

**Report to:** The West Midlands Police and Crime Panel  
**Report of:** The Secretary of the West Midland Police and Crime Panel  
**Date:** 29<sup>th</sup> October 2012

## **Managing Complaints WMPCP Interim Complaints and Misconduct Procedure**

### **1. Introduction**

This report relates to the responsibility of the Panel in dealing with complaints and misconduct matters relating to the Police and Crime Commissioner and the Deputy Police and Crime Commissioner.

### **2. Background**

The Police Reform and Social Responsibility Act 2011 which established the Police and Crime Panel gives the Panel the responsibility for dealing with some complaints relating to the Police and Crime Commissioner. The appropriate regulations are the Elected Local Policing Bodies (Complaints and Misconduct) Regulations 2011

Note that the regulations do not relate to complaints about police activity or the Chief Constable.

### **3. Issues**

A complaints procedure needs to be in place in case of any complaints. But once the governance structures are in place further consideration will need to be given to this issue and this should be revised.

Further guidance is expected from the Home Office and the Independent Police Complaints Commission and the revision can take this into account.

A revised version may include procedures for the panel to refer complaints relating to policing and refer complaints relating to misconduct of Panel members.

Section 7 of the regulations allows for the Panel to delegate the majority of powers and duties to an officer. This is the approach which has been taken in drafting this version.

### **4. Recommendations**

That the interim complaints and misconduct procedure be approved.

That a further report on amendments required to the procedure and a revised protocol is presented to a future WMPCC meeting.

Stephen Hughes  
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**Appendices**

Appendix 1: Complaints and Misconduct Flowchart

Appendix 2: Draft Complaints and Misconduct Procedure

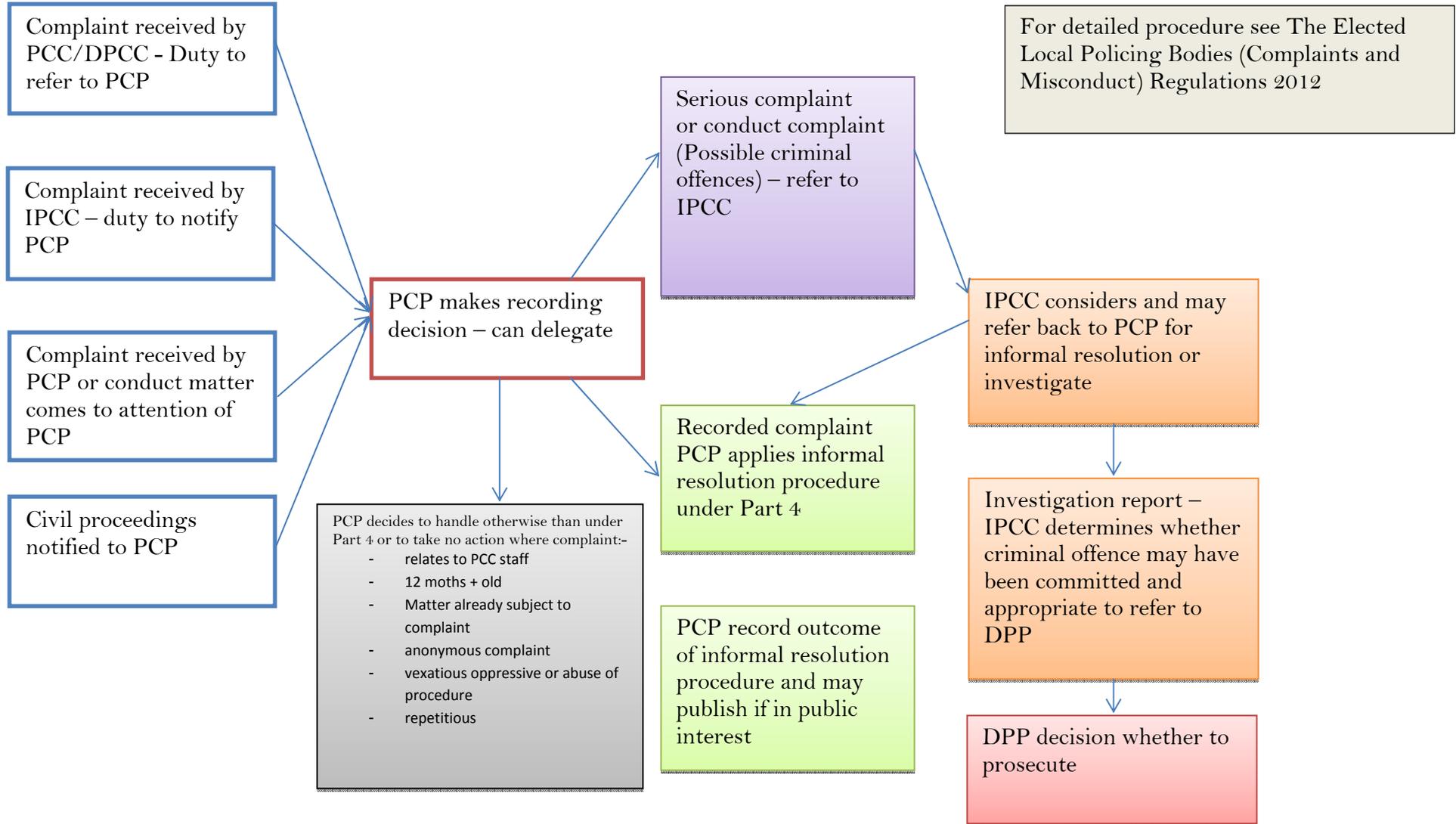
Appendix 3: Draft Protocol for the initial handling of complaints under the Elected  
Local Policing Bodies (Complaints and Misconduct) Regulations 2012

**Background papers:**

*Guidance on Complaints about the West Midlands Police and Crime Commissioner*  
Michael Blamire-Brown, Legal Adviser and Monitoring Officer at West Midlands  
Police Authority

*Elected Local Policing Bodies (Complaints and Misconduct) Regulations 2011*

## Appendix 1: Police and Crime Commissioner Complaints and Misconduct Procedure



## **Appendix 2**

### **Interim WMPCC Complaints and Misconduct Procedure: Dealing with Complaints about the West Midlands Police and Crime Commissioner**

#### **1 Introduction**

This procedure deals with complaints about the conduct of the West Midlands Police and Crime Commissioner (PCC) or Deputy Police and Crime Commissioner (DPCC). This is required by the Police Reform and Social Responsibility Act 2011 (“the Act”). The appropriate regulations are the Elected Local Policing Bodies (Complaints and Misconduct) Regulations 2011 (“the Regulations”) and nothing in this procedure overrules the provisions of those Regulations. In addition, references in this document to the “relevant office holders”, to the Police and Crime Commissioner and the person appointed as the Deputy Police and Crime Commissioner or to “the person complained about”, are to those two persons in their Office for Policing and Crime capacities primarily, although complaints may extend to their conduct in their public and private capacities. The “IPCC” is the Independent Police Complaints Commission.

#### **2 Role of Panel under the Regulations**

The West Midlands Police and Crime Panel (“the Panel”) is given specific functions under the Regulations as to the handling and determination of complaints against the PCC and/ or DPCC. The Regulations permit the Panel to delegate some or all of these to the Chief Executive of the PCC’s office. The Panel has decided to delegate all its functions under the Act and Regulations to the Monitoring Officer of the Host Authority on a standing basis to exercise this function in consultation with the Chief Executive of the PCC’s office, so that reference to the Panel in the Regulations (except in the case of the informal resolution procedure) should be interpreted as a reference to the Monitoring Officer.

In practice it will be the Monitoring Officer of the Host Authority who will make formal decisions on complaints under delegation from the Panel but in exercising that function the Monitoring Officer will work with the Chief Executive of the PCC’s office to ensure that complaints received are correctly identified as being complaints which are subject to the Regulations and other complaints (for example complaints about the PCC’s staff or the Police Force are directed as appropriate. A protocol will govern the relationship between the Monitoring Officer and the Chief Executive of the PCC’s office.

#### **3 Key concepts**

The legislation covers potential criminal conduct of the PCC and DPCC both where a formal complaint has made and but where the circumstances point to potential criminal behaviour in the absence of a formal complaint e.g. where information is available from civil legal action or press reports. The relevant legislation contains a number of key definitions:

- A “*Complaint*” means a general complaint about the conduct of the PCC and/ or the DPCC, whether or not that conduct is potentially criminal.
- A “Recorded Complaint” means a Complaint that Police and Crime Panel (the Panel) is obliged under the Regulations to record by entry in the Recorded Complaints and Conduct Matters Register database.
- A “*Conduct Matter*” means a matter where there is an *indication* (whether from the circumstances or otherwise) that the PCC and/ or DPCC *may* have

committed a criminal offence. Conduct matters can arise without a Complaint being made and must be notified to the IPCC.

- A “*Serious Complaint*” means a Complaint about the conduct of the PCC and/ or the DPCC which *constitutes or appears* to constitute or *involve* the commission of a criminal offence. Serious Complaints must be notified to the IPCC.

#### **4 Evidence threshold**

Complaints that are Conduct Matter or Serious Complaints must be referred by the Panel to the IPCC. The difference between a Conduct Matter and a Serious Complaint is the level of evidence present in the complaint or other circumstances (e.g. information from press reports) as to whether a criminal offence has potentially been committed by the PCC or the DPCC.

- With a *Serious Complaint* there must be evidence of conduct that constitutes or appears to constitute or involve the commission of a criminal offence.
- This is a much higher threshold than for a *Conduct Matter*, which only requires the evidence to show an *indication* that a criminal offence may have been committed.

It is not the Panel's function to investigate or determine whether a crime has been committed; only a court of criminal jurisdiction can definitively rule on the matter. Any investigations related to a potential crime will be undertaken by the IPCC. However, the Panel acts as a filter and will decide how a complaint or other circumstances concerning potential criminal conduct (e.g. information reported in the press) should be classified, handled and taken forward under the Regulations. For a criminal offence to have been committed a number of different elements constituting the offence must be present e.g. the physical facts, usually evidence of intention or lower degree of purpose, causation etc. Therefore, as part of its functions, the Panel will take these matters into account when coming to a view as to whether something is a Conduct Matter or a Serious Complaint. However, in neither case is the criminal law standard of proof - *beyond all reasonable doubt* – applicable, as the Regulations do not require this level of certainty.

In both cases, the Panel will consider all the circumstances but will make the decision on the basis of evidence that is likely to be *substantially below* the normal civil law standard of the *balance of probabilities*, *noting also that*:

- A Conduct Matter only requires there to be an *indication* or *sign* that a criminal offence may have been committed. A mere assertion, without more, that a criminal offence has been committed is unlikely to suffice. However an assertion coupled with a fairly low degree of evidence that enough of the necessary elements required to constitute any particular offence are present is likely to be an adequate *sign* of potential criminal conduct, resulting in the matter being referred to the IPCC as a Conduct Matter; and
- A Serious Complaint requires stronger evidence, as the evidence must show that there is conduct that appears to constitute or involve the commission of an offence. Therefore the level of evidence that the necessary elements of a criminal offence are present will be more than for a Conduct Matter but, again, is likely to be much less than required under the normal civil standard.

## **5 Appropriate police and crime panel**

The Regulations only confer jurisdiction on the Panel where it is the appropriate police and crime panel under the Act for the relevant office holders in question. The Panel will normally be the appropriate panel for all complaints concerning the conduct of the West Midlands PCC and DPCC.

## **6 The Recorded Complaints and Conduct Matters Database**

The Panel will establish a formal register: “the Recorded Complaints and Conduct Matters Register” for the purposes of recording Complaints and Conduct Matters under the Regulations. This Register will take the form of an electronic database within which to record all key details pertaining to a Complaint including the date received, the complainant, a summary of the complaint / the category into which it falls (Conduct Matter, Serious Complaint or other Recorded Complaint), the date on which it was recorded, an indication of intended action on the Complaint and any other information deemed relevant. (A Complaint or Conduct Matter entered into the Register is a “Recorded Complaint” or “Recorded Conduct Matter” for the purposes of this Guidance and the Regulations.)

## **7 Conduct matters**

For the purposes of the Regulations a “Conduct Matter” is a matter in the case of which there is an indication (whether from the circumstances or otherwise) that the PCC or DPCC may have committed a criminal offence in England or Wales or, although committed elsewhere, it is an offence triable in England or Wales.

A complaint does not need to have been made for a Conduct Matter to arise and to be dealt with under the Regulations.

A Conduct Matter must be recorded by the Panel, and entered into the Recorded Complaints and Conduct Matters Database (see later), where either:

- the Panel is notified that civil proceedings against the PCC or DPCC have been or are likely to be brought by a member of the public and which appear to involve or would involve a Conduct Matter; or,
- a Conduct Matter comes to the Panel’s attention in any other case (e.g. from a press report).

However, if the Panel is satisfied that either of the following exceptions apply it is not necessary to record a Conduct Matter:

- the matter has already been recorded as a complaint under regulation 9(5) of the Regulations i.e. as a Recorded Complaint (see below); or
- the matter has been, or is already being, dealt with by means of criminal proceedings against the PCC or DPCC: this will normally be the case where the Police have formally charged the person with a criminal offence or an information alleging an offence has been laid before a magistrate’s court.

If the IPCC becomes aware of a conduct matter which has not been recorded by the Panel then the IPCC may direct the Panel to record the matter it must do so.

## **8 Conduct matters occurring outside England and Wales**

The PCC and/ or DPCC are under an individual duty to notify the Panel of any allegation, investigation or proceedings in relation to their conduct which would otherwise be a Conduct Matter under the Regulations only by reason of the fact that the conduct in question did not occur in England or Wales. If the Panel receives such a notification from the PCC and/ or DPCC then he or she shall handle it in whatever manner (if any) that the Panel thinks fit.

Accordingly, by not later than the end of the working day following the day on which the investigation, allegation or proceedings (as above) comes to their attention, the PCC and/ or DPCC shall notify the Panel in writing of the matter.

(This obligation applies to conduct within England and Wales that took place before the person who is the PCC was elected to that office or the person appointed as DPCC was appointed.)

## **9 Making of Complaints about the PCC/ DPCC**

A member of the public may complain (make a Complaint) about the conduct of the PCC and/or DPCC to the following people or organisations, although, except in the case of alleged criminal conduct, complaints are to be encouraged to be made direct to the Panel at the address below:

- The Independent Police Complaints Commission (the IPCC);
- The PCC's Office;
- A chief officer of Police;
- The relevant office holder: the PCC and/or the DPCC direct.

Any Complaint from a member of the public can be sent to the Panel in the following ways:

*By email: [wmpcp@birmingham.gov.uk](mailto:wmpcp@birmingham.gov.uk)*

*By telephone (office hours):*

*By post: WMPCP, Scrutiny Office, Council House, Victoria Square, Birmingham, B1 1BB*

## **10 Recipients' duties on receipt of Complaint**

### *Direct complaints to the Panel*

The Panel has a duty to ensure that it is kept informed of matters relating to the conduct of the relevant office holders which might give rise to a complaint and to provide the IPCC with all such assistance as it reasonably requires.

Where the Panel considers that an oral or written Complaint requires further information or detail in order for him to properly consider it under the Regulations, it may ask the Complainant to provide such detail.

The Panel will consider the Complaint, and whether to record it and (if so) how the Recorded Complaint is to be dealt with under the Regulations (see below).

#### Direct complaints to the PCC and DPCC and preservation of evidence

By not later than the end of the working day following the day on which the Complaint was made to them, the PCC and/ or DPCC must notify the Panel in writing of the matter of the Complaint and provide details of the steps they have taken to preserve such evidence, including its location and in whose custody it is (see below).

Where a Complaint is made directly to the PCC and/ or DPCC then both are under a statutory duty to take all such steps as appear to them to be appropriate for obtaining and preserving evidence in relation to the conduct in question, both initially and from time to time after that. (In discharging this duty they shall take such steps as a reasonable person would consider appropriate in the circumstances to obtain and preserve evidence, and in any event shall comply with any requests of the Panel, as above.)

#### Direct complaints to the Police and Crime Panel

Any complaint addressed to the Panel or any member of it should be immediately directed by the recipient to the Panel, along with any other available information that is relevant to the complaint, in accordance with the Regulations.

#### Direct complaints to the police

Where a complaint is made to a chief officer of Police, it is the duty of the Chief Officer of Police to give notification of the complaint to the Panel.

#### Direct complaints to IPCC

When a complaint is made to the IPCC, it is the duty of the IPCC to notify the Panel, unless the IPCC considers that there are exceptional circumstances to justify the notification not being given.

### **11 The Panel's duties to obtain and preserve evidence**

When a Complaint comes to the attention of the Panel, it is under a duty to secure that all steps as are 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 Panel's role to investigate matters and it is likely that before taking steps to obtain or preserve evidence it will normally consult the IPCC. The IPCC may also give the Panel and Relevant Officeholder directions for obtaining and preserving evidence.

Accordingly the Panel may make formal requests of any of the following persons to take such steps as the Panel 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 PCC'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 PCC and/ or DPCC;
- Any employee of the PCC's office;
- Any member or employee of a functional body; and

- Any person or organisation having a current or past contractual relationship with the PCC's office or its predecessors or in receipt of a grant from such bodies.

A person given a direction by the Panel under this procedure shall comply with it in full and generally to cooperate with the Panel and its authorised officers in the discharge of their statutory duties under the Regulations.

Such persons shall also permit access and render possession of any such evidence in relation to the conduct complained about to the Panel as is in their possession custody or control in accordance with his/her instructions.

The Panel shall be informed 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 The Panel's duties on notification of a Complaint**

The Panel will record a Complaint unless it is satisfied that any of the following exceptions apply, in which case it is not necessary to record the Complaint (in whole or in part):

- 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 an information alleging an offence has been laid before a magistrate's court or
- the Complaint has been withdrawn.

If not recorded in the Register, the Panel will notify the Complainant of the decision not to record the Complaint and, therefore, to take no action upon it, and will explain the grounds on which that decision was made, whether in relation to whole or part of the Complaint.

If recorded (in whole or part) the Panel will notify the Complainant of that fact and provide information about the next steps to be taken in relation to the Complaint. The Panel will also inform the PCC chief executive and, where a Complaint is recorded, provide such details as it thinks appropriate of the Recorded Complaint.

## **13 Taking no action on a Recorded Complaint**

If the Panel considers that a Recorded Complaint (which is not one that otherwise must be referred to the IPCC) is one in respect of which no action should be taken, or it falls within the circumstances set out below, then the Panel may handle the Recorded Complaint in whatever manner it thinks fit.

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

- 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;
- The matter has already been the subject of a complaint;
- The Complaint is anonymous;
- The Complaint is vexatious, oppressive or otherwise an abuse of the procedures; or

- The Complaint is repetitious.

A “repetitious Complaint” (above) is one which is the same or substantially the same as a previous complaint, or concerns the same conduct as a previous conduct matter, contains no fresh allegations which affect the account of the conduct complained of, no fresh evidence (being evidence not reasonably available at the time the previous complaint was made and in respect of which a previous determination or withdrawal of complaint has been made).

The Panel must notify the Complainant that it has decided to handle the Recorded Complaint by taking no further action.

#### **14 Referral of Recorded Complaints and Recorded Conduct Matters to the IPCC**

The Panel must refer the following to the IPCC:

- All Recorded Conduct Matters;
- All Serious Complaints (i.e. a complaint that constitutes or involves or appears to constitute or involve, the commission of a criminal offence)
- Any Serious Complaint or Recorded Conduct Matter where the IPCC has called it in (see below).

##### Call-in by IPCC

The Panel must refer a Recorded Complaint to the IPCC if it is notified that that the IPCC itself requires the complaint to be referred to the IPCC.

##### Referral

Where a Recorded Complaint or Recorded Conduct Matter is to be referred to the IPCC then the Panel shall do so as soon as is practicable, and in any event not later than the end of the working day following the day on which it becomes clear to the Panel that the Complaint or Conduct Matter one that should be referred to the IPCC. The details in the Register will be made available to the IPCC together with such other information as the Panel considers appropriate.

On referring a Recorded Complaint to the IPCC, the Panel must notify the Complainant and the person complained about of the referral, unless it appears to the Panel that notifying the PCC or DPCC might prejudice a possible future investigation.

##### Referral-back

Where it determines the IPCC determines that it is not necessary for it to investigate a Recorded Complaint, may refer the Complaint back to the Panel who must deal with the referral in accordance with the Resolution of Complaints section below. The IPCC will notify the Complainant and the PCC or DPCC complained against about this decision.

The IPCC, where it determines that it is not necessary for it to investigate a Recorded Conduct Matter, may refer the matter back to the Panel who may deal with it in any

matter that the Panel thinks fit. The IPCC will notify the PCC or DPCC complained against about this decision.

## **15 Other matters**

### Civil proceedings against the PCC or DPCC

Civil proceedings brought against the PCC and/ or DPCC that are notified to the Panel, or which the Panel considers are likely to be brought, and which appear to the Panel to involve a Conduct Matter as regards that relevant office holder are potentially recordable as a Conduct Matter by the Panel under the Regulations. A Conduct Matter will not be recorded if the Panel is satisfied that it has already been recorded as a Complaint or has been or is currently being dealt with by criminal proceedings against the person to whose conduct the matter relates.

Civil proceedings (as above) *involve* a conduct matter if they relate to a Conduct Matter or they are proceedings that relate to a matter in relation to which a Conduct Matter, or evidence of a Conduct Matter, is or may be relevant. As mentioned earlier, the Panel will consider all the circumstances but may make such a decision as to whether a Conduct Matter is present on the basis of evidence that is below the normal civil standard of proof.

In order to enable the Panel to discharge its duties under the Regulations, the PCC, DPCC, the Chief Executive of the PCC's office, every counsel, solicitor or legal or other advisor instructed or retained by them are required, as soon as reasonably practicable, to notify the Panel and provide written details of the proceedings in question whenever the PCC and/ or DPCC is the defendant to or an interested party in legal proceedings.

Such persons are expected generally to cooperate with the Panel in the discharge of its statutory duties under the Regulations (Reg. 11) to such extent as is not inconsistent with any legal professional privilege or obligation of confidence.

## **16 Withdrawal of complaints**

If the Panel receives a notification that the complainant wishes to withdraw their Complaint, signed either by them or their solicitor or other acting on their behalf, then the Regulations shall cease to apply to the Complaint, subject to the following provisions of this procedure.

- If the Recorded Complaint is with the IPCC, the Panel must notify the IPCC that it has recorded the withdrawal of the complaint.
- in the case where the IPCC has referred the Recorded Complaint to the Panel, it 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.

In respect of a Recorded Complaint which has not been notified to the IPCC, the Panel 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 Panel shall notify the PCC or DPCC complained about of the recording of a withdrawal of the Recorded Complaint and whether he/she has decided to treat it as a Recorded Conduct Matter notwithstanding, and shall amend the Register accordingly.

The IPCC, on receiving notification of withdrawal from the Panel 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 Panel, who shall notify the complainant and amend the Register accordingly.

The 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.

If the IPCC refers a matter back to the Panel, it shall be dealt with, in the case of a Recorded Complaint in accordance with the guidance on Resolution of Complaints below, and in the case of a Recorded Conduct Matter in such manner as the Panel may determine.

## **17 Resolution of Complaints**

A Recorded Complaint against a PCC and/or a DPCC shall be dealt with by way of informal resolution (see below).

### Informal resolution

Informal resolution may include the appointment of a committee of the Panel, a member of the Panel or another person to secure the informal resolution of the complaint. Procedures for informal resolution shall 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.

### Generally

In attempting to secure resolution of the complaint, the Panel will consider whether further information / clarification / explanation is required and/or whether any actions are required.

Where it appears to the Panel that a Recorded Complaint against the PCC and/ or DFPC had in fact already been satisfactorily dealt with at the time it was brought to their notice, the Panel may, subject to any further representations, treat it as having been resolved. The Panel 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.

Where the person complained against chooses not to comment on the complaint, the Panel shall record this fact in writing.

### Apologies

The Panel may seek informally to resolve a complaint by securing an apology from the PCC or DPCC to the Complainant, either directly or indirectly. The Panel shall 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.

### Final steps where informal resolution

Where a Recorded Complaint has been subjected to informal resolution, the Panel shall as soon as practicable make a record of the outcome of the procedure and send a copy of that record to the complainant and the person complained against.

The Panel shall not publish any part of any such record unless it:

- has given the complainant and the person complained against the opportunity to make representations in relation to the proposed publication; and

- has considered any such representations, and is of the opinion that publication is in the public interest.

In cases where the Panel upholds a Recorded Complaint, it has no legal powers to apply formal sanctions other than to provide an opinion on the conduct of the office-holder concerned.

### **18 Record Keeping and Provision of Information**

The Panel shall keep records of: every complaint and purported complaint made to him or received by him; every conduct matter recorded by the Panel arising from civil proceedings or otherwise coming to the attention of the Panel and every exercise of a power or performance of a duty under the Regulations.

The Panel shall receive a report, on a regular basis, the summary details (such as can be reported in public), on the exercise of any and all of these functions to the Panel for monitoring purposes.

The Panel shall provide to the IPCC all such information or documents specified and all evidence or other things so specified or described by the IPCC in a notification given by the IPCC to the Panel and in a manner and within a time so specified.

The Panel will notify the PCC's office of the name and address of the person to whom complaints by members of the public are to be directed, and shall specify how the PCC's office will publish such information.

### **Appendix 3: Draft Protocol for the initial handling of complaints under the Elected Local Policing Bodies (Complaints and Misconduct) Regulations 2012**

The Police and Crime Panel (PCP) have functions under the regulations to deal with complaints and conduct matters relating to the PCC and DPCC

The purpose of this protocol is to ensure that complaints which fall within the scope of the regulations are dealt with effectively in accordance with those regulations. The day to day conduct of the operation of the regulations is delegated to the Monitoring Officer (MO) of the Host Authority in consultation with the Chief Executive (CX) of the PCC's office.

It is agreed that all incoming complaints to the CX office which appear to relate to the conduct of the PCC or DPCC will immediately on receipt be forwarded to the MO and within 7 days of receipt the CX shall express to the MO a view as to process for the handling of the complaint.

It is agreed that all incoming complaints to the PCP will immediately on receipt be shared with the Chief Executive of the PCC who shall with 7 days of receipt indicate a view as to the handling of the complaint.

It is envisaged that the view expressed by the CX on any complaint received will be whether:-

1. The complaint is one to which the regulations relate and which require a recording decision and whether the complaint may require reference to the IPCC.
2. The complaint relates to a member of staff of the PCC and should be referred to the PCC's CX to deal with.
3. The complaint relates to the Chief Constable and is a matter to be dealt with by the PCC.
4. The complaint relates to a police officer and should be referred to the Chief Constable (Professional Standards Department) to deal with.
5. The complaint should be handled otherwise than in accordance with Part 4 of the regulations (informal resolution) on the grounds set out in Regulation 15(3)

Where a complaint relates to a matter which falls within the regulations and more than one of the items 2, 3 and 4 above, it shall be dealt with under all the procedures applicable to that complaint and the CX and the MO shall co-operate in ensuring that action taken in relation to such matters are shared as appropriate.

The decision as to whether to record a complaint under the requirements of the regulations shall rest with the MO exercising delegated powers.

Where the complaint is one to which the regulations relate and require a recording decision to be made and is not a matter which is required to be referred to the IPCC the CX shall, following the recording of the complaint, ensure that the PCC or DPCC as the case may be is advised of the terms of the complaint and shall endeavour to facilitate a satisfactory outcome to the complaint with a view to avoiding, if possible the application of the informal resolution process under Part 4 of the regulations.

If it is not possible to secure a satisfactory outcome for the complainant the matter shall be referred to the MO who shall arrange for informal resolution in accordance with any directions and delegations of the PCP