

# Avon and Somerset Police and Crime Panel

8<sup>th</sup> October 2019

**Title:** Complaints Sub-Committee

## 1. Purpose of Report

The Panel is invited to:-

- (a) re-establish the Complaints Sub-Committee and determine membership until the next set of local authority elections or any changes in the Independent Member membership
- (b) consider the proposed amendments to the current Terms of Reference
- (c) delegate authority to the Chair to agree the final complaints handling process following discussions with the OPCC, and subject to a report for information to the next Panel meeting.

## 2. Summary

The Panel is responsible for handling non-criminal complaints against the Commissioner and criminal complaints and conduct matters that are referred back to the Panel by the Independent Office for Police Complaints (IOPC). Arrangements for the Panel's role in complaints handling are set out in Part 4 of the Elected Local Policing Bodies (Complaints and Misconduct) Regulations 2012 and accompanying Home Office Guidance <http://www.legislation.gov.uk/ukxi/2012/62/contents/made> and [Complaints\General\Home Office guidance.pdf](#). The Panel's Complaint's Protocol (revised in May 2018) is attached for information at Appendix A to this report and is also available on the Panel's website.

3. In 2012, the Panel delegated the initial consideration and resolution of complaints to the Chief Executive and Monitoring Officer in the Office of the Police and Crime Commissioner (OPCC). This delegation is provided for in the legislation and an overview of relevant complaints is provided by the OPCC in the form of a monitoring report to each Panel meeting. There is also regular liaison between officers in the period in between meetings. However, the Panel is the final arbiter of complaints against the Commissioner and the protocol sets out the circumstances when a complaint may be escalated to the Panel:-

- When the complainant is not satisfied with the OPCC's attempt at resolution
- The CEO considers there is an actual or perceived conflict of interest
- The IOPC refers a complaint back to the Panel for resolution\*
- There is a request for a review/escalation of a complaint by a Panel Member

\*The Panel is not responsible for investigating or determining whether a crime has been committed. Any conduct matter and any serious complaint (a complaint about conduct that constitutes or appears to involve, the commission of a criminal offence) must be reported to

the IOPC “without delay and in any case not later than the end of the day after the day it first becomes clear that it is a matter which must be referred.”

4. Between 2012 and 2014 consideration of complaints against the Commissioner was a whole Panel function. However, to provide flexibility, utilise the expertise of members and ensure complaints are dealt with swiftly, the Panel formed a sub-committee to deal with the complaints that are escalated to the Panel. The Terms of Reference agreed at that time are attached as Appendix B.
5. The Panel is a member-led body and recent experience of complaints suggests that the Panel should appoint a Link Member to lead and maintain an overview on complaints that are escalated to the Panel with advice, guidance and support provided by the Lead Officer. This would also provide a filter for the less serious complaints and ensure that meetings of the sub-committee are only held when necessary. A meeting with the OPCC has been arranged to consider some changes emerging from the recent experience of the sub-committee and to refresh and align the complaints handling process with the appointment of a Link Member. This piece of work is being taken forward by Clare Torrible, Independent Member, who is currently a member of the sub-committee and who has relevant professional experience of complaints.
6. The following will form the basis of discussions with the OPCC:-
  - A written context report will be provided when a complaint is referred to the Panel to provide a structured approach to the process. This was agreed at a recent meeting with the OPCC. Email correspondence will inevitably feature as background information to test the commentary in the report against.
  - The referral should include a copy of OPCC attempt at resolution, an introduction in the report which sets out what is the OPCC’s understanding of the substance of the complaint ie. the precise issue that the complainant is aggrieved about, and any relevant commentary and explanation.
  - Opportunity for dip sampling – this has been in place since 2012 and an appropriate mechanism for how this can work in practice will be discussed at the meeting with the OPCC.
  - Lead Officer to liaise with the Panel’s Link Member in the first instance and subsequently with the complainant. It is proposed that the Link Member will decide if the Complaints Sub-Committee needs to meet to consider the complaint. A decision taken as to whether OPCC has satisfactorily dealt with complaint or if it is necessary to refer back to the OPCC on any additional points – subject to representations from the complainant.
7. In the meantime, the Panel is invited to endorse the appointment of the Chair (Richard Brown) and Vice-Chair (Andrew Sharman) to the sub-committee. The current Terms of Reference require the appointment of two more Panel Members. One member of the sub-committee is required to act as the Link Member and the Panel is invited to appoint this member. Volunteers are sought and these should be members with an interest in this work area and/or relevant experience plus

the ability to commit time when required. The Panel is aware that any protracted complaints are exceptional and the general involvement of sub-committee members in the complaints handling process is not onerous.

**Patricia Jones**  
**Lead Officer**

Avon and Somerset Police and Crime Panel

[PLjones@somerset.gov.uk](mailto:PLjones@somerset.gov.uk)

Tel – 07855284506