

AVON AND SOMERSET POLICE AND CRIME PANEL

9 OCTOBER 2018

COMPLAINTS AGAINST THE POLICE AND CRIME COMMISSIONER

PURPOSE OF THE REPORT

1. To provide members of Avon and Somerset Police and Crime Panel with oversight of all complaints made against Avon and Somerset Police and Crime Commissioner, for scrutiny of the initial handling by the Chief Executive of Avon and Somerset Police and Crime Commissioner's Office.

BACKGROUND

2. Avon and Somerset Police and Crime Panel (the Panel) is the Appropriate Authority to handle complaints against the conduct of 'Relevant Office Holders', being Avon and Somerset Police and Crime Commissioner (PCC) and Deputy PCC if one is appointed, according to statutory regulations of the Elected Local Policing Bodies (Complaints and Misconduct) Regulations 2012 and as referred to in the Police Reform and Social Responsibilities Act 2011, section 31 and schedule 7.
3. However, the initial handling, which includes categorisation, recording decision-making, referral of criminal allegations to the Independent Police Complaints Commission (IPCC), disapplication decision-making, and responding to the complainant in the first instance, has been delegated by the Panel to the Chief Executive in the Office of Avon and Somerset Police and Crime Commissioner, with scrutiny and oversight of all complaints and any escalation for informal resolution, remaining with the Panel.

SUMMARY OF COMPLAINTS RECEIVED

4. There have been no complaints since the last Police and Crime Panel meeting report against the *conduct* of the Police and Crime Commissioner ('conduct' including acts, omissions, statements and decisions (whether actual, alleged or inferred)). One complaint has been finalised by the Panel and two complaints still remain live.
5. Please refer to the summary table in Annex 1.
6. Complaint case 24 has been confirmed as closed by the former host Authority for the Panel, on 23 July 2018, who tried to reach the complainant but could not make contact. Given the length of time since the initial complaint, i.e., 12 January 2017, the former host Authority authorised the sign-off that Bristol City Council consider the matter closed and it is in their responsibility.

7. Complaint case 26 is still on hold, at the request of the complainant in August 2017. No information has been received to change the statement that the complainant is awaiting progress with a complaint against Kent Police.
8. Complaint case 28 was made on 16 August 2018. A complaint was initially made against the conduct of a Police Officer, which had been finalised. The Complainant then made a complaint against a Chief Inspector of Avon and Somerset Constabulary who had been the complaints investigation officer. This complaint was not initially recorded. Therefore, the complainant made a complaint against the Chief Constable and Police and Crime Commissioner for knowing about the complaint. The complaint against the Chief Inspector was belatedly recorded and investigated. The complaint against the PCC was informally resolved by way of an explanation of the role of the PCC and that the Constabulary's Professional Standards Department (PSD) is the appropriate authority to make a recording decision (the Chief Constable has delegated this power to the PSD). It was explained that the PCC would have oversight of the complaint to ensure that it followed the legislated process. The complainant replied that the explanation was acceptable and the matter would be allowed to rest. However, the complainant still had the right to appeal to the Independent Office for Police Conduct (IOPC) by 21 September 2018.
9. All complaints to date have had Panel oversight, including those solely handled by the PCC's Chief Executive Officer.
10. All electronic complaint files are available at the office of the Police and Crime Commissioner for viewing by the Panel, if requested. The document retention period is in accordance with the published Record Retention Policy and this is currently eight years.

EQUALITY IMPLICATIONS

11. There are no equality implications arising from the handling of complaints against Avon and Somerset PCC. The protected characteristics of complainants are not necessarily known, and all complaints are logged and published in an open and transparent manner.

RECOMMENDATIONS

12. Members are asked to review and comment on this complaints report and to advise of any recommendations or requests for informal resolution through the statutory process of escalating complaints against the PCC to the Panel.

JOHN SMITH
CHIEF EXECUTIVE