

Local Resolution and Consent from a complainant

A complaint suitable for Local Resolution is one where, even if proven, the alleged conduct would not result in criminal proceedings, formal misconduct or amount to a breach of Article 2 or 3 of the Human Rights Act.

"The complainant's consent is no longer required in order to resolve a complaint locally. However, for local resolution to be successful it must remain a two-way dialogue." (IPCC Statutory Guidance, paragraph 1.23).

When assessing an appeal, the DPS appeals Unit will consider the following points:

- 1. Any representations from the complainant regarding why the outcome (LR) is not a proper outcome.***
- 2. Whether an action plan was drawn up and agreed with the complainant.***
- 3. Whether both the complainant and the person complained against had the opportunity to comment on the complaint during the LR process.***
- 4. Whether any explanation was sufficiently clear and comprehensive to address the complainant's concerns.***
- 5. If no apology has been given as part of the outcome, whether an outcome would be appropriate, taking into account the substance of the complaint.***
- 6. Whether there is any learning from the complaint and whether this has been identified & communicated to the complainant.***

So, a complaint that is by definition, suitable for LR does not require explicit consent, but a number of steps are still required in order to complete a complaint under the LR process. An appeal lodged purely on the basis that consent was not obtained will not be upheld, so long as the above 6 points are adequately covered.