

Jersey Police Complaints Authority Complaints Procedure

The Authority operates its own internal complaints procedure in respect of complaints received about its members and staff.

The JPCA will be open and transparent in dealing with complaints against it.
The JPCA will endeavour to meet the reasonable expectations of all complainants.
The JPCA will try to resolve issues as quickly as possible and at the right level.

Purpose of Complaints Procedure

The purpose of the JPCA complaints procedure enables individuals to voice their concerns regarding the conduct of the Administrator, Chair, Deputy Chair and Members of the Authority pursuant to their primary oversight role of complaint investigations against the police. The procedure identifies how a matter will be investigated when an allegation is regarded as a serious or non-serious complaint. The JPCA will treat each complaint with all due seriousness, especially where it identifies issues that can benefit, change or improve its service to the public. Where a complaint, either serious or non serious identifies any issue either with the conduct of an individual or with the processing of a complaint against the police, the JPCA will seek to take immediate action to address such an issue either through a formal or informal process. The JPCA will be open and honest when dealing with complaints against itself. Where our quality of service is an issue we will endeavour to resolve this as quickly as we can and apologise when we have failed to meet reasonable expectations irrespective of the outcome of any formal complaints procedure.

Complaints Guidance

The following guidance is for complaints that are dealt with under this procedure as well as for complaints where this procedure does not apply, (for the purpose of this guidance – a 'complaint' refers to the complaint against the JPCA and its work or a member of its staff and not a complaint made against the police).

Respect and Courtesy

All complaints received by the JPCA will be given careful consideration and all persons making complaints will be treated with respect and courtesy. In return, it is expected that persons making complaints will treat staff of the JPCA with equal respect and courtesy during and after investigation into a complaint.

Disability

If a person wishing to make a complaint has a form of disability, the JPCA will take whatever steps are reasonable and practical to ensure that adequate measures are provided for the person concerned to express fully the facts of the matter they are complaining about.

Definition of a Complaint

The JPCA will treat as a complaint in the first instance any expression of dissatisfaction concerning the conduct of a member of its staff or a member of the Authority in the performance or discharge of their duties. A complaint which is determined not to be a conduct complaint but which is still an expression of dissatisfaction concerning a member of staff or a member of the Authority, which is levelled at the JPCA in general may still be treated as a complaint.

Who Can Make a Complaint?

Any person, (or person acting on their behalf), may make a complaint where as a result of an act of omission by a member of the JPCA staff or a member of the Authority, that person has been adversely affected in some way; a person is not considered as being directly affected only in that they witnessed the matter complained of.

Complaints against JPCA Members & Members of Staff - Information required

All complaints should be made in writing and this includes email unless this is not practically possible for reasons of disability. Written complaints provide the best method of ensuring that the whole complaint is captured. However, in those cases where a written complaint is not possible such as in cases of disability or if a person experiences difficulty in writing, a complaint may be made with the support of an appropriate amanuensis.

In all cases anyone making a complaint must complete the JPCA complaints form available from the address below and should:

- Clearly provide all personal information such as name, address, telephone/mobile number and post code
- Outline which members, member of staff or Authority Member they are complaining about and provide sufficient information for an investigation into their complaint to be conducted

Chair
Jersey Police Complaints Authority
PO Box 707
St Helier
Jersey
JE4 0PN

The complainant must provide evidence to show that the Authority member has behaved in a way that breaches the JPCA Code of Conduct and therefore amounts to misconduct.

The JPCA Code of Conduct is available from the JPCA. Complaints regarding the outcome of a complaint against the police will not be treated as a misconduct complaint.

Complaints Procedure

If the complaint concerns the conduct of the Chair, the complaint shall be referred immediately to the Deputy Chair. If the complaint concerns the conduct of the Deputy Chair or a Member receives a complaint about his or her conduct he or she should refer the complaint immediately to the Chair. If the Administrator receives a complaint about their conduct they should immediately refer the matter to the Chair.

Upon receipt of a complaint whether directly or referred from a fellow Member or member of staff, the Chair, or as the case may be the Deputy Chair, shall liaise as soon as practicable with the person who filed the complaint to obtain more information and ascertain whether the complaint is capable of Local Resolution with the complainant. All complaints will be subject to a preliminary examination into the complaint. The purpose of this examination is to eliminate complaints that are malicious, frivolous or repetitious and complaints against competence, process or the outcome (of an SOJP investigation into the police), which have been dressed-up as a misconduct complaint.

Local Resolution

Should a complaint be determined not serious following the initial severity assessment, (see procedure for non-serious complaints below), then the complaint will be determined by Local Resolution. If the complaint cannot be resolved by way of Local Resolution (informal Resolution) with the complainant, the Chair (or Deputy Chair as the case may be) shall collate all documentation and evidence relating to the complaint and, if not having done so already, shall take a detailed statement of the complaint from the complainant. Where possible this process shall be completed within fourteen days from the receipt of the complaint.

Having considered all the documentation and information the Chair (or Deputy Chair) shall first determine whether the complaint relates to the supervision of a particular investigation the result of which is that the complainant is unsatisfied with the investigation as opposed to individual conduct. The Chair (or Deputy Chair) shall notify the complainant immediately that the complaint should be dealt with by way of an administrative appeal or judicial review of the Authority's decision. In such circumstances the Chair (or Deputy Chair) shall notify the complainant that his or her complaint does not fall to be determined under the Authority's Complaints and Discipline procedures.

Severity Assessment

The Chair (or Deputy Chair) shall conduct a severity assessment of the complaint. A complaint will be determined to be **serious** if it would, (if proved), be likely to result in the removal or suspension of the Chair, Deputy Chair or a Member. The matter shall be referred immediately to the Home Affairs Minister (the Minister). The Chair or Deputy Chair shall arrange a meeting with the Minister to discuss the case at the earliest opportunity and the possible suspension or removal from office of the subject of the complaint.

In any case where the complaint is such that there could be a claim for damages or compensation against the Authority and/or the Chair, Deputy Chair or any Member, the Minister shall be notified accordingly in order that the Minister may take the appropriate steps to notify the States of Jersey public liability and/or professional indemnity insurers.

Procedure – Serious Complaints against a Member of the Authority

When a complaint is received:

- a) A record of the complaint will be made
- b) A careful determination (severity assessment) will then be made by the JPCA Chair/Deputy Chair as to whether the allegations indicate that the matter may be a serious complaint.
- c) All persons making a complaint will:
 - Have their complaint acknowledged
 - Be informed that a record has been made of their complaint
 - Be given a reference number

March 2025

- Be informed as to who will investigate their complaint.
- d) The individual Members or staff concerned, who are the subject of the complaint, will be duly informed unless to do so would prejudice an investigation or that it would be contrary to the public interest.
 - e) If the investigation into the alleged conduct determines that the Authority Member or Administrator has a case to answer, the person making the complaint will be informed accordingly – the complaint will be recorded as a conduct complaint and a disciplinary hearing will be held in accordance with the JPCA's internal disciplinary procedure or in the case of the Administrator referred to the HR department of Community & Constitutional Affairs.

Should the complaint be determined to be serious, resulting potentially in the removal from office of the Chair, Deputy Chair or a Member, having referred the complaint to the Minister (as outlined above) the Chair or Deputy Chair shall embark upon the full disciplinary process by convening a panel of members (not the subject of the complaint or otherwise involved with the complainant or the matter giving rise to the complaint) ("the Disciplinary Panel") to determine the complaint and notify the Minister of its findings and recommendations. Where possible the process of convening the Disciplinary Panel and determining the complaint shall be completed within six weeks of the receipt of the complaint. The complainant shall be kept apprised of all developments during this process.

All Disciplinary Panel meetings shall be held at the Authority's office and minutes shall be taken of such meetings and the Disciplinary Panel's findings. The Disciplinary Panel shall consider such documentation and information as it considers appropriate and may, at its sole discretion, invite interested parties to address the Disciplinary Panel in person.

Should a complaint be deemed to be substantiated by the Disciplinary Panel, the Minister shall be notified of the outcome of the Disciplinary Panel's findings and recommendations and where necessary the Chair, Deputy Chair or Member shall be removed from office by the States on the recommendation of the Minister. However, if the Chair, Deputy Chair or Member wishes to resign from office during this process or any part thereof he or she may resign his or her position by giving written notice to the Minister in accordance with the Police (Complaints and Discipline) (Jersey) Law 1999 as amended. If a Member resigns during the complaint procedure, any incomplete investigation would cease and the complaint would fall away.

If the complaint has been found to be substantiated the Chair or Deputy Chair shall communicate in writing as appropriate with the complainant outlining the action taken.

The complainant shall be notified when the Disciplinary Panel determines that the complaint is unsubstantiated. As the Authority is accountable to the Minister if a complainant is aggrieved by the decision of the Disciplinary Panel he or she should refer to the Minister.

Procedure – Non-Serious Complaint

If a complaint is received and after a determination (severity assessment) by the Chair/Deputy Chair it is considered **not** to be a serious complaint, having considered the views of the subject of the complaint, then the following procedure will apply:

- a) A record of the matter will be made
- b) The Chair/Deputy Chair will make a determination as to how the matter should be dealt with.
- c) The person making the complaint will be notified that a record has been made of their complaint and informed of the reference number and how the matter will be dealt with.
- d) At the conclusion of all inquiries and investigation into a non-serious complaint, the Authority will communicate in writing to the complainant what lessons have been learned and if applicable what actions are to be taken, and where appropriate apologise.
- e) If a matter is subsequently found to be a serious complaint, the person making the complaint will be informed that the above procedure for dealing with serious complaints applies.

Investigation of Complaints against staff members

When any complaint has been received and following its provisional assessment – the matter may be:

- a) Referred to the appropriate line manager (HR department – Department of Community & Constitutional Affairs) for investigation and response.
- b) In some instances, it may be appropriate for the investigation to be referred to another manager for investigation.
- c) Dealt with directly by the Chair or Deputy Chair of the JPCA.

This will be considered on a case-by-case basis and in all instances the person making the complaint will be appropriately informed as to who is dealing with the matter.

Response Time

March 2025

The JPCA aims to acknowledge any complaint made within five working days – and to have a response to the complaint within twenty working days from receipt, unless this is not practical in which case the person making the complaint will be notified in writing together with an estimate as to when the matter should be concluded.

Outcome

All complainants will be notified in writing as to the outcome of their complaint, and where a complaint, (serious or non-serious) is substantiated, they will be informed as to the action the JPCA intends to take regarding that matter.

Complaints Not Investigated

If on receipt of a complaint it is found that:

- a) It is more than 12 months or so after the incident complained of, and that no good reason for the delay has been shown; or
- b) The complaint concerns a matter which is already the subject of a complaint; or
- c) The complainant does not disclose their name and address and it is not reasonably practicable to ascertain this information; or
- d) The complaint is vexatious, oppressive or is otherwise an abuse of the procedures for dealing with complaints; or
- e) The complaint is repetitious, (i.e. it is substantially the same as a previous complaint in that it provides no new information or that it had previously been withdrawn by the person making the complaint); or
- f) It is not reasonably practicable to complete a satisfactory investigation of the complaint (i.e. it was not reasonably practicable to communicate with the complainant or a person acting on their behalf or that the person making the complaint failed or refused to supply the necessary information to undertake an investigation – in those instance the complaint may be the subject of a dispensation in that no further action will be taken to investigate the matter complained of.

The JPCA will, after due consideration, notify the complainant and the personnel subject of the complaint about the decision to dispense with any procedure in relation to a complaint unless it would be contrary to the public interest.

Additionally, if the JPCA receives notification from a complainant that they withdraw the complaint or that they wish no further action to be taken in respect of the complaint, then that complaint may be the subject of a dispensation as to any further action being taken.

Appeals

There is no provision for an appeal following a completed investigation into complaints against the Chair, Deputy Chair, Members of the Authority or member of staff of the JPCA. If however, the person, making the complaint feels that they have new or fresh evidence that was not available at the time of making the complaint, then they may submit this to the Chair of the JPCA – the matter will be appropriately given due consideration and a reply sent – unless the matter falls within the criteria for **Complaints Not Investigated** referred to above.