaint.

8. Complaint Outcomes

8.1 There are a number of possible outcomes following a complaint investigation:

- Complaint not upheld

No further action to be taken.

- Complaint upheld / partially upheld

If the complaint can be resolved on the available information, the GM Lead Chief Executive will conduct an informal resolution. This might mean for example that the complaint is resolved by explaining, clearing up or settling the matter directly with the complainant. The GM Lead Chief Executive decision will be communicated to all parties, the complaint log will be updated and the file closed.

9. Recording of a Resolution

9.1 The GM Lead Chief Executive will make a record of the outcome of the complaints procedure as soon as practicable and send a copy of the record to the complainant and the person complained about.

9.2 In accordance with the Complaints Regulations, the GM Lead Chief Executive will not publish any part of any record unless it has:

- Given the complainant and the person complained about the opportunity to make representations in relation to the proposed publication; and
- Considered any such representation and is of the opinion that publication is in the public interest.

9.3 In cases where a complaint has been upheld by either the GM Lead Chief Executive or Sub-Committee of a PCP, there are no legal powers to apply formal sanctions other than to provide an opinion on the conduct of the office-holder concerned. The Resolution Sub-Committee shall do this within ten working days of the resolution of the Sub-Committee.

10. Timescales

10.1 Complaints dealt with in accordance with this procedure are subject to the following timescales:

- Acknowledgement of complaint and notification to the GMM or GMDMP&C - within 5 working days of receipt.

- Referral to the Office of the GMM for resolution - within 5 working days of receipt (stage one).
 - Consideration of complaint by Office of the GMM – 10 working days.
 - Consideration of complaint by GM Lead Chief Executive (stage two) – 15 working days.
- 10.2 Following consideration of the complaint by the GM Lead Chief Executive , either:
- The GM Lead Chief Executive determines the complaint is not upheld or conducts informal resolution and informs all parties – 10 working days, or
 - A Sub-Committee of the PCP is convened to conduct an informal resolution and inform all parties – 20 working days.
- 10.3 The aim is to deal with all complaints within the timescales above; however, there is an element of flexibility depending on the circumstances of each individual complaint. The complainant will be advised of any anticipated extensions to the specified timescales.

11. Recorded Complaints and Conduct Matter Database

- 11.1 The GM Lead Chief Executive is required by the Complaints Regulations to establish and maintain a 'Recorded Complaints and Conduct Matters Register' ("the Register"). The register is in the form of an electronic database in which all key details of a complaint are recorded.
- 11.2 The GM Lead Chief Executive will record a complaint in the Register unless any of the following exceptions apply, in which case it is not necessary to record the complaint (in whole or part):
- (a) if it has been or is currently being dealt with by criminal proceedings (this will normally be the case where the Police have formally charged the person complained about or information alleging an offence has been laid before a magistrates court); or
 - (b) the complaint has been withdrawn.
- 11.3 If the GM Lead Chief Executive does not record a complaint in the Register, the complainant will be notified and provided with the reasons for the decision not to record the complaint and therefore take no action upon it (including whether this relates to the whole or part of the complaint).

12. The GMPCP's duties to obtain and preserve evidence

- 12.1 The GM Lead Chief Executive has been delegated the discharge of the GMPCP's statutory duties under Regulation 8 of the Complaints Regulations in relation to the preservation of evidence. This means that when a complaint comes to the attention of the GM Lead Chief Executive, she/he is under a duty to secure that all steps as appropriate are taken for obtaining and preserving evidence in relation to the conduct in question, both initially and from time to time after that. It is not the GM Lead Chief Executive's role to investigate matters and it is likely that before taking steps to obtain or preserve evidence the GM Lead Chief Executive will normally consult the IPCC. The IPCC may also give the GM Lead Chief Executive, the GMPCP and relevant Office Holders directions for obtaining and preserving evidence.
- 12.2 Accordingly, the GM Lead Chief Executive may make formal requests of any of the following persons to take such steps as the GM Lead Chief Executive considers are expedient or necessary for obtaining and preserving evidence in relation to the conduct in question, both initially and from time to time after that, including requests that steps are taken concerning the disposition of the property and resources of the GMM's office (such as its buildings, assets, equipment, supplies, accounts, records, information, electronic data etc. in their widest sense and wherever located) or other persons:
- The GMM and GMDMP&C;
 - Any employees of the GMM's office;
 - Any member or employee of a functional body; and
 - Any person or organisation having a current or past contractual relationship with the GMM office or its predecessors or in receipt of a grant from such bodies.
- 12.3 A person given a direction by the GM Lead Chief Executive under this Procedure shall comply with it in full and shall generally cooperate with the GM Lead Chief Executive and his or her authorised officers in the discharge of their statutory duties under the Complaints Regulations.
- 12.4 Such persons shall also permit access and render possession of any such evidence in relation to the conduct complained about to the GM Lead Chief Executive as is in their possession, custody or control in accordance with the GM Lead Chief Executive's instructions.
- 12.5 The GM Lead Chief Executive shall inform the GMPCP of any instances where there has been a complete or partial failure by any

person or organisation to comply with any request regarding evidence.

- 12.6 As set out at paragraph 2.3 above, the GMPCP has a non-delegable duty under the Complaints Regulations to ensure that it is kept informed of matters relating to the conduct of the relevant Office Holders. The GM Lead Chief Executive will therefore submit a report to the GMPCP at its Annual Meeting in June of each year setting out information in relation to the number and nature of complaints made against the GMM and GMDMP&C during the previous financial year.

13. Withdrawal of a complaint

- 13.1 If the GM Lead Chief Executive receives a notification that the complainant wishes to withdraw their complaint, signed either by the complainant, their solicitor or another person acting on the complainant's behalf, the Complaints Regulations will cease to apply to the complaint, subject to the following provisions:
- (a) If the Recorded Complaint is with the IPCC, the GM Lead Chief Executive must notify the IPCC that she/he has recorded the withdrawal of the complaint.
 - (b) In the case where the IPCC has referred the Recorded Complaint to GM Lead Chief Executive, she/he must consider whether it is in the public interest for the complaint to be treated as a Conduct Matter (notwithstanding the complaint's withdrawal) and shall notify the IPCC accordingly.
- 13.2 In respect of a Recorded Complaint which has not been notified to the IPCC, the GM Lead Chief Executive must determine whether it is in the public interest for the complaint to be treated as a Conduct Matter despite the complainant's withdrawal of it. The GM Lead Chief Executive shall notify the GMM or GMDMP&C complained about of the recording of a withdrawal of the Recorded Complaint and whether she/he has decided to treat it as a Recorded Conduct Matter notwithstanding, and shall amend the Register accordingly.
- 13.3 The IPCC, on receiving notification of withdrawal from the GM Lead Chief Executive of a Recorded Complaint referred to it, shall determine whether it is in the public interest for the complaint to be treated as a Recorded Conduct Matter and notify the GM Lead Chief Executive, who shall notify the complainant and amend the Register accordingly.
- 13.4 The Complaints Regulations also contain provisions for contacting the complainant if they indicate they wish to withdraw their Recorded Complaint, but have not signed the withdrawal request.

- 13.5 If the IPCC refers a matter back to the GM Lead Chief Executive, it shall be dealt with in accordance with the guidance on Resolution of Complaints.

14. Local Government Ombudsman

- 14.1 Where all other procedures have been exhausted and the complainant is still not happy about the way their complaint has been handled, they can refer the matter to the Local Government Ombudsman, who can carry out an investigation on their behalf.

HABITUAL OR VEXATIOUS COMPLAINTS CONCERNING THE GREATER MANCHESTER MAYOR OR GREATER MANCHESTER DEPUTY MAYOR FOR POLICING AND CRIME

1. Introduction

- 1.1 This policy identifies situations where Complainants, either individually or as part of a group, or a group of complainants, might be considered to be “habitual or vexatious” and ways of responding to these situations.
- 1.2 In this policy the term habitual means “done repeatedly or as a habit”. The term vexatious is recognised in the dictionary of law and means “an action brought for the purpose of annoying the opponent and with no reasonable prospect of success”. This policy is intended to assist in identifying and managing persons who seek to be disruptive through pursuing an unreasonable course of conduct.
- 1.3 Habitual or vexatious complaints can be a problem for officers and members. The difficulty in handling such complaints is that they are time consuming and wasteful of resources in terms of officer and member time and displace scarce human resources that could otherwise be spent on council priorities. Whilst the GM Lead Chief Executive for the Greater Manchester Police and Crime Panel will endeavour to process all complaints against the Greater Manchester Mayor or Greater Manchester Deputy Mayor for Policing and Crime in accordance with the GMPCP’s Complaints Handling Procedure, there are likely to be occasions when there is nothing further which can reasonably be done to assist or to rectify a real or perceived problem.

2. Habitual or Vexatious Complainants

- 2.1 For the purpose of this policy, the following definition of habitual or vexatious complainants will be used:

The repeated and/or obsessive pursuit of:

- (i) unreasonable complaints and/or unrealistic outcomes; and/or
 - (ii) reasonable complaints in an unreasonable manner.
- 2.2 Prior to considering its implementation the GM Lead Chief Executive will send a copy of this policy to the complainant to give them prior notification of its possible implementation.
 - 2.3 Where complaints continue and have been identified as habitual or vexatious in accordance with the criteria set out in Schedule A below, the GM Lead Chief Executive will consult with the Chair of the GMPCP to seek agreement to treat the complaint as habitual or vexatious and

for an appropriate course of action to be taken. Schedule B below details the options available for dealing with habitual or vexatious complainants.

- 2.4 The GM Lead Chief Executive will notify complainants in writing of the reasons why their complaint has been treated as habitual or vexatious and the action that will be taken. The GM Lead Chief Executive will also notify the Greater Manchester Mayor or Greater Manchester Deputy Mayor for Policing and Crime, as appropriate, that a complainant has been designated as a habitual and vexatious complainant to the GMPCP.
- 2.5 Once a complainant has been determined to be habitual or vexatious, their status will be kept under review after one year and monitored by the GM Lead Chief Executive with reports being taken to the GMPCP as required. If a complainant subsequently demonstrates a more reasonable approach then their status will be reviewed.

Schedule A – Criteria for determining habitual or vexatious complainants

Complainants (and/or anyone acting on their behalf) may be deemed to be habitual or vexatious where previous or current contact with them shows that they meet **one** of the following criteria:

Where complainants:

- 1) Persist in pursuing a complaint where the procedure for handling complaints has been fully and properly implemented and exhausted.
- 2) Persistently change the substance of a complaint or frequently raise new issues or seek to prolong contact by frequently raising further concerns or questions whilst the complaint is being addressed. (Care must be taken however not to disregard new issues which are significantly different from the original complaint as they need to be addressed as a separate complaint.)
- 3) Are repeatedly unwilling to accept documented evidence given as being factual or deny receipt of an adequate response in spite of correspondence specifically answering their questions or do not accept that facts can sometimes be difficult to verify after a long period of time has elapsed.
- 4) Repeatedly do not clearly identify the precise issues which they wish to complain about despite reasonable efforts to help them specify their concerns and/or where the concerns identified do not fall within the remit of the GMPCP.
- 5) Regularly focus on a trivial matter to an extent which is out of proportion to its significance and continue to focus on this point. It is

recognised that determining what a trivial matter is can be subjective and careful judgement will be used in applying this criteria.

- 6) Has threatened or used physical violence towards employees at any time. This will itself cause personal contact with the complainant and/or their representative to be discontinued and the complaint will, therefore, only be continued by written communication. The GM Lead Chief Executive will determine that any complainant who threatens or uses actual physical violence towards employees will be regarded as a vexatious complainant. The complainant will be informed of this in writing together with notification of how future contact with the complainant will be made.
- 7) Have in the course of addressing a complaint to the GM Lead Chief Executive had an excessive number of contacts with the GM Lead Chief Executive, placing unreasonable demands on officers. A contact may be made in person by telephone, letter or email. Judgment will be used to determine excessive contact taking into account a specific circumstance of each individual case.
- 8) Have harassed or been verbally abusive on more than one occasion towards officers dealing with complaints. Officers recognise that complainants may sometimes act out of character in times of stress, anxiety or distress and will make reasonable allowances for this. Some complainants may have a mental health disability and there is a need to be sensitive in circumstances of that kind.
- 9) Are known to have recorded meetings or face to face/telephone conversations without prior knowledge and consent by the parties involved.
- 10) Make unreasonable demands on the GM Lead Chief Executive and her/his employees and fail to accept these may be unreasonable, for example insist on an action being taken by the GMPCP which falls outside of its remit.
- 11) Make unreasonable complaints which impose a significant burden on the human resources of the GM Lead Chief Executive and where the complaint:
 - clearly does not have any serious purpose or value; or
 - is designed to cause disruption or annoyance; or
 - has the effect of harassing the Lead Chief Executive; or
 - can otherwise fairly be characterised as obsessive or manifestly unreasonable.
- 12) Make repetitive complaints and allegations which ignore the replies the GM Lead Chief Executive has supplied in previous correspondence.

Schedule B – Options for dealing with habitual or vexatious complainants

The options below can be used singularly or in combination depending on the circumstances of the case and whether the complaint is ongoing or completed.

- 1) A letter to the complainant setting out responsibilities for the parties involved if the GM Lead Chief Executive is going to assess the complaint. If terms are contravened, consideration will then be given to implementing other action as indicated below.
- 2) Decline any contact with the complainant, either in person, by telephone, by letter, by email or any combination of these provided that one form of contact is maintained. This may also mean that only one named officer will be nominated to maintain contact and the complainant is notified of this person.
- 3) Notify the complainant in writing, that the GM Lead Chief Executive has responded fully to the points raised and has tried to resolve the complaint but there is nothing more to add and continuing contact on the matter will serve no useful purpose. The complainant will also be notified that the correspondence is at an end, advising the complainant that they are being treated as a habitual or vexatious complainant and as such the GM Lead Chief Executive does not intend to engage in further correspondence dealing with the complaint.

**LEAD GM CHIEF EXECUTIVE FOR POLICE AND
CRIME**

GREATER MANCHESTER POLICE AND CRIME PANEL

**COMPLAINT FORM – Alleging a Conduct Matter about the
Greater Manchester Mayor or Greater Manchester
Deputy Mayor for Policing and Crime.**

Your details

1. Please provide us with your name and contact details

| | |
|-----------------------------|--|
| Title: | |
| First Name: | |
| Surname: | |
| Address: | |
| Telephone Number(s): | |
| Email address: | |

2. The GM Lead Chief Executive for Police and Crime will tell the following people that you have made this complaint:
 - the office of the Greater Manchester Mayor
 - any other person whom we consider it necessary to inform to properly investigate your complaint
 - The Independent Police Complaints Commission (IPCC) if appropriate

If you have serious concerns about your name and a summary, or details, of your complaint being released, please complete section 6 of this form.

Making your complaint

- 3. Your complaint will be acknowledged within 5 working days, and the GM Lead Chief Executive will make an initial assessment as to how to deal with your complaint, and determine whether your complaint must be entered into the Recorded Complaints and Conduct Matters Register. Where your complaint alleges potential criminal conduct of the Greater Manchester Mayor or Greater Manchester Deputy Mayor for Policing and Crime, the GM Lead Chief Executive for Police and Crime will refer your complaint to the Independent Police Complaints Commission (IPCC).

- 4. Please indicate which officer holder your complaint relates to:-

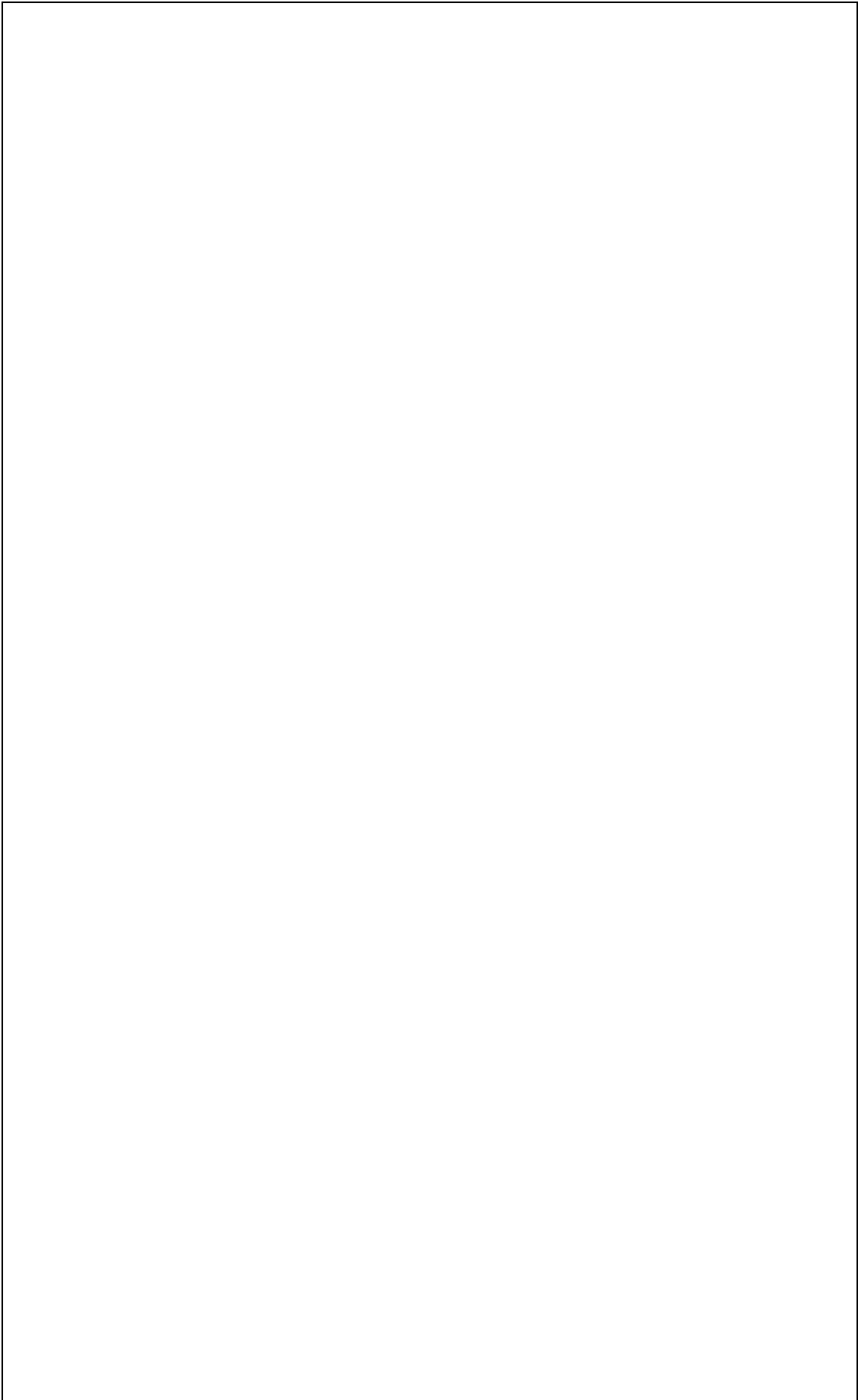
| | |
|--|--|
| Greater Manchester Mayor | |
| Greater Manchester Deputy Mayor for Policing and Crime | |

- 5. Please explain in this section (or on separate sheets) what the office holder has done for you to allege this complaint.

It is important that you provide all the information you wish to have taken into account when the GM Lead Chief Executive for Police and Crime decides whether any action can be taken.

- You should be specific, wherever possible; about exactly what you are alleging the office holder said or did. For instance, instead of writing that you were insulted, you should state what it was they said.
- You should provide the dates of the alleged incidents wherever possible. If you cannot provide exact dates it is important to give a general timeframe.
- You should explain whether there are any witnesses to the alleged conduct and provide their names and contact details if possible.
- You should provide any relevant background information.

Please provide us with details of your complaint. Continue on a separate sheet if there is not enough space on this form.



Only complete this next section if you are requesting that your identity or details of your complaint is kept confidential.

6. In the interests of fairness and natural justice, office holders who are complained about have a right to know who has made the complaint. The GMPCP also believes they have a right to be provided with a summary of the complaint and then further details of it if there is a decision to investigate it or take other action on it.

The GM Lead Chief Executive will not withhold your identity, or a summary or the details of your complaint, unless you have exceptional reasons why we should do so.

If you think you have such reasons and want the GM Lead Chief Executive for Police and Crime to consider withholding your identity and/or any details of your complaint, either altogether or for some period of time, you must cross out the statement in the box below giving your consent to such disclosure. You must also attach to this form a separate sheet which fully explains what information you want withheld and your reasons for your request to withhold it.

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| I understand and agree that my name and details of this complaint will be disclosed to the persons mentioned in paragraph 1 above. |
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If you do request confidentiality and this is not granted, the GM Lead Chief Executive will usually allow you the option of withdrawing your complaint.

However, it is important to understand that in certain exceptional circumstances where the matter complained about is very serious, the GM Lead Chief Executive for Police and Crime may still proceed with an investigation or other action and disclose your name even if you have expressly asked for your identity to be withheld.

Additional Help

7. Complaints must be submitted in writing. This includes email submissions. However, in line with the requirements of the Disability Discrimination Act 2000, the GM Lead Chief Executive for Police and Crime can make reasonable adjustments to assist you if you have a disability that prevents you from making your complaint in writing.

The GM Lead Chief Executive for Police and Crime can also help if English is not your first language.

If you need any support in completing this form, please let the GM Lead Chief Executive for Police and Crime know as soon as possible who will try to arrange appropriate assistance for you.

Signed.....

Dated.....

This form once completed should be sent, along with any supporting documents to:

Pat Jones Greenhalgh GM Lead Chief Executive for Police and Crime

c/o

**Jeanette Staley
Head of Community Safety
Place Directorate
Salford City Council
Civic Centre Complex,
The Annex Building,
Chorley Road
Swinton,
M27 5AW**

By e-mail: jeanette.staley@salford.gov.uk