

AVON AND SOMERSET POLICE AND CRIME PANEL

8th December 2023

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.
5. Complaint number 93 was sent directly to the PCP on 28/09/23 and was handled by the PCP with support from the OPCC. The complaint allegations centre around the PCC's handling of a complaint review and the outcome. The complainant submitted considerable background information relating to previous complaints against police which was reviewed. No evidence relating to the allegations was identified as part of the review and the complainant was provided with an explanation around the outcome and findings via outcome letter by the panel.

6. Complaint number 94 was sent directly to the PCP on 25/10/23 and was handled by the PCP with support from the OPCC. Allegations relate to the PCC failing to hold the Chief Constable to account for refusing to investigate reports of alleged banking fraud. The complainant was provided with an explanation around the outcome and findings via outcome letter by the panel.
7. All complaints to date have had Panel oversight, including those solely handled by the PCC's 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

8. 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.
9. The complaint review manager has handled 679 reviews up to the end of October 2023. 19% were upheld, 69% not upheld and 12% were void.

RECORDED COMPLAINTS AGAINST THE CHIEF CONSTABLE

10. The OPCC has received and logged 1 new complaint against the Chief Constable since the last meeting of the Police and Crime Panel. After assessment the complaint was referred to the IOPC as a mandatory referral due to the nature of the allegations. The IOPC subsequently returned the complaint to the OPCC for handling in a reasonable and proportionate manner. This complaint is still live and awaiting further information and evidence from the complainant.
11. All complaints have been assessed and after fact-finding it was established that allegations relate to the actions of officers acting under delegated authority and not the personal conduct of the Chief Constable. None of the complaints received have been recorded under Schedule 3 of the Police Reform Act 2002.

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.

Alice Ripley – Chief of Staff