

AVON AND SOMERSET POLICE AND CRIME PANEL

11 DECEMBER 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 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 36** remains a closed with the OPCC however the complainant insists that he did not receive the outcome letter provided by the Panel. The OPCC has responded with a copy of the letter however the complainant does not accept this and is awaiting further response from the Panel.
8. Complaint **case 39** remains a live complaint. The complainant contacted the PCP by phone to enquire about making a complaint however this was not followed up. She

has since written to the Panel to confirm her complaint. Due to the nature of this complaint, it is not appropriate for the CEO to deal and therefore we await instruction from the Panel.

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.

UPDATE ON PROPOSED CHANGES TO THE COMPLAINTS SYSTEM

Police Integrity Reforms

11. The Home Office has written to all Constabularies and OPCC's to confirm that they are still aiming to lay the legislation before Parliament in December 2019 so that the changes can be enacted on the 1st February 2020. There is still a risk that this may be affected by the General Election.
12. The training commissioned by the Home Office for practitioners and the IOPC has now started and further dates are scheduled over the coming months. All relevant OPCC staff will be attending.
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 is on target with all the actions related to the changes and we do not foresee any issues that will affect this.

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