

## **AVON AND SOMERSET POLICE AND CRIME PANEL**

**28<sup>th</sup> September 2022**

### **REPORT OF THE CHIEF OF STAFF**

#### **COMPLAINTS AGAINST THE POLICE AND CRIME COMMISSIONER AND COMPLAINT REVIEW UPDATE**

##### **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 of Staff 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) 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 Office for Police Conduct (IOPC), disapplication decision-making, and responding to the complainant in the first instance, has been delegated by the Panel to the Chief of Staff 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 two new complaints recorded against PCC Mark Shelford since the last meeting of the Police and Crime Panel.

Complaint number 80 was received on 19/07/2022. The complaint is in relation to a review outcome decision. The complaint was originally made to the IOPC and was subsequently referred to the OPCC for handling. In line with the agreed PCC complaints process a letter was sent from the COS to explain recourse options available on 04/08/22. A response was received insisting that the PCC breached the code of conduct. A final outcome letter from the COS was sent on 19/08/22 to explain that no breach had been identified. A further response was received asking that the complaint was escalated to the PCP. PCP were notified of this request on 19/08/22 and were also sent details of the complaint along with background information.

Complaint number 81 was received on 23/08/22. The complaint is in relation to an allegation that the PCC failed to disclose information on a formal document. PCP were notified on 26/08/22 and a COS acknowledgement letter was sent to the complainant on 02/09/22. At the time of this report the complaint is still under investigation and in progress.

5. Complaint number 80 was originally made to the IOPC but was sent to the OPCC for handling. There have been no other complaints against PCC Mark Shelford received via the IOPC.
6. All complaints to date have had Panel oversight, including those solely handled by the PCC's Interim Chief of Staff. 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 six years.

### **COMPLAINT REVIEW UPDATE**

7. The complaint review process allows the PCC to independently scrutinise the outcome of complaints (upon application by an involved party). The process determines whether the complaint was handled lawfully and correctly.
8. The complaint review manager has handled 474 reviews to date. 20% of all reviews have been upheld and 67% not upheld. The remaining 13% were either void, ineligible or out of time. Recent feedback has been given to PSD by the Complaint Review Manager on thematic procedural matters identified through conducting reviews. Feedback has included highlighting the need to ensure that the correct review body is quoted in outcome letters and the importance for investigating officers to ensure that timely updates are given to complainants in accordance with section 11.9 of IOPC Statutory Guidance.

The OPCC continue to receive comparatively high volumes of complaint review requests but continue to turn around efficiently and significantly quicker than the MSF and national average.

### **EQUALITY IMPLICATIONS**

9. 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**

10. 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.

**Alice Ripley – Chief of Staff**