

AVON AND SOMERSET POLICE AND CRIME PANEL

13 OCTOBER 2020

REPORT OF THE CHIEF EXECUTIVE

COMPLAINTS AGAINST THE POLICE AND CRIME COMMISSIONER & DEPUTY 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 and Deputy, 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 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 8 new complaints since the last Police and Crime Panel with one resulting in a non-recording decision as the complaint did not relate to the actual conduct of the Police and Crime Commissioner ('conduct' including acts, omissions, statements and decisions (whether actual, alleged or inferred)).
5. 4 of the 7 recorded complaints in this period related to the policing response to the Black Lives Matter protest and a perception that the Police and Crime Commissioner had failed to instruct an appropriate police response. Explanatory responses were issued to try and provide reassurance and service recovery where appropriate.
6. There has been 1 complaint against the Deputy Police and Crime Commissioner in this period.
7. Please refer to the summary table in Annex 1.

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.

PCC COMPLAINTS IN RESPONSE TO REVIEWS

10. The new Review 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. A process has been discussed for management of these complaints and submitted to the Complaints sub-committee for their approval.
11. The OPCC have received 2 expressions of dissatisfaction in direct relation to the review outcome. Explanatory responses have been provided advising that a complaint is not the appropriate way to challenge a review outcome and directing the complainant to seek independent legal advice.
12. The Reviews process is still a relatively new and is being refined.

EQUALITY IMPLICATIONS

13. 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

14. 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