

## **GM POLICE FIRE AND CRIME PANEL**

Date: 14 January 2022

Subject: Greater Manchester Police Fire and Crime Panel – Complaints Procedure

Report of: Liz Treacy, GMCA Monitoring Officer

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### **PURPOSE OF REPORT**

The purpose of this report is to present minor revisions to the Panel's Complaints Procedure for approval, in order to make clear that complaints about the outcome of statutory police complaint reviews under Schedule 3 of the Police Reform Act 2002 are outside of the scope of the Panel's complaints function.

### **RECOMMENDATIONS:**

The Panel is requested to –

1. Approve the revised Complaints Procedure attached at Appendix 1

### **CONTACT OFFICER:**

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### **BACKGROUND PAPERS:**

- The Police Reform Act 2002
- The Police Reform and Social Responsibility Act 2011
- The Elected Local Policing Bodies (Complaints and Misconduct) Regulations 2012
- The Greater Manchester Combined Authority (Transfer of Police and Crime Commissioner Functions to the Mayor) Order 2017

## **1. INTRODUCTION AND BACKGROUND**

- 1.1. In the case that a member of the public has made a complaint against the police, they will receive a letter explaining the outcome and their right to ask for a review of that complaint. That letter will state who the Relevant Review Body is and how they can be contacted.
- 1.2. If the Relevant Review Body is the Local Policing Body then that request will be dealt with by the GMCA Complaints Review Team, which is independent of Greater Manchester Police. This function falls within the GMCA Police and Crime Team and is delegated to the Deputy Mayor.
- 1.3. The review cannot reinvestigate the complaint but will consider whether the handling of the complaint was reasonable and proportionate.
- 1.4. There is no right of appeal against the outcome of a review. The only course of action available is through a Judicial Review.
- 1.5. Following the outcome of a review, and the complainant not being satisfied that the outcome, it can be the case that they will subsequently make a complaint regarding the decision of the Deputy Mayor.
- 1.6. When such a complaint is received, advice is provided regarding the Judicial Review process. In these cases the complaint cannot be locally reviewed and the decision overturned.

## **2. THE PANEL'S COMPLAINTS PROCEDURE**

- 2.1. The Panel's Complaints Procedure has been reviewed and updated in light of complaints relating to the outcome of Police Reviews.
- 2.2. A revised procedure is attached at Appendix 1 together with an updated flow chart.

## **3. DELEGATION OF FUNCTIONS**

- 3.1. 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.
- 3.2. The GM Lead Chief Executive has been given delegated responsibility by the GMPFCP 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.

- 3.3. The GMPFCP has also delegated certain functions set out in Part 4 of the Complaints Regulations to the GM Lead Chief Executive, which relate to the informal resolution of complaints.
- 3.4. Geoff Little, Chief Executive of Bury Metropolitan Borough Council has agreed to undertake the complaints functions of the GM Police and Crime Lead Chief Executive role.

## **4. RECOMMENDATIONS**

- 4.1. Recommendations appear at the front of this report.