

AVON AND SOMERSET POLICE AND CRIME PANEL

8 OCTOBER 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 have been five 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 is a total of 1 live complaint against the PCC at this time.
6. Please refer to the summary table in Annex 1.
7. Complaint **case 38** remains a live complaint, received on 30th August 2019. An acknowledgement and request for further information was sent on the 12th September 2019 and the Police and Crime Panel have been notified.
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

Police Integrity Reforms

10. The Home Office wrote to all Constabularies and Appropriate Authorities on the 30th July 2019 to confirm that they were invoking the 6 month preparation period for the implementation of the new complaints and conduct legislation. The new process will be more customer focused and is designed to be more expedient, transparent and independent with an increased remit of oversight by the OPCCs. The objective of the reform is to make the system less adversarial and learning is placed at its heart.
11. Training has been commissioned by the Home Office for practitioners and the IOPC are also seeking to provide additional training for OPCCs on complaints against Chief Constables. We are waiting for confirmation of dates at this stage but all relevant staff will be attending.
12. The intention of the final phase of reforms is to deal with the majority of lower level of misconduct outside of the disciplinary process by implementing 'Practice Requires Improvement'. The national view is that a professional readjustment is required to embrace this approach. This new category will replace Management Action and Management Advice and will capture allegations where an officer's conduct may need improvement. The intention is that an officer can be open and reflective, confident that disciplinary proceedings will not follow, leading to learning and improvement rather than blame.
13. The PCC has elected to take over the Reviews process (formally known as Appeals) which was the mandatory option provided by the Home Office. The OPCC are already embracing the ethos of the new legislation and the Constabulary's Appeals Officer is seconded to the OPCC in readiness for the enactment of legislation where the role will pass to the OPCC. An action plan has been drafted and the Contacts and Conduct Officer continues to work with Professional Standards and the Appeals Officer to ensure a smooth transition. There are also changes to the Police Appeal Tribunal panel make up in that a 'lay person' will replace the retired officer position as the third wing member. The PCC has also opted to keep any further options under the legislation under review.
14. The new legislation will go live on the 1st February 2019.

Super Complaints

15. The process is that only designated organisations have the ability to submit a super complaint managed by HMIC. When super complaints are made they are considered by a panel comprising of the HMIC, IOPC and the College of Policing to agree appropriate action. HMIC will respond to the designated body setting out next steps within an agreed timescale. Avon and Somerset Constabulary do not have a localised

policy but revert to the guidance and timescales specified in the [Police Super Complaints Regulations 2018](#).

16. A meeting will be scheduled between the OPCC, the Panel Complaints Link Member and the Democratic Services Officer shortly to discuss the Panels expectations and views regarding the handling of complaints and the Reforms.

EQUALITY IMPLICATIONS

17. 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

18. 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