

AVON AND SOMERSET POLICE AND CRIME PANEL

13 DECEMBER 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 has been one complaint 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 one complaint still remain live but on hold at the request of the complainant.
5. Please refer to the summary table in Annex 1.
6. 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. A letter has been sent to the complainant in order to proceed and finalise this matter.
7. Complaint **case 28** has been finalised and closed. The complaint was made on 16 August 2018 and summarised in the last report to the Police and Crime Panel. On 24 August 2018 a reply was sent and the complainant replied on the same day that the explanation was acceptable and the matter would be allowed to rest. The

complainant made the same complaint against the Chief Constable and accepted the explanation (the power to delegate) and did not appeal to the Independent Office for Police Conduct (IOPC) by the 21 September 2018 deadline (28 days).

8. Complaint **case 29** has been recorded, responded to and closed, with no escalation made to the Police and Crime Panel. The complainant's complaint on 7 October 2018 stated that PCC (and Chief Constable) oversee how Avon and Somerset operate when it comes to dealing with complainants and complaints. This relates to two aspects:
 1. A locally resolved complaint against the Police. The complaint alleged that a member of staff delayed in formally warning witnesses (the complainant's parents) that a trial date had been set; they were aware only 2 days before but the witnesses could not attend at such short notice given their disabilities and without any family support; the complaint also included the allegation that this resulted in the case being dismissed, citing 'no evidence offered due to the non-attendance of witnesses'. The complaint, handling by the Constabulary's Professional Standards Department (PSD) was finalised with an apology and actions taken, which the PCC sought assurances and received a briefing of the procedural changes made by the Lighthouse/Safeguarding Unit. The appeal made against the complaint outcome was not upheld;
 2. A complaint against the Chief Constable regarding being responsible for the Victims unit (Lighthouse) and the PSD. This is a delegated power for the Chief Constable and this explanation has been provided to the complainant, within the non-recording decision about the complaint. No appeal was made to the IOPC. The informal resolution reply letter was sent to the complaint on 16 October 2018, summarising the role and remit of the PCC. There was no conduct issue against the Police and Crime Commissioner and no further action taken.
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 PCC's office 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