1. About This Procedure

1.1. Hampshire Constabulary is committed to providing an excellent standard of service to the public. The Code of Ethics together with Professional standards are at the core of policing in its integrity, ethics and the impact it can have on public reassurance and confidence in the service provided.

1.2. Policy 02100 – Professional Standards sets out the principles by which officers and staff are expected to conduct themselves at all times.

1.3. On those occasions when a member of the public has cause to make a complaint, the interests of both the complainant and the police officer, Special Constable or member of police staff, subject of complaint will be protected by dealing with the allegation efficiently and expeditiously in compliance with current legislation, and in line with guidance issued by the Home Office and the Independent Police Complaints Commission (IPCC).

2. Risk Assessments/Health and Safety Considerations

2.1. The Code of Ethics and Professional Standards are the core of policing, failure to comply with procedures for the investigation of an alleged breach of policing standards is likely to result in a loss of public confidence.

3. Procedure

3.1. The aim of the process is to move the focus from it being one of “blame” to that of a culture of learning while dealing robustly with deliberate wrongdoing thereby increasing public confidence and satisfaction.

3.2. The ethos of the Police Conduct Regulations and the Procedure 33004 Police Staff Misconduct, is to deal with cases in a timely, proportionate, fair and effective way. To establish the facts, identify the underlying causes or welfare considerations and any
learning opportunities. It could be that the issue is a matter of poor performance not misconduct and therefore should be treated as such.

3.3. Any person of any rank or role should listen to a member of the public who is expressing dissatisfaction with the level of service they receive and endeavour to assist with resolving their problem. An explanation or apology may be all that is required.

3.4. Many matters that fall under the misconduct system will be dealt with by local managers and supervisors with no involvement whatsoever by the Professional Standards Department (PSD). The PSD are available as a single point of reference in relation to misconduct matters. Staff shouldn’t be fearful of telephoning for advice at an early stage. An out of hours system is available via the Control Room if it is a serious matter.

3.5. All Public Complaints will be dealt with in accordance with current legislation and guidance issued by the Home Office and IPCC. Further detailed guidance can be found on the PSD Intranet site.

3.6. A Public Complaint is defined by the Police Reform Act 2002 as being an expression of dissatisfaction about the "conduct" of a person serving with the police. It may be about, for example, behaviour, inappropriate language, actions or omissions. In some cases it may even be an allegation of criminal behaviour.

3.7. A Direction and Control complaint is about the standard of general policing, for example, or an operational policy or operational management decision.

3.8. Where a member of the public expresses dissatisfaction which, on the face of it, is a complaint about "conduct" of an individual, it is valid under the Police Reform Act 2002 and will be recorded.

3.9. Where it is unclear whether the complaint is about conduct or Direction and Control of the Force, it should be recorded and the investigation should proceed as if it is a complaint about conduct until it does become clear. There are procedures and checks in place within PSD to ensure the correct categorisation of such complaints.

3.10. It is important that all public complaints are investigated without delay. It is not always necessary to wait for an Inspector to become involved, often minor breaches of conduct can be dealt with there and then by a supervisor under Local Resolution.
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procedures which offer a speedy and satisfactory resolution to a complaint without the need for formal investigation.

3.11. Minor breaches of conduct by police employees that do not involve a member of the public may be dealt with by a supervisor, by way of verbal advice.

3.12. Guidance on how to record a Public Complaint can be found on the PSD Intranet site.

3.13. A complaint, or a recordable conduct matter, must be referred to the IPCC (mandatory referral) when it falls into one of the following categories:

a) A death in police custody, or death or serious injury to a member of public following or during police contact;

b) Serious injury (fracture, deep cut, deep laceration or an injury causing damage to an internal organ or the impairment of any bodily function);

c) A serious assault, occasioning Actual Bodily Harm (serious assault in line with the CPS standards);

d) Serious corruption (if it would likely if proved, to result in a term of imprisonment of two years or more). This also includes abuse of authority for sexual gain;

e) A criminal offence or behaviour which is liable to lead to a disciplinary sanction and was aggravated by discriminatory behaviour on the grounds of a person’s race, sex, religion, or other status identified in guidance by the IPCC;

f) A serious sexual offence: all offences under Sexual Offence Acts 1956 to 1992 triable on indictment only or where Magistrates would decline jurisdiction;

g) Complaints or conduct matters which are alleged to have arisen from the same incident as anything falling within these criteria.

h) Attempt or conspiracy to commit any of the above;

3.14. Cases may also be referred on a voluntary basis where PSD conclude that it may be in the public interest to do so.
3.15. The referral will be carried out by a member of PSD staff.

4. Roles and Responsibilities

4.1. The Head of PSD has overall responsibility for this procedure.

5. Administration

5.1. Complaints and misconduct investigations will be recorded on the PSD administration system. Source sensitive information will be recorded by the Anti Corruption Unit.

6. Monitoring/Evaluation

6.1. The Head of PSD will monitor compliance with the procedure.

7. Review

7.1. Annual review

8. Related Procedures, Policies & Information

8.1. 02100 Policy – Professional Standards
8.2. 33004 Procedure – Police Staff Misconduct
8.3. AD203 – Equality Impact Assessment

Origin: Professional Standards