

**Office of the Police and Crime Commissioner  
for Wiltshire and Swindon**

# **Complaints Policy and Procedure**

Title:	OPCC Complaint Policy and Procedure
Owner:	OPCC Director of Operations
Produced by:	OPCC Director of Operations
Effective Date:	
Review Date:	
Version:	1.6
Protective marking:	Official

## 1. Introduction and purpose

The purpose of this policy and procedure is to ensure that any complaint is dealt with effectively and as far as possible resolved to the satisfaction of the complainant at an early stage.

Staff working for the Wiltshire Office of the Police and Crime Commissioner (OPCC) will act in accordance with the OPCC values, the details of which are included at Appendix A of this policy. The four values are:

- Excel at the basics
- Trust
- Serving the public
- Engagement

## 2. Regulatory / Legal Framework

### Further reading and linked policies or documents

The following is a list of other policies, procedural documents or guidance documents (internal or external) to which employees should refer for further details:

Ref	Document Title	Document Location
1	Unreasonable Contact Management Policy	<a href="#">Unreasonable Contact Management Policy and Process v1.3.docx</a>
2	(HR applicable policies – TBC at later date)	

## 3. Application of this procedure

This procedure only applies to complaints from external organisations, partners, and members of the public about the service provided by the OPCC and its staff. Complaints about members of Wiltshire Police are subject to separate procedures and should be directed accordingly.

This procedure does not apply to complaints about the Police and Crime Commissioner (PCC) or Deputy Police and Crime Commissioner (DPCC).

This procedure will apply to a decision made by member of OPCC staff exercising their statutory or legal duties (including under delegated powers) but only where no alternative right of complaint exist. If alternative rights of complaint exist, any matters raised about these decisions will be dealt with exclusively through those routes and not by this process.

Members of staff who wish to complain about another staff member should use the internal grievance process.

For the purpose of this procedure a complaint is any expression of dissatisfaction of the service provided by the office or conduct of any member of staff, made by or on behalf of a person who is dealing with the office.

Complaints should be submitted by email where possible to [complaints@wiltshire.police.uk](mailto:complaints@wiltshire.police.uk) or made in writing to the OPCC using the address found on the OPCC website contact us page. If the complainant is unable to make the complaint in writing, they may make a request for their complaint to be taken verbally, and if accepted an appointment will be made to take the complaint by telephone. Any member of staff receiving a complaint should forward this to the Complaints Resolution Team. Complaints will be acknowledged within five working days.

The administration of OPCC complaints shall be the responsibility of the Complaints Resolution Team and will utilise a restricted sharepoint area for this purpose. The retention period for complaint records shall be 6 years from the date of last contact.

## **4. All staff procedure on receipt of a complaint**

### **Stage 1 – Informal resolution**

- 4.1. Informal resolution will be undertaken by the Complaints Team Leader. Resolution of a complaint should in the first instance (if appropriate) be attempted informally by taking any necessary action which may be required to put the matter right and if appropriate drawing the matter to the attention of their line manager or second line manager. This should be done in consultation with the business area lead and the complainant with the aim of meeting the expectation of the complainant where it is possible and reasonable to do so.
- 4.2. Members of staff are encouraged to acknowledge where a complainant has not received an acceptable service.
- 4.3. The complainant should be advised that if they remain dissatisfied, they may speak to a senior manager or request formal investigation.

### **Stage 2 – Complaint resolution –**

- 4.4. Following informal resolution, should the complainant remain dissatisfied, the complaint will be subject to a handling review by the appropriate decision maker (see table at 4.8).
  - (a) that in the circumstances no further action should be taken in relation to the complaint; or
  - (b) that further steps should be taken to resolve the complaint and delegate the matter to the member of staff to resolve
  - (c) that the matter should be formally investigated and appoint an investigator; or
  - (d) that the matter should be referred to the Director of Operations for a decision.
- 4.5. The complainant should be kept informed and up to date on the progress of the complaint and any investigations and decisions. At the very minimum it is expected that complainants receive an update every 28 days where a matter is protracted.
- 4.6. The member of staff who is subject to the complaint should be informed and kept up to date on any progress or developments with the complaint. Unless there is a strong reason not to do so, the member of staff subject to the complaint should be provided with a copy of the complaint. At the very minimum it is expected that complainants receive an update every 28 days where a matter is protracted.
- 4.7. The complainant shall be advised of the action to be taken in response to the complaint and any right to appeal. Appeals must be raised within 28 days of the complaint having been closed following resolution.
- 4.8. In some circumstances the handling of a complaint may be undertaken by the Chief Executive. In this circumstance there will be no right to appeal the outcome decision.

### **Stage 3 – Formal investigation**

4.9. The following table demonstrates who will make the decision about the complaint, and who the right of appeal is to, in every instance:

<b>Complaint against</b>	<b>Informal resolution</b>	<b>Decision maker</b>	<b>Appeal body</b>
Member of OPCC staff	Complaints Team Leader	Director of Operations	Chief Executive
Member of senior management team	Complaints Team Leader	Chief Executive	Chief Executive
Chief Financial Officer	Complaints Team Leader	Chief Executive	PCC
Chief Executive	Complaints Team Leader	OPCC Chief Financial Officer with support from another OPCC CEO	PCC

- 4.10. In the event of a matter being referred for formal investigation, the decision maker shall investigate or appoint a person to investigate the complaint. The investigator may be a member of the staff or any other person the decision maker decides to appoint.
- 4.11. If necessary, the investigator shall interview the complainant and such other persons as is considered necessary to establish the facts relating to the complaint. The investigator shall report to the decision maker with a conclusion based on the principle of the balance of probabilities, having considered all the relevant evidence. They will also make recommendations as to what further steps, if any, should be taken in response to the complaint.
- 4.12. The decision maker shall consider the report and shall decide what further steps, if any, shall be taken in relation to the complaint and inform the complainant of the outcome and the right of the complainant to appeal.
- 4.13. Any formal meeting to which the member of staff who is subject of the complaint is invited will include an invitation to Unison (as the recognised union) should the affected member of staff be a member.

## **Outcomes**

- 4.14. Possible outcomes or responses to the complaint may include:
- The complaint is not upheld, or reasonable and proportionate remedial action has already been completed
  - The complaint is not upheld and deemed as vexatious or inappropriate
  - The complaint is upheld, and an apology issued from the individual or the Office of the Police and Crime Commissioner with an explanation for the incident
  - The complaint is upheld, an apology is issued the individual or the Office of the Police and Crime Commissioner with details of any learning identified and associated actions implemented
  - The complaint is upheld, an apology is issued the individual or the Office of the Police and Crime Commissioner and appropriate disciplinary action is taken.

- 4.15. The complainant will be informed of the outcome of the complaint and provided with an explanation and reason for this outcome. They will also be informed of their right of appeal.

### **Appeals against complaint outcome**

- 4.16. A complainant who is dissatisfied with the outcome of the complaint may appeal to the appeal body (table in point 4.8). The appeal body may deal personally with the complaint in any manner considered appropriate or may delegate the matter to another party not already directly involved in investigating or determining the complaint outcome.
- 4.17. Appeals may be raised within 28 days of the complaint having been closed following resolution or investigation.
- 4.18. When the appeal is received, this will be acknowledged within five working days.
- 4.19. The appeal body will consider the appeal. This will include whether:
- The procedure outlined in this document has been adhered to;
  - Whether the complainant has been kept informed;
  - Whether the investigation was appropriate;
  - Whether the decision was reasonable and proportionate (however, there can be no appeal against the specific disciplinary outcome)
- 4.20. The appeal body aims to respond within 15 working days, unless there are extenuating circumstances
- 4.21. The decision taken by the appeal body shall be final and the complainant shall be advised of the outcome.

## **Data Protection and information management**

Please refer to the Wiltshire OPCC Privacy notice [here](#)

Please find the Wiltshire OPCC “Making Protected Disclosures” policy [here](#) . Please note, as from 25 May 2018 the legislation relating to processing personal information changed. Personal data is now governed by UK General Data Protection Regulations (UKGDPR) and the Data Protection Act 2018.

Where OPCC staff are undertaking work with personal data, they must:

- comply with the principles of the Data Protection Act 2018.
- have policies and procedures in place that secure against the inappropriate loss or destruction of personal information supplied via the grant application and/or grant agreement, including a secure means of transferring information in and out of organisations
- Ensure data is disposed of as prescribed within the Data Protection Act.
- Please refer to the Data Protection Policy for further guidance on how to handle personal data.

## **Policy Management**

The effectiveness of this policy will be reviewed every year and/or following changes to legislation and government guidance.

Following changes in legislation and government guidance all staff working for the OPCC should be sign posted to the updated information by line managers.

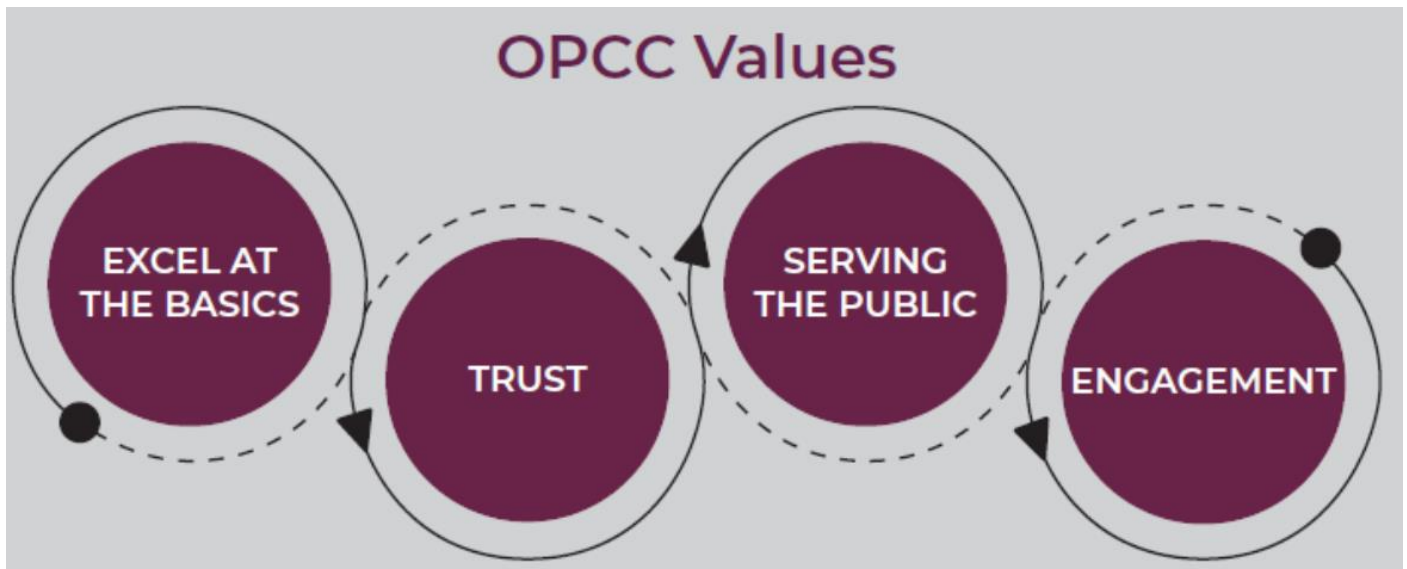
## **Document version control**

<b>Version number</b>	<b>Date</b>	<b>Author</b>	<b>Post</b>	<b>Reason for issue</b>	<b>Date agreed</b>	<b>Review schedule</b>
1	13.10.22	N Darwish	Chief Executive	General review		Biannual
1.1	01.11.22	R Llewellyn	Director of Operations	General review		
1.2	30.11.22	R Llewellyn	Director of Operations	Updated with R Andrews comments		
1.3	30.01.23	R Llewellyn	Director of Operations	Updated following feedback from Head of HR Policy		
1.4	02.02.23	R Llewellyn	Director of Operations	Update following ELT feedback	ELT sign off 02.02.23	
1.5	26.01.24	G Kelly	Complaints Manager	Amended process, reference to OPCC values and new template to include EIA		
1.6	22.07.25	G Kelly	Head of BPS	Addition of 4.8 - handling of complaints by CEO		

# Initial Equality Impact Assessment

<b>Department:</b> Complaints resolution team	<b>Completed by:</b> Gemma Kelly	<b>Date of initial assessment:</b> 26 January 2023
<b>Name of policy / process / area to be assessed:</b>	OPCC Complaints policy and procedure	
<b>Is this an existing or new function / policy, procedure, practice or decision?</b>	Review of existing policy	

<ul style="list-style-type: none"> <li>Describe the aims, objectives or purpose of the function, policy or procedure?</li> </ul>	<p>The purpose of this policy and procedure is to ensure that any complaint is dealt with effectively and as far as possible resolved to the satisfaction of the complainant at an early stage.</p>			
<p>The Equality Act 2010 requires public bodies to have due regard to the need to:</p> <ol style="list-style-type: none"> <li>Eliminate unlawful discrimination, harassment and victimisation;</li> <li>Advance equality of opportunity between different groups; and</li> <li>Foster good relations between different groups</li> </ol>	<ul style="list-style-type: none"> <li>Could the function / policy / procedure have any impact in terms of the aims set out in 1-3 of the Act on any of the protected characteristics. Please indicate positive (P), negative (N) or no impact (Nil).</li> </ul>	<ul style="list-style-type: none"> <li>Briefly explain how the function / policy / procedure furthers or prevents the aims set out in 1 – 3.</li> </ul>	<ul style="list-style-type: none"> <li>For any negative impact noted for any of the protected characteristics, can it be justified on the grounds of promoting equality or any other reason? If yes, please provide a brief explanation.</li> </ul>	
Protected Characteristics	Age	Nil		
	Disability	Nil		
	Gender Reassignment	Nil		
	Marriage / Civil Partnership	Nil		
	Race	Nil		
	Religion / Belief	Nil		
	Pregnancy / Maternity	Nil		
	Sexual Orientation	Nil		
	Sex	Nil		
<ul style="list-style-type: none"> <li>For any negative impact identified above, please list what actions will be taken to address the impact?</li> </ul>				
<ul style="list-style-type: none"> <li>For any negative impact identified above, please note where and how frequently this impact and any associated actions will be reviewed and monitored?</li> </ul>				



## Excel at the Basics

A constant focus on our core purpose and making solutions as simple as possible. This helps us support to deliver effective customer service, high standards and clear accountability to everyone. We focus on improving business as usual, with new ideas being part of the agreed approach but not the sole focus.

### What good could look like

A colleague raises a complex query from a resident at a team meeting. You realise that to provide a high quality OPCC response it will require input from various colleagues from different departments. You share the query and pull together a conversation so all aspects are considered, allowing for a comprehensive and helpful response to the resident. One element of the query was not related to the OPCC so you helpfully included the relevant signposting for them to contact.

### We will always:

- Take personal ownership delivering personal and team outcomes
- Be optimistic about what we can achieve, and identify opportunity in setbacks
- Identify solutions as well as the challenges
- Be open and flexible to change and support others to approach change positively
- Prioritise time to work smarter to achieve the greatest OPCC benefit

### We will not:

- Actively resist change, prevent or undermine improvements.
- Be closed to new ideas or look for reasons why things cannot be done
- Complain or ignore issues without acting to solve them

## Trust

Trust is an invisible glue that keeps relationships together and is mostly visible when it is lost. We want our public to trust us to deliver their expectations of good performance from individuals or our organisation. This is based around a mix of factors like reliability, truthfulness, first impressions, loyalty and goodwill.

### What good could look like:

You have been working hard on starting a challenging project. Your team have concerns about its performance but they do not want to interfere or embarrass you. You secretly lack confidence in data analysis. A colleague explains their concerns constructively and you are grateful for the feedback and talk about your lack of confidence. The colleague shares their similar fears and share helpful YouTube videos. It really helps improve your confidence, making you more positive about learning. You share your experience where possible.

### We will always:

- Recognise and celebrate we are all individual, considering the impact of our behaviour on others
- Be supportive offering encouragement and assistance as professionals and people
- Have a polite, constructive, positive, and honest approach
- Professionally challenge and report inappropriate attitudes, language, or behaviour.
- Be responsible and accountable for our actions and own our mistakes

### We will not:

- Discriminate or make false assumptions that impact others
- Be negative, rude, dishonest, dismissive or participate in gossip.
- Focus solely on our individual needs and ignore the impact on others

# Serving the Public

We have a responsibility to act in the best interests of society as a whole.

We are motivated to listen, communicate, understand, and work with our public to address collective and individual needs. We keep everyone as safe as possible by balancing the needs of the many and the few.

## What good could look like

You are reviewing the effectiveness of your business area. Procedures work well for your team. Despite this numerous concerns are raised by the public. You listen to the concerns, wanting to improve. You realise that the concerns can be solved by changes to the work of another team. You explain the concerns to this team who welcome the feedback as they had not considered the impact. They simplify their approach and the improvements are shared to engage the public.

## We will always:

- Put public service at the heart of our work
- Treat the public as individuals with compassion and being trauma informed
- Listen to learn from public feedback and consider issues from their perspective
- Be polite, helpful and honest about what can be achieved
- Spend public money responsibly and effectively

## We will not:

- Mislead, misrepresent or blame other teams or partners
- Ignore when the public tell us something is not working
- Be negative, rude, abrupt, or pessimistic about the public or their concerns
- Favour or discriminate against a part of our communities.

# Engagement

We want to involve and understand expectations and issues by talking and listening to each other, the public and stakeholders. We will achieve by talking and listening to understand, learn and improve. To support this we encourage communication that is open, honest and representative.

## What good could look like

You are developing a new procedure and realise that producing a document is only part of the job. You consider everyone who could be impacted by your work. As you develop the procedure you actively seek out the views of stakeholders. You listen, shape and adapt your work based on feedback. You take time making sure everyone understands the procedure and they support the change as they feel ownership. You include future support and review points are part of the process.

## We will always:

- Contribute and listen to learn the views of others
- Be transparent in our rationale for decisions
- Always look to learn and seek out better ways to do things
- Create a safe environment which encourages positive feedback to help improve

## We will not:

- Hinder others by making little effort to communicate and professionally share
- Lack curiosity or interest in learning from others
- Take credit for successes without acknowledging the work of others