

AVON AND SOMERSET POLICE AND CRIME PANEL

23 JUNE 2020

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 new complaint since the last Police and Crime Panel however the complainant is yet to confirm their allegations and it is unclear whether this complaint relates to the actual conduct of the Police and Crime Commissioner ('conduct' including acts, omissions, statements and decisions (whether actual, alleged or inferred)).
5. Please refer to the summary table in Annex 1.
6. All complaints to date have had Panel oversight, including those solely handled by the PCC's Chief Executive Officer.
7. 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

8. The new Police Integrity Reforms have been live since the first of 1st February 2020. The OPCC has received 21 reviews to date under the new regulations and continue to work with the Professional Standards locally to fine tune processes to ensure that they are fit for purpose and comply with the new regulations.
9. The new process carries a potential risk of increased complaints to the Police and Crime Panel regarding the PCC's handling of these reviews as there is no further right of appeal once the review process is complete. Whilst the legislation does not give any provisions of how this should be managed by the Police and Crime Panel, it will need to be closely monitored and any approach should be devised and agreed collaboratively. To date we are not aware of any approaches to the Police and Crime Panel with dissatisfaction post review.
10. The OPCC attended the first regional meeting of OPCC leads for reviews and complaints to evaluate approaches to the review process and share best practice. Avon and Somerset PCC's were in a strong position with reviews and efforts to implement the ethos of the new regulations early have provided a solid infrastructure and transition into the new regime.
11. The new complaints system is now embedded and considered BAU moving forward.

EQUALITY IMPLICATIONS

12. 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

13. 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.

MARK SIMMONDS – INTERIM CHIEF EXECUTIVE