

# Independent Residents' Panel



## ANNUAL REPORT 2019



### Purpose of the Independent Residents' Panel (IRP)

The IRP consists of 9 independent panel members who are all volunteers representing the communities of Avon and Somerset. Their aim is:

*'To act as a 'critical friend' to the Police and Crime Commissioner (PCC) and to Avon and Somerset Constabulary by providing feedback on completed complaint files to the office of the PCC and to the Constabulary's Professional Standards Department (PSD). The Independent Residents' Panel (IRP) will review complaints against the police from a local citizen's viewpoint.'*

Further information can be found at:

[www.avonandsomerset-pcc.gov.uk/Openness/Scrutiny/Independent-Residents-Panel](http://www.avonandsomerset-pcc.gov.uk/Openness/Scrutiny/Independent-Residents-Panel)

There were four IRP meetings in 2019 and the panel reviewed complaints on a random 'dip sampled' basis within the following themes:

### March 2019 –

Complaints against the Police within the following Independent Office for Police Conduct (IOPC) complaint category:

- Other neglect or failure in duty: 20 complaints;

Plus the standing item of reviewing Early Intervention/Informally resolved complaint cases: 8.

### June 2019 –

Complaints against the Police within the following Independent Office for Police Conduct (IOPC) complaint categories:

- Other neglect or failure in duty: 8
- Organisational Complaints: 7

Plus the standing item of reviewing Early Intervention/Informally resolved complaint cases: 7.

### September 2019 –

Theme: Most Recently Closed and Mistaken Identity

- Most Recently Closed: 10
- Mistaken Identity: 3

# OVERVIEW OF THE YEAR

## Engagement at a high level

All of the IRP meetings are attended by a senior officer from the Professional Standards Department (“PSD”), the Chief Executive of the Office of the Police and Crime Commissioner (“OPCC”), and often by the Commissioner herself. The IRP were also delighted to welcome the Chief Constable to the March meeting where he spoke generally about the pressures and challenges facing the force. It is very positive to have engagement from the most senior officers in the constabulary and OPCC which means that the panel can raise issues directly at the highest level. A summary of issues raised by the panel which have resulted in demonstrable changes is set out opposite.

## Early Intervention

One of the key changes in complaints handling in Avon and Somerset has been the introduction of the early intervention procedure. Complaints which are identified as having the potential to be rectified quickly and simply, for example through a simple phone call, are dealt with outside of the formal complaints system. The panel’s dip sampling of these cases suggests that the system is working well and early intervention would seem to be an efficient and pragmatic way of dealing with simple complaints. However, it is important that the informality of early intervention cases is balanced by effective scrutiny to ensure that standards remain high and the procedure is not used inappropriately. Scrutiny by the IRP is one way to do this, however the panel would also encourage the constabulary to conduct its own regular dip sampling as well.

## IOPC Consultation

In addition to dip sampling complaints, the IRP also undertakes other work with the aim of improving the police complaints processes. The panel reviewed and provided detailed feedback to the IOPC on draft statutory guidance. In general, the panel’s findings were positive and it was encouraging to see the national regulator investing in improving the complaints process in anticipation of the new complaints regulations coming into force in 2020. The panel also notes and welcomes the positive relationship between the constabulary and the IOPC.



## “YOU SAID – WE DID”

**THE PANEL HIGHLIGHTED THE NEED TO CATEGORISE ALL EARLY INTERVENTION CASES TO ALLOW THEM TO BE TRACKED WHICH WAS IMPLEMENTED BY PSD**

**THE PANEL IDENTIFIED AN ANOMALY IN THE CONSTABULARY’S PROCEDURES FOR REPORTING FRAUD WHICH LED TO AMENDMENT OF INTERNAL GUIDANCE**

**THE PANEL OFFERED ADDITIONAL ASSURANCE WORK IN AREAS OF CONCERN TO PROVIDE PUBLIC REASSURANCE AND ORGANISATIONAL LEARNING.**

**THE PANEL HIGHLIGHTED THE USE OF TERMS SUCH A ‘UPHELD’, FILED, MANAGEMENT ACTION AS BARRIERS FOR COMPLAINANTS. PSD FED THIS BACK TO THE IOPC WHO HAVE RECOGNISED THIS IN THE NEW REGULATIONS.**

**THE PANEL REVIEWED BOTH THE PSD INITIAL LETTER AND THE APPEAL OUTCOME LETTER TO ENSURE THE TERMINOLOGY WAS CLEAR, RESPONSIVE AND ENGAGING.**

**THE PANEL IDENTIFIED MISSING PRIVACY NOTICE ON THE COMPLAINTS FORM AND ENSURED THAT THIS WAS CORRECTED FOR GDPR PURPOSES.**

**IRP Chair:** Simon Barnes

**Deputy Chairs:** Kim Smith and Chlo Winfield

**Contact:** [PCC@avonandsomerset.police.uk](mailto:PCC@avonandsomerset.police.uk)

*“This year we have seen evidence of officers demonstrating sensitivity and common sense as well as good practice.”*

# COMPLAINT FEEDBACK

## Reflections on 2019

### Highlights of Positive Comments

- The quality of responses to complainants has improved, especially under the theme of neglect or failure in duty.
- The PSD feedback sessions have created a great opportunity for the panel to discuss developments in some of the work the constabulary does in training police officers.
- The sessions have also enabled the panel to keep track of changes in legislation and practice which have a direct impact on areas where preventative work can be particularly effective. For example, the work done around child sexual abuse and hate crime.

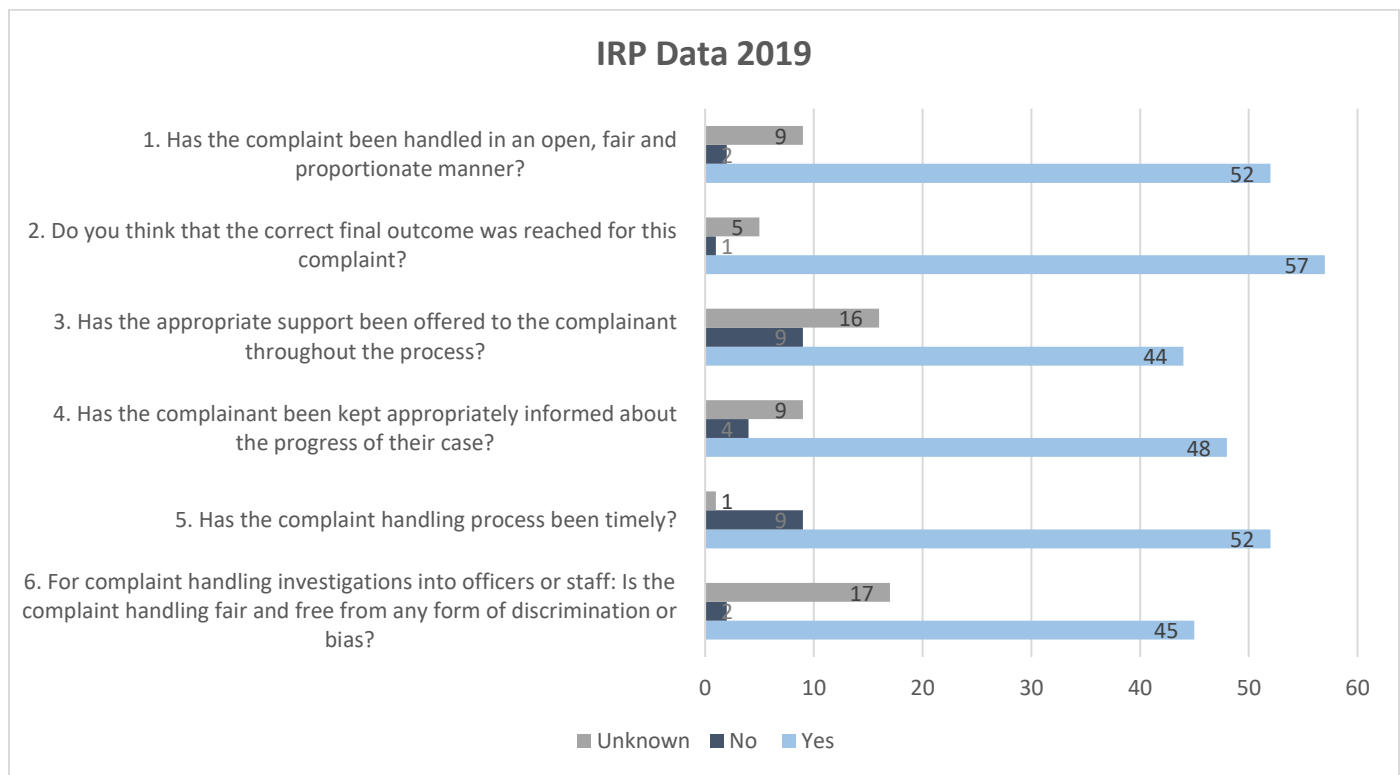
“The complaints reviewed give the panel the opportunity to highlight some of the excellent practice in complaint handling. The quality of complaints correspondence continues to improve, and it is heartening to know that the panel has had an impact in this regard. Body Worn Video continues to have a helpful role in reviewing complaints about incidents.”

“The panel was generally impressed by the quality of the complaints reviewed and the professionalism of the officers. This is borne out by the performance data, in particular the constabulary’s record in successfully defending appeals.”

### Highlights of Concern & Learning

- In the review of mistaken identity cases in September, the panel noted that all of the complaints involved people from BAME communities. It is important to note that the panel did not identify any evidence of racism or bad faith by the police, however, this is clearly an area upon which the Constabulary should focus.
- There is some concern that tasers are being deployed too readily.
- It is not always possible to assess a complaint response against the “6 Questions” for monitoring due to inadequate evidence.
- A key theme which continues to run through complaints reviewed is that of the complaints process taking too long, or there being too little communication with the complainant over a long period. Too often this is due to key staff absence, or workload. These pressures will always be with us, so it has been good to see PSD encouraging line management ownership to ensure either a reallocation of the task to maintain the timescale, or at a minimum, apologising to and updating the complainant.
- The panel would like to see some form of “customer satisfaction” data in order to monitor the complainant experience.
- There is concern that vulnerable communities particularly susceptible of being the target of hate crime remain at high risk of under-reporting such crimes. Trying to understand the trends in relation to complaints raised by BAME communities is challenging. Working with partner organisations such as SARI is crucial.

# STATISTICS FOR 2019



These bar charts relate to the six questions in the feedback form. Panel members record ‘not known’ when the case file does not give sufficient detail to allow a categorical yes or no answer.

**Note:** Answers left blank on the feedback form are excluded from the chart figures.

**Comments from Head of Professional Standards Simon Wilstead:** ‘The IRP provide an important part of our Constabulary legitimacy framework. The ability to review standards through an independent group of critical friends ensures our conformity to the law and our accountability to the public. The panel continue to highlight areas of learning and improvement, but are also quick to provide positive feedback of good practice identified from their scrutiny work. The PSD world is undergoing significant change in 2020 with new legislation aimed at making the complaints system even more accessible to the public but with a shift in focus around officer conduct to that of reflection and learning instead of blame and punishment. The panel’s role in assessing the standards we set will help us evaluate the implementation and effectiveness of the new legislation so that we can maintain strong public confidence in our regime. I look forward to continuing our work with the panel and thank them for their commitment.’

**Comments from Police and Crime Commissioner Sue Mountstevens** ‘The IRP continues to provide a vital role in ensuring public scrutiny of police complaints. Their work has clearly demonstrated significant progress in process and practice but also provided valuable insight and learning where improvements could be made. I am sure that they will continue to assist PSD with there assessments of the new regulations and I look forward to their views. I would like to personally thank Simon Barnes and the rest of the IRP for their professionalism, dedication and contribution throughout 2019.’

# LOOKING FORWARD TO 2020

## POLICE INTEGRITY REFORMS

(New Police Complaints Regulations 2019)

The new regulations are set to go live on the 1<sup>st</sup> February 2020. The new legislation is designed to be more customer focused (for complainants and staff) and transparent with local oversight by PCC's. The role of the PCC's in complaints management has increased.

The new process will be much more focused on accountability, learning and reflection. The threshold for misconduct has increased and conduct issues that do not meet the criteria for misconduct will be dealt with through 'Reflective Practice', a management intervention that seeks to work with those subject to the complaint, encouraging reflection and learning.

PCC's will now act as the appropriate authority for the management of 'Reviews', formerly known as Appeals for service failure matters. The Independent Office of Police Conduct (IOPC) will remain the authority for appeals regarding conduct. This is to ensure total impartiality and fairness where this is dissatisfaction in the outcome of a service complaint. Appeals outcomes will be considered on the basis of the actions being considered 'reasonable and proportionate'.

Further information on the Statutory Guidance can be found here:

[www.policeconduct.gov.uk/complaints-and-appeals/statutory-guidance](http://www.policeconduct.gov.uk/complaints-and-appeals/statutory-guidance)



## Dates for Independent Residents' Panel 2020:

Thursday 5<sup>th</sup> March 2020

Thursday 4<sup>th</sup> June 2020

Thursday 24<sup>th</sup> September 2020

Thursday 3<sup>rd</sup> December 2020

All will be held at Avon and Somerset Police Headquarters.

The Police and Crime Commissioner is always seeking volunteers to assist with her scrutiny and assurance work. If you are interested please contact [PCC@avonandsomerset.police.uk](mailto:PCC@avonandsomerset.police.uk)

## VALUES FRAMEWORK

The panel has been asked by PSD to review complaints to assess if they have been dealt with in accordance with the Constabulary's values. This is a new framework for the IRP and it will be interesting to assess how the Constabulary's new values are reflected in complaint management. The new values are:

CARING

LEARNING

INCLUSIVE

COURAGEOUS

This work is part of a number of actions to provide assurance to the Constabulary and the IRP have already completed a review for cases of mistaken identity. The values framework is the theme for the next IRP meeting scheduled for Thursday 5<sup>th</sup> December 2019. A public report is made available after each meeting and copies of previous reports can be found here:

[www.avonandsomerset-pcc.gov.uk/Take-Part/IRP/Independent-Residents-Panel-Reports.aspx](http://www.avonandsomerset-pcc.gov.uk/Take-Part/IRP/Independent-Residents-Panel-Reports.aspx)