



OFFICE OF THE POLICE & CRIME COMMISSIONER
Complaints Against Chief Constable

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1. Introduction

- 1.1 Under the [Police Reform and Social Responsibility Act 2011 \(as amended\)](#), the Police and Crime Commissioner is the appropriate authority for handling complaints concerning the conduct of the Chief Constable. This policy sets out how such complaints will be managed in accordance with the relevant legislative and regulatory framework.
- 1.2 Information on how members of the public can make a complaint about the Chief Constable of Avon and Somerset Police is published on the PCC's [website](#).
- 1.3 Chief Constables engage with the public in a different capacity to most police officers. While they are not typically involved in frontline policing, they may still be the subject of a complaint, either directly or as part of a wider complaint about the police force.
- 1.4 When concerns are raised about a Chief Constable, the Office of the Police and Crime Commissioner (OPCC), acting as the local policing body on behalf of the PCC, must first determine whether the matter constitutes an expression of dissatisfaction and whether the complainant is eligible to make a complaint. This assessment should be conducted in accordance with standard complaint handling requirements. Further detail on eligibility can be found in paragraphs 5.3–5.6 of the [Independent Office for Police Conduct Regulations 2020](#).
- 1.5 The local policing body acts as the appropriate authority only where a complaint relates specifically to the personal conduct of the Chief Constable. It is therefore essential to

establish whether the issues raised genuinely concern the Chief Constable's personal actions or decisions. Complaints relating to wider force decisions, operational matters, or functions carried out under delegated authority should be referred to the relevant appropriate authority for handling.

- 1.6 Where a complaint references the Chief Constable but does not relate to their **personal conduct**, the OPCC as the local policing body is not the appropriate authority. In many cases, complainants may reasonably associate the chief officer with all aspects of force activity, without recognising that responsibility for specific actions may be delegated to others within the organisation.

2. Application of this Procedure

- 2.1 This procedure applies to all complaints received from members of public made via email, online form on the OPCC website, and referred from the IOPC or the Professional Standards Department.
- 2.2 We recognise that individuals express themselves in different ways, and that communication styles may be influenced by a range of personal circumstances and lived experience. We also acknowledge that certain mental health conditions, neurodivergence, or disabilities may affect how people communicate. In such cases, we are committed to considering and implementing reasonable adjustments where appropriate and when requested.
- 2.3 The application of this procedure must always take into account individual needs and any reasonable adjustments required under the [Equality Act 2010](#). The aim is to ensure that the OPCC adopts a fair, proportionate, and consistent approach when handling complaints in line with the [Independent Office for Police Conduct Regulations 2020](#).

3. Complaint and Complainant Eligibility

- 3.1 A complaint is defined by the Independent Office for Police Conduct (IOPC) as "an expression of dissatisfaction by a member of the public". It covers matters of conduct (acts, omissions, statements, decisions), and those issues considered direction and control (organisational decisions, policies and procedures, and standards).
- 3.2 To fully assess complaints made against the Chief Constable and make a recording decision for a complaint against the Chief Constable in accordance with Schedule 3 of the Police Reform Act 2002 (as amended), the Local Policing Body will need to establish two points:
- a. That the complainant is *eligible* to make a public complaint.
 - b. That the matters subject of the complaint pertains to the *personal conduct* of the Chief Constable and not those acting under operational delegation.

- 3.3 Within 5.6 of the Independent Office for Police Conduct Regulations 2020, the IOPC specifies who is eligible to make a complaint to police about the conduct of individuals.
- 3.4 Where necessary, reasonable enquiries will be undertaken by the OPCC to establish the eligibility of the complaint and the associated allegations. Such enquiries may include, but are not limited to, contacting the Chief Constable's Staff Office, the Professional Standards Department, or relevant officers and staff within Avon and Somerset Police to obtain information necessary to clarify the details and context of the complaint and the personal involvement of the Chief Constable.
- 3.5 Considering enquiries and available information, an eligibility decision will be made by the Chief Executive or where appropriate, the Director of Performance and Accountability acting under delegated authority. In reaching this decision, consideration will be given to whether the matter meets the criteria for referral to the Independent Office for Police Conduct (IOPC). A determination will then be made as to whether the complaint should be formally recorded, in accordance with the relevant statutory requirements and guidance.

4. Complaint Recording

- 4.1 All expressions of dissatisfaction against the Chief Constable will be logged on OPCC systems and assigned a unique reference number. The OPCC will provide a reference number for all reports received.
- 4.2 A recording decision will be made for all eligible complaints in line with [Independent Office for Police Conduct Regulations 2020](#) and will consider the following options:
- a. Reasonable and proportionate handling outside Schedule 3 of the Police Reform Act 2002 (provide explanation)
 - b. Recorded and handled under Schedule 3
 - c. Referral to IOPC
 - d. Investigation
- 4.3 Paragraphs 6.26 and 6.27 of the IOPC Statutory Guidance set out the circumstances in which complaints must be recorded under Schedule 3 of the Police Reform Act 2002. Paragraphs 6.30 and 6.31 provide further guidance on additional factors to be considered when determining whether a complaint should be recorded.
- 4.4 When making a recording decision, consideration must be given to whether the matter, if proven, could amount to misconduct or warrant disciplinary action. This includes matters that may potentially result in unsatisfactory performance procedures. The assessment must be based on the nature of the allegations rather than the perceived merits or likelihood of the complaint being upheld.

- 4.5 There are also circumstances where a complaint initially considered suitable for handling outside Schedule 3 must instead be formally recorded and handled under Schedule 3. In such cases, the complaint must be formally recorded and dealt with in accordance with the statutory complaints framework.

5. IOPC Referral Criteria

- 5.1 A complaint or conduct matter will be referred to the Independent Office for Police Conduct (IOPC) where it meets the statutory referral criteria, in accordance with the [Independent Office for Police Conduct Regulations 2020](#) and associated guidance for police and local policing bodies.
- 5.2 The mandatory referral criteria includes any complaint relating to a chief officer where the appropriate authority is unable to satisfy itself from the complaint alone that the conduct complained of, if proved, would not justify the bringing of criminal or disciplinary proceedings. The test must be applied to the nature of the complaint alone, and not to the merit of the allegation. Any complaints involving a Death or Serious Injury linked to police contact will be recorded as a DSI matter and considered for referral to the IOPC.
- 5.3 Where a complaint or conduct matter has been referred to the IOPC and is subsequently returned to the OPCC for local handling, the matter will be formally assessed by the Chief Executive or Director of Performance and Accountability, acting under delegated authority.
- 5.4 This assessment will determine the appropriate course of action, including whether the matter should be recorded, investigated, or otherwise handled in line with the relevant legislative framework and Statutory Guidance. In undertaking this assessment, consideration will be given to any directions or recommendations provided by the IOPC.
- 5.5 Complainants also have the right to make a complaint against Avon and Somerset police directly to the IOPC. Information on the work of the IOPC and the national police complaints process can be found on the [IOPC website](#). Following receipt of a complaint the IOPC may pass complaints back to the Local Policing Body for handling.

6. Complaint Handling

- 6.1 Complaints will be handled in line with the assessed method and in line with the [Independent Office for Police Conduct Regulations 2020](#).
- 6.2 Recorded complaints will be handled by the OPCC Chief Executive or under delegation by

the Director of Performance and Accountability.

- 6.3 The OPCC will provide a written outcome to all complaints against the Chief Constable.
- 6.4 A right of review will be offered to eligible complaints, with the IOPC as the Relevant Review Body. This right will be offered within the complaint outcome letter.

7. Review and Oversight

- 7.1 All Chief Constable Complaints will be recorded on the OPCC case management system and retained in accordance with the organisation's data retention policy and relevant legislation, including the UK GDPR.
- 7.2 Eligible complainants will be offered a right of review to the IOPC in line with [Independent Office for Police Conduct Regulations 2020](#). As the review body the IOPC will scrutinise and consider how eligible complaints have been handled reasonably and proportionately in line with regulations.
- 7.3 The Chief Executive will retain oversight of all matters handled under their delegation.
- 7.4 Feedback from complainants in relation to the handling of Chief Constable complaints will be considered by the OPCC Chief Executive in accordance with OPCC procedures.

8. Document Control

Policy Statement Information	
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