

AVON AND SOMERSET POLICE AND CRIME PANEL

5 FEBRUARY 2019

REPORT OF THE CHIEF EXECUTIVE

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 remains live but on hold at the request of the complainant.
5. Please refer to the summary table in Annex 1.
6. Complaint **case 26** has been finalised and closed. This complaint had been on hold, at the request of the complainant, since August 2017. A letter was sent in November 2018 to the complainant in order to proceed with this matter. The complainant replied, giving the complaint allegation. In December 2018 a reply was sent to the complainant, with an explanation of the PCC's role as well as the PCC's past actions regarding this specific matter. No response or appeal has been received and the case is now closed.

7. Complaint **case 30** is a live complaint, received on 20 December 2018 and it has been recorded. The original email was copied to the Police and Crime Panel Chair, one Panel member and the Principal Democratic Services Officer, as well as to MPs and others. The decision has been made to escalate this complaint directly to the Panel to handle.
8. All complaints to date have had Panel oversight, including those solely handled by the PCC's Chief Executive Officer.
9. 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.

UPDATE ON PROPOSED CHANGES TO THE COMPLAINTS SYSTEM

10. The latest update we have is that Parliament may push back implementation of complaints system reform again from 2019 (initially 2018) to 2020. However, Avon and Somerset Constabulary's Professional Standards Department are already embracing the proposed Regulations, such as using the early intervention process to informally resolve complaints at the earliest opportunity, providing an apology and recognising learning where appropriate and being complainant-focussed. The PCC welcomes the proposed new role to be responsible for the reviews of complaints (currently called appeals) and will involve the Independent Residents' Panel members when this new process is introduced. We have recruited a new member of our team to lead on complaints and conduct matters and they will be joining us shortly.

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