

## AVON AND SOMERSET POLICE AND CRIME PANEL

26 JUNE 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 two 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)).
5. There are a total of 4 live complaints against the PCC at this time.
6. Please refer to the summary table in Annex 1.
7. Complaint **case 30** remains a live complaint, received on 20 December 2018 and 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 complaint was escalated directly to the Panel to handle.
8. Complaint **case 31** remains a live complaint, received on 22 January 2019 and recorded. The complaint has been escalated directly to the Panel to handle.

9. Complaint **case 32** is live complaint received on the 20<sup>th</sup> March 2019 and recorded. The original email was copied to Principal Democratic Services Officer and escalated directly to the Panel to handle.
10. Complaint **case 33** is live complaint received on the 10<sup>th</sup> April 2019 and recorded. The original complaint was reported directly to the panel and has remained with the Panel to handle.
11. All complaints to date have had Panel oversight, including those solely handled by the PCC's Chief Executive Officer.
12. 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**

13. As previously advised, implementation of complaints system reform has been further pushed back 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. In preparation for new arrangements, a police officer has joined the OPCC on secondment from the Constabulary to lead on arrangements for appeals.

#### **EQUALITY IMPLICATIONS**

14. 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**

15. 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**