

Making complaints about the IOPC Director General, Senior Independent Director and Non-Executive Directors

Introduction

The terms and conditions of service for the Director General (DG), Senior Independent Director (SID) and non-executive directors (NEDs) stipulate the high standards of conduct expected in accordance with the Nolan Report Recommendations, 'The Seven Principles of Public Life'. These are:

- **Selflessness:** appointees should act solely in terms of the public interest. They should not do so in order to gain financial or other benefits for themselves, their family or friends.
- **Integrity:** appointees should not place themselves under any financial or other obligation to outside individuals or organisations that might seek to influence them in the performance of their official duties.
- **Objectivity:** in carrying out public business, including awarding contracts, or recommending individuals for rewards and benefits, appointees should make choices on merit.
- **Accountability:** appointees are accountable for their decisions and actions to the public and must submit themselves to whatever scrutiny is appropriate to their office.
- **Openness:** appointees should be as open as possible about all the decisions and actions that they take. They should give reasons for their decisions and restrict information only when the wider public interest clearly demands.
- **Honesty:** appointees have a duty to declare any private interests relating to their public duties and to take steps to resolve any conflicts arising in a way that protects public interest.
- **Leadership:** appointees should promote and support these principles by leadership and example.

Scope of this policy

This document details the procedure we will follow when complaints are received in relation to the conduct of our DG, SID or NEDs. 'Conduct' in this context is defined

as acts or omissions contrary to the standards of behaviour defined in the Nolan principles.

This procedure relates to complaints about the conduct of the DG, SID or NED where the allegation/s involves a breach of the standards set out in the terms and conditions of appointment.

Executive Board members (excluding the IOPC DG) and all other members of staff are covered by our 'Giving feedback and making complaints about the Independent Office for Police Conduct' policy.

Handling of complaints

Receipt of complaint

You can make complaints, about the DG, SID or NEDs to the Quality and Service Improvement Team in the first instance. You can use the following channels:

- email us at feedback@policeconduct.gov.uk
- call our main switchboard on 0300 020 0096
- call us on 020 7166 3261 and leave a voicemail with your contact details and feedback. We will return your call
- write to:
 - Quality & Service Improvement Team
 - Independent Office for Police Conduct
 - PO Box 473
 - Sale
 - M33 0BW

We welcome telephone calls, emails and written communication in Welsh. Rydym yn croesawu galwadau ffôn, e-byst ac unrhyw gyfathrebu ysgrifenedig yn y Gymraeg.

The Quality and Service Improvement Team records all the complaints we receive so that we can learn from them. If you send us a complaint and you have told us you want to be contacted, we will acknowledge it within three working days of receipt, so you know we have received and recorded it.

Initial assessment

Any complaint you make against the DG/SID/NEDs will be forwarded to the Head of Private Office Group in the first instance. The Head of Private Office Group will assess your complaint and forward it to the relevant individual as set out below:

- complaints against the DG will be handled by the SID
- complaints against the SID will be handled by the DG
- complaints against a NED will be handled by the SID¹

The initial assessment will set out the background to your complaint and any other relevant information. It will also determine whether any performance or conduct issues should be addressed. We may need to ask you for more information to assist us in making this assessment.

It will also contain a recommendation about whether the person who has been complained about should be notified at this stage². The Head of Private Office Group is able to seek advice from our legal team at this stage if required.

The initial assessment should be provided within ten working days of receipt of the complaint. In exceptional circumstances – for example, where the case is complex – this may take longer.

Decision on handling

The DG/SID will review the material and decide what steps should be taken. Options include:

- requesting further information to enable them to make a decision
- deciding that there is no further action to be taken
- deciding to investigate the complaint
- deciding on specific action (for example, apologising, taking action to address an issue, etc)

The DG/SID will also consider whether it is appropriate to consult the Chair of the Audit and Risk Assurance Committee³.

Where further information is requested, the Head of Private Office Group will seek to provide this.

¹ Where complaints are against a combination of the DG/SID or SID/NEDs, suitable arrangements will be put in place to ensure effective handling.

² This would be usual procedure unless the complaint raised such serious conduct issues that it was determined not to be appropriate at this early stage (for example if them being aware could allow them to frustrate the proper investigation of a complaint) .

³ There may be some occasions where this is considered appropriate due to the specific nature of the complaint.

If no further action will be taken, the Head of Private Office Group will write to you informing you of the outcome.

Investigation

Where the DG/SID determines that your complaint raises a conduct issue that requires investigation, then he/she will appoint an independent investigator (outside of the IOPC) with the relevant expertise. At this stage, the DG/SID should also consider whether the Home Office should be made aware of your complaint and subsequent investigation.

Any investigation should be effective, fair, impartial, timely and proportionate. Its purposes are:

- to establish the facts in relation to your complaint, and excluding any assessment of potential misconduct, to decide whether to uphold your complaint or not
- to determine whether there is a case to answer⁴ in respect of any of the allegations of misconduct (on the balance or probabilities)
- where there is a case to answer for misconduct, to determine whether the misconduct is considered serious⁵

As a first step, the investigator should ensure that he/she has received the full details of your complaint.

The investigator should write to you, informing you that he/she has been appointed to investigate your complaint. If it is considered necessary, the investigator will seek to arrange an interview with you. An interview with you may not be necessary if the investigator decides that they already have sufficient information.

The investigator will also inform the person the complaint is about of the nature of the complaint. If to do so would prejudice the investigation, the person complained about should be informed as soon as possible. The investigator should also arrange a time to interview the person complained about, or request that they provide a written response to the complaint.

The investigator will also make arrangements to gather any other evidence required for the purpose of the investigation, which may include interviewing witnesses.

⁴ A case to answer is where there is sufficient evidence upon which a properly directed misconduct decision-maker could, on the balance of probabilities, conclude that the person had misconducted themselves.

⁵ 'Serious misconduct' in this context is misconduct so serious that, if proven, it may justify the IOPC DG, SID or NED relinquishing their respective positions with the IOPC.

The investigator will keep a record of all evidence and communication. The investigator should ask those who are interviewed to confirm the record of what was said.

The investigator should ensure that both you and the person being complained are kept updated throughout the process.

When the investigation is complete, the investigator will submit a report of the investigation to the DG/SID. The report should summarise your complaint, the investigation, and the findings on matters of fact (excluding findings of fact that should be left to any subsequent misconduct process). The report should also include reasoned recommendations about whether the person complained about has a case to answer for misconduct and, if so, whether it would be considered serious if proven.

Decision on outcome

The DG/SID should review the investigator's report and decide whether he/she accepts its findings. The DG/SID will pay attention to the investigator's findings, but will make an independent assessment of the evidence collated during the investigation. They will decide whether your complaint is to be upheld or not. If it is to be upheld, they will give their opinion about whether the person complained about has a case to answer for misconduct and, if so, whether it would be considered serious if proven.

The DG/SID should inform both you and the person being complained about the outcome of the investigation. If the person being complained about has a case to answer, the DG/SID will then contact the Home Office to inform them of the investigation outcome and discuss what next steps are appropriate.

Upheld complaints

Complaints can be upheld with or without a finding of misconduct.

Where complaints are upheld with a finding of misconduct, discussions will be held with the Home Office about next steps.

Right of appeal

There is no right of appeal for you at any stage of the process.

Recording of complaints data

The Quality and Service Improvement Team will record the detail and outcome of complaints made against the DG/SID/NEDs unless there is a need for the information to be held elsewhere.

How this policy links to our other policies and legislation

This document should be read in conjunction with the following:

IOPC Service User Standards

Giving Feedback and Making Complaints about the IOPC

Reasonable Adjustments Policy

Managing Customer Contact Policy

Our privacy notice and associated information is available on our website at www.policeconduct.gov.uk/privacynotice