

Our Reference No: 1004178



independent
police complaints
commission

comisiwn cwynion
annibynnol
yr heddlu

PO Box 473
Sale M33 0BW

Blwch Post 473
Sale M33 0BW

Tel/Ffôn: 0300 020 0096

Fax/Ffacs: 0207 166 3306

Text relay/Cyfnewid Testun: 18001 0207 166 3000

Email/E-bost: enquiries@ipcc.gsi.gov.uk

Web/Gwefan: www.ipcc.gov.uk

Mr Richard Taylor

Sent by email to: request-183805-a24e809a@whatdotheyknow.com

19 December 1013

Dear Mr Taylor

Your Request for Information

Thank you for your email received on 6 November 2013, regarding a request for information. I apologise for the delay in response.

I note that you have requested :

"... a list of all complaints against Police and Crime Commissioners which the IPCC are aware of; providing for each:

- *The Police and Crime Commissioner involved*
- *Brief details of the complaint*
- *The current status of the complaint / investigation (or if an outcome has been reached what that was)."*

I confirm that the information you have requested is held. However, having considered your request under the Freedom of Information Act 2000, I find that I am prohibited from disclosing the information to you by virtue of an exemption provided at s40(2), because it constitutes the personal data, and in certain cases the sensitive personal data, of third parties.

The exemption provides that personal data about third parties is exempt information if disclosure would breach any of the data protection principles as outlined in the Data Protection Act 1998. The first data protection principle concerns fairness, and provides that as well as being fundamentally fair and within the reasonable expectations of the individuals involved, certain conditions must also be met before information can be disclosed. The conditions are laid out in schedule two, and in the case of sensitive personal data, schedule three of the Act. I have concluded that conditions are not met in this instance.

Therefore, this information is exempt from release.

It may be helpful if I explain more about the types of records that we hold that fall within the scope of your request for complaints that *"the IPCC are aware of"*.

The appropriate authority with responsibility for considering complaints made about a Police and Crime Commissioner is the relevant Police and Crime Panel (PCP). If any complaints are sent to the IPCC, our role is simply to forward them to the appropriate authority for consideration. Records are held regarding such direct complaints but we have no record of the investigation or decisions in relation to the allegations made.

There have been occasions when the IPCC has been copied into a complaint that has already been sent to the appropriate authority. A record has been made of such correspondence, but no further action has been taken by the IPCC.

Some of the complaints were the subject of a referral to the IPCC. To explain further, the PCPs are required to refer serious complaints and conduct matters that constitute or involve the commission of a criminal offence. Following assessment of the referral, we may decide to independently investigate such complaints, to provide oversight by managing the investigation; or otherwise to refer the matter back to the PCP.

The records held do not necessarily represent a comprehensive record of all complaints made about the Police and Crime Commissioners. To obtain a full list of all complaints recorded against each Police and Crime Commissioner, you would need to make a request to each PCP.

To assist you as much as possible, I have provided statistical information about the number of complaints that we are aware of that relate to Police and Crime Commissioners. I can confirm that we are aware of a total of 58 complaints made about 31 of the Police and Crime Commissioners. Of these:

- 20 relate to referrals that were returned to the PCP for investigation;
- 1 relates to a referral where the mode of investigation is still being considered;
- 30 were direct complaints that we forwarded to the appropriate PCP for consideration;
- 3 were complaints that were copied to the IPCC as well as being sent directly to the PCP;
- 4 were referrals that have resulted in independent investigations by the IPCC. Information about the independent investigations is available in the public domain via the following links on our website:

<http://www.ipcc.gov.uk/news/ipcc-investigating-pccs-employee-benefits-while-he-was-senior-police-officer>

<http://www.ipcc.gov.uk/news/ipcc-has-concluded-its-investigations-police-and-crime-commissioners-north-wales-and-hampshire>

<http://www.ipcc.gov.uk/investigations/clive-grunshaw-pcc-lancashire-police>

<http://www.ipcc.gov.uk/news/ipcc-has-concluded-its-investigations-police-and-crime-commissioners-north-wales-and-hampshire>

If you are not satisfied with this response you may request an independent internal review by our FOI appeals officer, who has had no involvement in dealing with your request. If you wish to complain about any aspect of this decision, please contact:

Colin Woodward
Acting Director of Human Resources, Procurement and Estates
Independent Police Complaints Commission
90 High Holborn
London WC1V 6BH

All emails requesting a review should be sent **directly** to: foi@ipcc.gsi.gov.uk

Should you remain dissatisfied after this internal review, you will have a right of complaint to the Information Commissioner; however, I should point out that under section 50(2)(a) of the Freedom of Information Act, you are normally obliged to exhaust the IPCC's own internal complaint mechanism before complaining to the Information Commissioner.

Yours sincerely

A handwritten signature in dark ink, consisting of a large, stylized 'C' followed by a horizontal line and a loop.

Caroline Wilson
FOI/DPA Officer
Casework and Customer Services Directorate
Independent Police Complaints Commission
Tel: 0161 246 8561
Email: ICCS_FOI&DPA@ipcc.gsi.gov.uk

