

# INDEPENDENT RESIDENTS' PANEL

Complaints Review: Thursday 7 March 2019, 10am–3.30pm

## STRUCTURE OF THE SESSION

8 of the 9 Independent Residents' Panel (IRP) members attended this quarter's meeting, including 2 newly co-opted members from the Scrutiny of Police Powers Panel. The additional members have been appointed due to one Panel member standing down prior to the agreed term end date (due to other commitments for the Panel member). This is prior to any future full external appointment process. After the annual election of a new Chair and 2 Vice Chairs, the Panel members reviewed 28 complaints from the list of requested cases. In addition to complaints reviewing, copies of some compliments from local residents to the Police are also circulated at each Panel meeting, for members to read.

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

- Other neglect or failure in duty: 20 complaints;
- Plus the standing item of reviewing Early Intervention/Informally resolved complaint cases: 8.



Panel members recorded their comments for the Constabulary's Professional Standards Department (PSD) to read, comment upon and use for any individual and organisational learning. The PCC also reviews the report.

There is also a round-table summary where each Panel member summarises their overall feedback on the complaint cases reviewed and any themes.

## ACTIONS

**Action 1 (Sep 2018) complete:** DCI Mark Edgington will review and break down themes of complaint cases handled by 'Early Intervention' and report back to the Panel.

**and Action (Dec 2018) complete:** The categorisation of Early Intervention type complaints will allow the Panel to select a themed/categorised type of complaint to dip sample and this will allow complaints within the Early Intervention type as well as complaints that have been formally recorded and either Local Resolved or Locally Investigated.

**Action 3 (Dec 2018) complete:** A request to the PSD for access to a complainant complaint history for each case reference provided by PSD to the Panel for dip sampling. This is available in Centurion and therefore the PCC's Panel facilitator could use a laptop with Centurion access for Panel members to

check the complainant's complaint history. The history will allow the Panel to know if the Complainant has made previous or further complaints in addition to the complaint reviewed.

**Action 4 (Dec 2018) c/fwd:** A request to the PCC and then to the Head of PSD for comments regarding obtaining Complainant satisfaction/feedback (face to face, telephone or electronic survey) for the Panel. The Panel will look for opportunities to monitor and track the 'Complaint Experience' (e.g. surveys, focus groups, one-to-one discussions). The IRP want to keep this as an overriding theme for 2019.

**Action 5 (Dec 2018) complete:** A question to the Constabulary's recruitment and training lead: Is there training for new Police Officer recruits regarding complaints against the Police? A Panel member suggests that probation Officers are shown all the work of the PSD, for example the complaints about Officer incivility, impoliteness and intolerance. This can take hours and hours of work for the PSD and Complaints Investigations Officers. The aim of the awareness session is to reduce complaints within this category.  
PSD awareness is part of Officer training/induction.

**Action 6 (Dec 2018, AOB item 2) c/fwd:** For Panel members:  
Development of an **Action Review Register** to monitor and track "we said, they did" type recommendations was favoured, monitoring what changes were made and if these are sustained.

**Action 7 (Mar 2019):** Is the revised Police complaints form on the Police website compliant with the Data Protection Act and the General Data Protection Regulation 2018? The online Complaint Form now asks a lot of personal information, such as date of birth, requiring mandatory answers. There is no reference to the Constabulary's use, retention and security of this data and no reference to the Data Protection Act and the Constabulary's Privacy Notice.

*PSD Response: This query has been passed to Kate Britton, Data Protection Officer and we are awaiting a response.*

**Action 8 (Mar 2019):** The categorisation of Early Intervention complaints is good. However, a search word/program tag is requested, if possible within Centurion, for future Panel themed complaint case requests.

*PSD Response: In order for the panel to retrieve information for themed complaint case requests they would need to request this through PSD to develop a query to extract the data.*

## PSD UPDATE FROM THE HEAD OF PSD

Avon and Somerset Constabulary's Deputy Head of the Professional Standard Department (PSD), Superintendent Mark Edgington, gave a PSD update, with the main points summarised below:

- The Police internet complaint form was updated around September 2018.
- Although the commencement date for the legislation within the Policing and Crime Act remains delayed, the proposed revision of handling complaints against the Police has been ratified by the Home Office which gives permission for Constabularies to start using the new processes. The PSD within Avon and Somerset Constabulary have reflected on complaint handling practices. This includes embedding learning by local Police Managers rather than by PSD. Some practices require improvement such as 'Management Action'. Thought is being given as to what can be done differently in order to resolve a complaint.
- Earlier in March 2019 the PSD Department review and plan for the next 12 months and this includes preventative work. The new principles of complaints handling within the Policing and Crime Act will be adopted.
- The Centurion complaints database - and Q drive accessed by Panel members when reviewing complaint case files – will show the reflective practice.
- PSD performance is published monthly on the Police website. Avon and Somerset Constabulary are first nationally regarding timeliness. Local Resolutions take an average of 54 working days to complete. Locally handled complaints are less timely and better guidance is being sent from the PSD to Police First and Second Line Managers. This guidance is accessed from the Police Intranet – called the Pocketbook, within the 'Team Room'.
- PSD 'Away Day' events have included wanting to be preventative. PSD will be supportive of Police First and Second Line Managers being more empowered.
- PSD have input to the new Officer Recruit session, which included highlighting the Standards of Professional Behaviour for Police Officers. PSD are working to shape new recruits' learning, improving and embedding. There is still lots to do.
- **Action 1 (Sep 2018) complete:** PSD have now broken down themes of complaint cases handled by 'Early Intervention'.
- **Action 3 (Dec 2018) complete:** PSD has provided access to a Complainant complaint history for each case reference requested by the Panel to review.

## Question and Answer Session with PSD Deputy Head Supt. Edgington and also attended by Chief Constable Andy Marsh

**Panel question:** Is the revised Police complaints form on the Police website compliant with the General Data Protection regulation 2018? The online Complaint Form now asks a lot of personal information, such as date of birth, requiring a mandatory answer. There is no reference to the Constabulary's use, retention and security of this data and no reference to the Data Protection Act and the Constabulary's Privacy Notice. See action above.

**PSD answer:** There is a National working group. The intention is not to put people off making a complaint. PSD will capture this point.

**Panel question:** Will there be any Police Staff/Officer training as not everyone has the skills to manage a complaint and consider learning? Officers/Staff may reflect but make no changes because they consider that they've done nothing wrong.

**PSD answer:** Yes. PSD have an equipping and empowering task, along with the Police Federation. This is being recorded. PSD are also providing support to Police Line Managers.

**Panel question:** What happens within this task?

**PSD answer:** There is a written report. Information is fed back to the Member of the Public. However the methods still need working out. Independent Residents' Panel members help and feedback is welcomed by the PSD.

**Panel question:** What does 'words of advice' mean?

**PSD answer:** SANCUS are providing a training course, including the new Legislation in complaints handling. This will keep consistency nationally within all Police Forces.

**Panel question:** Can there be a cap set for Local Resolution, for the deadline to be 54 days (the average)?

**PSD answer:** Yes. Good idea.

**Panel question:** Congratulations to Mark Edgington for being promoted from Chief Inspector to Superintendent. Will PSD be restructured?

**PSD answer:** There will be a new PSD Head: Simon WOOLSTEAD and a new Deputy Head is to be confirmed. There will still be an Early Intervention team and PSD Administration Team.

**Panel comment:** Regarding a specific complaint which the PCC asked the Panel to review, after correspondent and consent from the complainant about a search warrant and computer/equipment taken, acting on intelligence, the Panel member reviewing the case commented that sometimes the Constabulary as an organisation will have to accept that a member of the public will insist that the Police are wrong and the member of the public becomes obsessed within the matter. An appeal was made and again it was very thoroughly handled and also not upheld. A firm Constabulary line is needed, riding all the difficulties.

**Chief Constable Marsh's response:** In addition to the PSD response that when the Constabulary do uphold appeals it is usually because there is not enough detail in the finalisation letter, the Chief Constable commented in a broader way, recognising that the Police have a massive and difficult job. For example, the Child Protection Scheme involves reviewing the internet every day and there are 200 'hits' regarding child sexual exploitation each time the system is switched on. This is on the visible web, not the dark web. The Internet Industry needs to take some responsibility for this. This is some Government traction and from others too. 40% of these viewers of Child Abuse are proved by Avon and Somerset Constabulary to be offenders. Avon and Somerset Constabulary's work includes abroad and recently with the French Police. In 2018, 43 children were saved after online child abuse was investigated, including on Snap Chat.

**Panel question:** If an appeal against a complaint outcome is made and upheld, can an appeal be made again, every time an appeal is upheld?

**PSD answer:** Learning is required. If the appeal is not upheld then Judicial Review is the final route for the complainant. The new regulations require PSDs to record everything. There is no more 'out of time' option.

**Panel question:** When is communication by Text used by PSD or the Complaints handling officer to the complainant?

**PSD answer:** It depends on how the complainant wishes to communicate. The revised online complaint form includes a question asking for the preferred method of communication.

**Panel question:** When members of the public telephone the Police (101 or 999), some complaint case files indicate that the initial Police response is that a Police Officer will attend, including to Hate Crime reports, but the Police do not respond within the timescale promised. New calls take priority.

**PSD answer:** Some sort of contact is required. The call cannot be closed down until there is a Police visit in these cases. Chief Constable Marsh also added that there is a Hate Crime focus change and there is prioritisation in the Police Control Room. If there are 10 grade 1 calls then no more can be taken. Police empathy with the victim, especially of Hate Crime, is very important. The Constabulary have spent £500,000 on cultural awareness training. However, the Constabulary is hamstrung by legislation.

This Panel meeting is the last from Supt. Edgington, who thanked Panel members for their warm welcome and support.

At the end of this session, the PCC's Chief Executive gave 'Thank you' cards to the outgoing Chair and Vice Chair of the Panel. This Independent Residents' Panel was appointed by the PCC 6 years ago and the Chair and Vice Chair have been in post for the full term of 3 years. There have been great improvements, working with PSD and the Panel. Thank you also to the co-opted 2 members from the Scrutiny of Police Powers Panel. The crossover of work is recognised. There is also a change of IRP facilitator in the PCC's office to a person previously working for Avon and Somerset Constabulary and particularly with victims and in the Control room.

From 1 April 2019 the PSD Appeals Officer will sit in the PCC's staff office as a PCC employee to handle appeals before and after the new complaints handling system legislation commences.

### **Last Panel report – published**

There were no further questions about the last Panel meeting's quarterly report, prior to the Panel report being authorised for publication on the PCC's website [here](#) .

## THIS COMPLAINT FEEDBACK REPORT

This feedback report contains Panel members' comments and views, both positive and negative, along with the responses from the Professional Standards Department. All Panel member completed feedback forms are scanned and are also available to the PSD to review.

### HIGHLIGHTS OF POSITIVE COMMENTS

Panel members highlighted the following positive aspects within the complaint case files:

1. Very good examples of Complaints Investigation Officer letters to complainants which include reflections by the Officers complained against.
2. Formal complaint handling examples continue to be reviewed which are detailed and the complaint handling process is well done, including the local handling of Appeals.
3. Operationally, shift changes and a gap or stop in handling the incident continues to be a theme for complaints of 'other neglect or failure in duty'.
4. Operationally: A positive point about a complaint process is that Police Communications Department **Sergeant Paula Donnelly** identified that the Complainant's son was getting little support regarding his gender dysphoria. The Sergeant offered to find out what support was available and then provided this information to the complainant. Case 21 below refers.
5. The finalisation email to the Complainant by PSD Assessor **Jonathan MABEY** (with information provided by Police Communications Department **Robert SIMMONS**) is of a high standard. Case 22 below refers.
6. Complaints handled by the Early Intervention process continue to be highlighted as being handled within a few days, resolved efficiently and effectively, with minimal Police time to complete. The benefits of Early Intervention are recognised by Panel members as including:
  - The opportunity for local Police Officers to reassure the member of the public.
  - The Public appreciate the speedy response.
  - Police time in handling the complaint is reduced compared to formal complaint handling via Local Resolutions.
7. PSD Complaints Handler **Katie DARE** provided clear communication, maintained continuity (i.e. did not pass on this to another officer to deal with or handover), and the advice presented to the complainant is reasonable and balanced in an Early Intervention complaint case. The time taken to reach the final outcome response is only 4 days (including the weekend) so very quick and well managed.
8. An excellent, very clear response letter from **Chief Inspector Richard MARSH**. The autistic complainant couldn't cope with generalisation and C.I. Marsh's reply was precisely written. The Appeal – accepted, even though it was beyond the 28 day time limit - was also handled very thoroughly by the PSD Appeals Officer **Steve CROUCH**, who is commended for his very full letter, explaining why the appeal is not upheld.
9. The Panel requested introduction of categories for Early Intervention type complaint cases is good. An additional request for a search word/tag is requested for future Panel themed complaint case reviews.
10. A complaint reviewed by **Detective Inspector 1908 Mike RAY**, including the investigation, appears thorough, reviewing the whole case to see if there are any lines of investigation. The finalisation letter is very good. It is clear, demonstrated empathy and covers all issues.

11. This complaint is dealt with quickly and sensibly. A good finalisation letter from **Inspector James TURNER**.
11. A good and thorough local resolution example of a complaint handled by **Insp. BOLTON-JONES** and the subsequent appeal is handled well by **Steve CROUCH**.
12. A final response letter written by Communications Supervisor **Mike BLINCO** deals with all aspects of a complaint in a thorough manner, including the complainant's concerns about being repeatedly promised Police attendance within the hour and also the promise of a follow-up visit, neither of which materialised. This finalisation letter frankly admits the mistakes that were made and contains an unequivocal apology, which was accepted by the complaint.

*PSD response:*

*Thank you for your valued feedback.*

*Avon and Somerset continue to show great progress, which is, reflected in performance figures. We have been recognised for our consistent timeliness for recording of new matters, average timescales for locally resolving and locally investigating matters, as well as finalising complaint cases. This recognition is pleasing to see and will be fed back to all staff and officers who work hard and are committed to resolving issues of dissatisfaction successfully.*

*Feedback from the Independent Residents Panel (IRP) as always is gratefully received. The comments and views have contributed towards building organisational effectiveness. It allows the forces response to evolve, reflecting best practice, whilst maintaining a clear victim focus in our approach to complaint handling / investigation. Seeking to continually improve our service delivery, increases public confidence in the police service and improves overall customer satisfaction.*

## HIGHLIGHTS OF CONCERNS, NEGATIVE COMMENTS & SUGGESTED ORGANISATIONAL LEARNING POINTS

Panel members highlighted concerns about the following issues and also made suggestions that may improve the quality of policing service, Police Officer performance, conduct, or improve the complaint handling process:

1. A record of any internal conversation about learning with the Officer/Staff member complained against is absent in some complaint files, e.g. any reflections on their part. This is done when it forms part of the response to the Complainant, but would be interesting to see within the complaint case file.
2. Use of appropriate terminology, in plain English, remains a point being encouraged by Panel members. Members of the public are not generally familiar with the correct use of common policing terms. For example, instead of responding to a complaint (being made about evidence provided): "... closed due to lack of evidence", a small change to include the word: "... lack of actionable evidence" might have closed this matter earlier. Using plain English is encouraged and can make communication with the public less ambiguous and less procedural.
3. 'Management action' is still considered by Panel members to be Police speak and not plain English when included in finalisation reports, particularly when there is no further information of what the action included. Officer reflections on their action and its effect on the member of the public are considered helpful. However, the Panel members are concerned to read examples in complaint case files where the Officer complained against thinks they have done nothing wrong.
4. Some complaints with multiple allegations result in the finalisation letter failing to acknowledge all allegations, for example complaints of discrimination and hate crime. Further details are in the case file summaries below.
5. For formal complaints, the term 'not upheld' in the finalisation letter is considered unhelpful and 'unsubstantiated' is a better word, particularly for locally resolved complaints.
6. Operationally, managing people's expectations regarding the Police responding to a call is needed, particularly when the Police communications staff state that a Police Officer will attend but due to a shortage of Officers and other subsequent calls taking a higher priority, the Police fail to update and advise the original caller that the initial response is no longer true. Police promises are not being kept. This is a theme of the complaint allegation category of 'Other neglect or failure of duty'.

### *PSD response:*

*We continue to encourage use of plain English in our complaint correspondence. Some terminology is mandatory in accordance with the complaints regulations and statutory guidance.*



## REQUESTS FOR COMPLAINT FILE REVIEWS

There are 7 formally recorded 'Other neglect or failure in duty' categorised complaint cases requested by the Panel for the PSD to review:

### Complaint case reference 1:

It is noted that the Complainant alleges that a text thread from his phone was not included as part of the investigation against him. The Police Officer failed to ensure this was included. This evidence would have identified that this was a false allegation of rape, stating "the victim's intention being to solely use me in order to make the ex-boyfriend jealous".

The complaint is not upheld.

During a conversation by the Complaint Investigations Officer with the complainant an additional issue was raised:

*"During the call you explained your concerns about having a record of arrest on the Police National Computer (PNC) for a serious offence and you also explained that you felt the allegation against you was malicious."*

No evidence is in Enquiry Log Report that this was considered within the complaint handling process, despite possible evidence (**in bold**). However this may be recorded elsewhere:

*"We must now turn to the corroborating material – the text messages.*

*In the immediate aftermath there is no sense between the victim and suspect that anything criminal happened.*

*Add in the victim's boyfriend/ex-boyfriend and the sense of the situation changes greatly.*

***This undermines the victim's assertion that she was raped."***

It is good to see the 'next steps' set out clearly:

### **"Going Forward**

*As per our telephone conversation, I have discussed the case with DC X and he will refer the case to the Force Crime and Incident Register (FCIR) for consideration of a finding of "no crime".*

*Every police force has an FCIR and it their decision alone as to whether or not criteria for such an application will be satisfied.*

*DC X will inform you of the finding at some point. Please be patient as this may take some time as the FCIR is in high demand and be prepared that the outcome may not be what you desire.*

***This concludes my review of your complaint. If you are still not satisfied with the outcome an appeal can be made in writing to..."***

However: The Panel member is concerned that the false allegation of rape is not fully addressed, but is aware that a separate counter-complaint can be made by the complainant.

This narrative from the finalisation letter needs explaining:

*"...refer the case to the Force Crime and Incident Register (FCIR) for consideration of a finding of "no crime".*

*Every police force has an FCIR and it their decision alone as to whether or not criteria for such an application will be satisfied."*

Also, the Equality monitoring form is not destroyed, as stated on the form. It currently remains in the complaint case file.

### Panel Case Review Feedback Form 6 questions and answers:

1. *Has the complaint been handled in an open, fair and proportionate manner? Not known*
2. *Do you think that the correct final outcome was reached for this complaint? Not known*

3. *Has the appropriate support been offered to the complainant throughout the process? Yes*
4. *Has the complainant been kept appropriately informed about the progress of their case? Yes*
5. *Has the complaint handling process been timely? Yes*
6. *Is the complaint handling and outcome fair and free from any form of discrimination or bias? Blank*

**PSD response:**

*The final letter is well structured and contains clear explanations to draw upon an outcome to the complaint raised. At the last meeting the panel recognised that Equality Monitoring Forms had not been destroyed in line with the statement on the form, this is being rectified for all new cases.*

**Complaint case reference 2:**

The case states that it is declined as “spring water”?

The Panel member has recorded no positive points regarding this complaint case.

The negative points of concern are that an initial letter of acknowledgement was sent to the complainant on 12 July 2018. No further action is recorded until it is chased by the PSD on 7 January 2019, at which point a finalisation letter is sent to the complainant, addressing the complaint by providing a review of Body Worn Video footage and an explanation for the Police Officer’s actions.

No explanation is given for the 6 months delay.

The finalisation letter did not address the discrimination element mentioned in the initial complaint: *“The Police won’t do anything and will treat me as a blank man a second class citizen.”*

Addressing this, as well as the lengthy delay, would have likely helped to restore this complainant’s confidence in the Police.

**Panel Case Review Feedback Form 6 questions and answers:**

7. *Has the complaint been handled in an open, fair and proportionate manner? Yes*
8. *Do you think that the correct final outcome was reached for this complaint? Yes*
9. *Has the appropriate support been offered to the complainant throughout the process? Yes*
10. *Has the complainant been kept appropriately informed about the progress of their case? No*
11. *Has the complaint handling process been timely? No*
12. *Is the complaint handling and outcome fair and free from any form of discrimination or bias? Blank*

**Question:** Why was there a 6 month delay in which nothing appeared to have happened, between July 2018 and January 2019? Is Centurion a case management system with automatic reminders? What is done to ensure such delays do not happen?

**PSD Response:**

*The case management system, Centurion sets due dates through the progress actions. These actions are managed by the Professional Standards Department. Due to unforeseen circumstances the monthly chaser were not completed for this specific time frame, we would like to provide reassurances that since January 2019 the monthly chasers are undertaken.*

**Complaint case reference 3:**

A positive point is that this complaint eventually led to the suspect being arrested.

However, the initial complaint was about a lack of progress in a domestic violence (DV) situation. The explanation given as to why the suspect was not arrested more quickly is not satisfactory:

*“Unfortunately the other teams did not progress this investigation and no arrest was made. As we were not on duty on those days, I am unable to comment on why this was the case”.*

Reference is also made to needing to prioritise jobs. Given the severity of the initial crime reported and the complainant's fear for her safety this is not a satisfactory explanation.

The complainant subsequently contacted the PCC by email on 29 January 2019, possibly constituting an appeal, but there is no further documentation in the folder.

**Panel Case Review Feedback Form 6 questions and answers:**

1. *Has the complaint been handled in an open, fair and proportionate manner?* No
2. *Do you think that the correct final outcome was reached for this complaint?* No
3. *Has the appropriate support been offered to the complainant throughout the process?* No
4. *Has the complainant been kept appropriately informed about the progress of their case?* Yes
5. *Has the complaint handling process been timely?* No
6. Is the complaint handling and outcome fair and free from any form of discrimination or bias? Blank

**Operational policing and PSD questions:**

- Is it usual for reports of crime requiring an arrest to be passed around between teams?
- What is done to ensure more urgent cases are not continuously put off?
- Would a referral to Victims Liaison/Care or a Domestic Abuse Agency have been offered to the complainant in this case, either by the Police Officer who took the initial details of the crime or by the Complaint Investigations Officer? It appears that this action would have been helpful to the complainant who was concerned for her safety and had had to leave her home as DV services can assist with safety planning whilst an investigation is ongoing.

A review of this complaint case is requested, especially with regards to any action taken following the email to the PCC on file, dated 5 February 2019.

**Operational policing points:** The complaint could have been prevented if the initial report of a crime had been dealt with in a more urgent manner. A more detailed explanation could have been given to the complainant regarding the initial delays. Reassurance that any future reports she makes to the Police will be taken seriously and handled proportionately could also have been given. The complainant states in her most recent email that she feels she has been “*poorly treated*” and her case not handled “*with the seriousness it demands*” and the Panel member agrees.

*PSD Response: We are unable to comment on the operational procedures and decision making, this feedback will be sent to the appropriate manager to consider and disseminate learning as appropriate.*

**Complaint case reference 4:**

The final response letter addresses the complaints about the arrest, forced entry and search thoroughly and provides a clear relatively jargon-free explanation of why the Police considered those actions to be justified. Also, an appropriate apology is offered.

However, the complaint was received on 16 July 2017 and, while there appear to have been some initial concerns about the matter being *sub-judice*, the finalisation letter was not written until 16 January 2019. The Panel member notes that the PSD did chase the matter, but there appears to be no evidence in the file that the complainant was informed of the reasons for the delay or of the progress of her complaint.

Also, although the complainant appears to have made mention of her treatment in custody, there is no evidence that this was explored with the complainant as recommended in the PSD assessment.

**Panel Case Review Feedback Form 6 questions and answers:**

1. *Has the complaint been handled in an open, fair and proportionate manner?* Yes
2. *Do you think that the correct final outcome was reached for this complaint?* Yes

3. *Has the appropriate support been offered to the complainant throughout the process? Not known*
4. *Has the complainant been kept appropriately informed about the progress of their case? Not known*
5. *Has the complaint handling process been timely? No*
6. *Is the complaint handling and outcome fair and free from any form of discrimination or bias? Yes*

**PSD Response:**

*The matter was sub-judice and not progressed until an appropriate time. The investigating officer visited the complainant in January 2019, when they were in a position to address the complaint. Through the complaint resolution procedures the allegations will often change to those initially recorded. We are satisfied that the investigating officer met with the complainant to understand what they would like to be reviewed and explained as part of their complaint.*

**Complaint case reference 5:**

This is a complex complaint case, leading to an appeal.

The evidence correspondence folder suggests an attempt of a multi-agency approach.

However, the finalisation letters does not address the issue of Hate Crime and does not really acknowledge the wider issues.

**Question:** Is there some confusion about whether or not an appeal is made and who should be dealing with it?

**Panel Case Review Feedback Form 6 questions and answers:**

1. *Has the complaint been handled in an open, fair and proportionate manner? Not known*
2. *Do you think that the correct final outcome was reached for this complaint? Not known*
3. *Has the appropriate support been offered to the complainant throughout the process? Yes*
4. *Has the complainant been kept appropriately informed about the progress of their case? Yes*
5. *Has the complaint handling process been timely? Yes*
6. *Is the complaint handling and outcome fair and free from any form of discrimination or bias? Yes*

**PSD Response:**

*The final letter and appeal letter both explain that once the current investigation of hate crime has been finalised, they will look to progress an acceptable behaviour contract. The final letter sets out the correct information for the appeal body, that being the force. However, the complainant sent the appeal to the IOPC.*

**Complaint case reference 6:**

The finalisation letter refers to specific dates of communication as below:

*"I can see that between 30/09/18 and 07/11/18 PC <A> made contact on six occasions, consisting of phone calls, texts or attending your address. This appears proportionate and within the Code mentioned above"*

The first complaint allegation regarding conduct is upheld.

Positive points are that the finalisation letter provides details of the action that will be taken to rectify the conduct issue. Also, the complaint is resolved in a timely manner.

However, the finalisation letter does not address the theme of the complaint which has been logged under "Age" discrimination.

**Questions:**

1. However the complaint is logged with PSD on the 7/11/2018. What was this prior communication about?
2. Is there any missing paperwork relating to prior communication to the above issue as highlighted in the finalisation letter?

3. Why is the process inconsistent? At any incident, should the Police take a statement and provide options/facts? At what point are they supposed to give guidance? In this case it appears the Police Officer favoured a local resolution and tried to push this across to the family. The finalisation letter also hints at this:

*“Whilst it is clear that PC A has explained alternative ways of dealing with this matter and may have intimated community resolution would be the most proportionate one, his doing so, does not appear to have deterred you from dealing with this matter through prosecution”.*

4. Under what circumstances are text messages the most appropriate methods of communication. If this was not deemed to be an emergency issue, would it have been better to send an email to the complainant? And as a matter of courtesy, to explain the reason for emailing so late?

As with other complaints, what is the most effective method of getting feedback after a finalisation letter? Can the wording on the letter be reviewed to provide this option? There is no way other than an appeal of gauging whether the complainant is satisfied with the response:

*“If you remain dissatisfied you have a right to appeal my investigation or my decisions. Your right of appeal is to the Chief Constable of Avon and Somerset. Please note if you do wish to appeal, you need to notify the Avon and Somerset Professional Standards Department, within 28 days following the date of this letter, as an appeal received after that date may not be considered.”*

#### **Panel Case Review Feedback Form 6 questions and answers:**

1. Has the complaint been handled in an open, fair and proportionate manner? Not known
2. Do you think that the correct final outcome was reached for this complaint? Not known
3. Has the appropriate support been offered to the complainant throughout the process? Not known
4. Has the complainant been kept appropriately informed about the progress of their case? Blank
5. Has the complaint handling process been timely? Blank
6. Is the complaint handling and outcome fair and free from any form of discrimination or bias? Blank

#### **PSD Response:**

*The investigating officer's final letter makes reference to the Niche Crime report to resolve the allegation that the complainant was not kept up to date regarding the reported crime, the dates in the final letter are taken from the crime report and confirm the frequency and methods of communication to update the member of public on their reported crime. The investigating officer of the complaint agreed that the officer dealing with the crime report should have taken a statement, and that the individual officer will be spoken to take the learning on board. Police complaint regulations specify that all complaints will have the right of appeal at the point of finalisation.*

#### **Complaint case reference 7:**

This complaint is noted as initially an Early Intervention case, then escalated to a formal complaint.

The complainant is a parent writing on behalf of her son who has being a victim of burglary on multiple occasions and has requested Police support to help build a case for a council flat move.

The complaint is a result of Police delay in responding and then refusal to assist.

Positive points are that the Detective Inspector spoke with the complainant, explained the situation and the complainant was happy and prepared to accept closure of the matter. Although a positive, it took a senior ranked officer to make a call that could have been made much earlier.

Also, the Local resolution action plan identified “*keeping our victims updated*” as the shortcoming leading to the complaint, which is the correct outcome.

However, although just over 5-weeks to resolution, an opportunity to close this was missed at the first-week stage.

The Complaints handling Officer, a Detective Sergeant, decided to email the complainant rather than visit, despite the email from the PSD Assessor Peta King clearly stating the complainant had taken time off work that day, he had ample opportunity to call that day but decided to email his decision instead. Although factually correct in his response, this was an emotionally based complaint and would have benefitted from a human-touch response (as in the PSD Local Resolution guidance), which could have prevented it escalating.

Although the complaint outcome is reasonable and accepted by the complainant, the flow of information is inconsistent and seemingly inconsiderate of the personal impact this case has on the complainant and family, hence the 'Not Known' answers to the feedback form questions (below).

**Question:**

Although factually correct that the complainant's son was an adult, therefore is capable of pursuing his own complaint, the mother stated in later correspondence that her son had learning difficulties. Although not necessarily a reason in isolation, given his work-pattern left his partner alone and in fear in the evening, and it was reported that his neighbours may have been involved, it is possible he too was fearful of Police involvement as this may lead to reprisal attacks. Was this considered?

**Panel Case Review Feedback Form 6 questions and answers:**

1. *Has the complaint been handled in an open, fair and proportionate manner?* Not known
2. *Do you think that the correct final outcome was reached for this complaint?* Yes
3. *Has the appropriate support been offered to the complainant throughout the process?* Not known
4. *Has the complainant been kept appropriately informed about the progress of their case?* Not known
5. *Has the complaint handling process been timely?* No
6. *Is the complaint handling and outcome fair and free from any form of discrimination or bias?* N/K

**PSD Response:**

*There is increased personalisation and engagement with complainants to resolve complaints at the earliest opportunity, this is actively done by Professional Standards Department and encouraged amongst the wider organisation.*

## SUMMARY OF COMPLAINT FILE REVIEWS – 28 CASES REVIEWED

### 1. Complaint allegations of ‘Other neglect or failure in duty’ - 20 complaints

#### **Complaint case references 1 to 7:**

See Complaint case 1 to 7, to review, as above.

#### **Complaint case 8:**

This case is reviewed by D.I. RAY and the investigation appears thorough, reviewing the whole case to see if there are any lines of investigation. The finalisation letter is very good – clear, demonstrated empathy and covered all issues.

#### **Complaint case 9:**

This complaint is dealt with quickly and sensibly. A good finalisation letter from Inspector James TURNER.

However, a minor point – which does not detract from a good letter - is that the final letter states:

*“I am able to offer an apology to you...”*

The Panel member suggests that more direct language would have been more effective i.e.:

*“I apologise on behalf of the Constabulary”.*

#### *PSD Response:*

*Thank you for the positive feedback relating to, efficient, proportionate investigative enquiries and comprehensive final letters. The suggested narrative by the panel is welcomed by Professional Standards Department.*

#### **Complaint case 10:**

There is voluminous material in the complaint case file, so it is not possible to review in detail. The Panel member’s overall impression is that Avon and Somerset Constabulary acted appropriately in referring the case to the Metropolitan Police, and in concluding that there was no misconduct by the Police Officers. The finalisation letter is very detailed and explains the decision and reasons clearly, also acknowledging and apologising for the errors which were made in summarising the case originally.

#### **Complaint case 11:**

This is a complaint about a failure of the Police to investigate a complaint from 2017.

The complainant complains again in 2018 but the original Complaint Investigating Officer is on long term sick. The complainant is contacted and says that everything has been resolved.

However, there appears to have been some confusion here about whether the complaint was still live. As this was not clear to the Officers who took over the complaint, it may be that records are not as complete as they should be, resulting in a certain amount of confusion and wasted time.

#### **Complaint case 12:**

A good and thorough local resolution by Insp. BOLTON-JONES and the subsequent appeal is handled well by Steve CROUCH. All points are well explained in a clear manner, despite some complicated aspects of the complaint.

#### **Complaint case 13:**

This complaint is not upheld. The investigation revealed that damage was caused by the complainant’s wife driving the car. Therefore it could not have been a hate crime by their neighbour. The complainant appealed and this was rejected.

However, it is noted that the complainant has provided evidence (from the Car Insurance Company) that the neighbour made an insurance claim for the wall which in fact the complainant owned. The

complaint response does not address that the Police Officer failed to recognise that the neighbour made a false statement.

Also, the Equality Monitoring Form has not been destroyed (as stated on form), it remains in the case file.

**Operational policing point:**

There is no evidence of long term consideration of this ongoing problem between the neighbours. The Panel member has concerns that the big picture may be being missed and that the neighbour may indeed be harassing a vulnerable complainant. It is unclear what Police crime or incident investigation has been undertaken or possible joint agency community approaches considered.

Where there are ongoing disputes between neighbours which come to Police attention, if one party is vulnerable, consideration should be given to a “step back” review involving other involved agencies.

*PSD Response:*

*It is particularly pleasing to note that, the panel have highlighted where investigators have included detailed explanations with regard to decision making. The operational policing question will be passed onto the Head of Neighbourhood and Partnership to consider.*

**Complaint case 14:**

It is good to see the following highlighted on the PSD Case Report:

**“INVESTIGATING OFFICER PLEASE NOTE:**

There appears to be a perception that the method of delivering the death message was done so on the basis of who the deceased male was. If at any point this appears to have been a factor please re submit for a re-assessment. It is also because of this perception that it seems appropriate for PSD to be allocated this to show a level of independence and transparency.

It is also good to see in the finalisation letter:

*“Details of conclusion of complaint, including any learning identified”*

However, there is a Staff history on file for one Police Officer involved, but not the Officer subject of the complaint. Also the letter does not explain what the ‘Management Action’ entails.

*PSD Response:*

*The Police Complaints Assessment Officers do highlight / identify points of concern as part of their review and decision making. To ensure that such matters are flagged early to the appointed investigating officer.*

**Complaint case 15:**

A very clear final letter, with details of the original complaint and full explanation as to why these complaints are unsubstantiated.

The Panel member prefers the term “unsubstantiated” over the previously noted “not upheld”, which always causes the Panel member to pause and think which way the decision has gone. This is also a Local Resolution rather than a Local Investigation.

From the finalisation letter, it becomes clear the mobile phone was retained due to the 15-year old giving the wrong PIN and consequentially Avon and Somerset Constabulary not being able to review the phone. This does not appear to have been addressed and resolved at an earlier stage.



**PSD Response:**

*Terminology 'upheld and 'not upheld' is set out under regulations and IOPC statutory guidance. We recognise where we should be providing further information in our letters explaining the process and requirements in accordance with regulations and IOPC statutory guidance.*

**Complaint case 16:**

A very sincere finalisation email, with full clarity over a misunderstanding by the complainants of the intentions of the officer attending. No negative points regarding this complaint handling and file.

**Complaint case 17:**

The final response letter written by Communications Supervisor Mike BLINCO deals with all aspects of the complaint in a thorough manner, including the complainant's concerns about being repeatedly promised Police attendance within the hour and also the promise of a follow-up visit, neither of which materialised. This finalisation letter frankly admits the mistakes that were made and contains an unequivocal apology. This was accepted by the complaint.

However, it is surprising that this complaint was initially considered suitable for Early Intervention, bearing in mind the acceptance that this was reported as a homophobic hate crime.

A letter relating to another complaint [\*\*\*\*\*] is on the file and appears to have been misfiled.

**Point for PSD and operational poling:**

It is important to manage expectations, particularly where Police resources are scarce. Here, the Police appear to have made promises which, although no doubt well-intentioned, they were unable to keep. The failure of the Police to do what is promised is a common theme for this complaint category and a solution to prevent many of these complaints is to inform the member of the public if the Police can no longer do what they initially said they would do.

**PSD Response:**

*Matters that are brought to the Constabulary's attention will often alter from initial reports, therefore, as matters progress / develop it is important that we communicate the most update and accurate information so that the members of the public are sighted of any changes in action or development.*

**Complaint case 18:**

Initial complaint logged on 14 June 18 (Disapplication, but mitigated by health and allowed). The finalisation letter was sent on 10 October 2018. The outcome was Management Action –was this words of advice? The complaint was upheld. The first appeal was also upheld due to the lack of full details in the finalisation letter. The second appeal was not upheld.

The finalisation letter provides details of the action that will be taken to rectify the conduct issue. The complaint is resolved in a timely manner. The appeal response and second response letters also give a good level of detail.

If the first finalisation letter had been more transparent then this may have prevented the first and second appeal and would have been resolved much more quickly.

**PSD Response:**

*Learning was identified in relation to the complaint and the officers received management action. An appropriate apology was given to the complainant and valuable learning was taken away for those officers. As an organisation we look to improve and provide a better service in the future.*

**Complaint case 19:**

The initial complaint is dealt with in 10 days. The complainant appeals but this is not upheld, quite justifiably. All communications are sent quickly.

**Operational policing point:** If the Officer had switched on their Body Worn Camera then it could have further substantiated the Police Officer's version of events.

*PSD Response:*

*It is particularly pleasing to note that, the panel have highlighted the excellent customer focused technique to resolve complaints in a timely manner. In terms of the BWV, we encourage our officers to leave their BWV running at all times. However, it is right that they have discretion on when may be appropriate to turn it off.*

**Complaint case 20: A PCC request for the Panel to review, as agreed with the complainant**

An excellent, very clear explanatory response letter from Chief Inspector Richard MARSH. The autistic complainant stated that he can't cope with generalisation and C.I. MARSH's reply is precisely written, taking into account the complainant's autism and consequent need for specifics and details. The Appeal – accepted, even though it was beyond the 28 day time-limit - is also handled very thoroughly by the PSD Appeals Officer Steve CROUCH, who is commended by the Panel member for his very full letter, explaining why the appeal is not upheld. It is very clear, yet dealt with the complexities of the law as it effects the complainant.

**Operational policing points:**

The complainant felt aggrieved about the way he was treated. He felt that he should have had access to an appropriate Adult from the outset. There was no legal necessity for this but it might have been helpful and calmed down the situation down and enable the person with autism to understand what was happening and why. This may have prevented the complaint. The arresting Officer would have known about the person's condition to a degree, but the urgency created by the seriousness of the allegation (made in good faith, but incorrect) meant that speed was more important. The Panel member understands that it may not have been possible to get an Appropriate Adult at the time but if the Police Officers had tried and failed then the person might have been less aggrieved.

The complainant complained about the time it took for his equipment to be returned to him. The delay was caused by a lack of Digital Forensic Staff and consequent backlog of cases. Therefore, there are organisational policing issues with:

- The process of returning property/equipment to the locality.
- The lack of Police time to deliver the property/equipment back to the owner.

Sometimes the organisation will have to accept that some people with a learning disability or autism cannot understand or accept that they are wrong. Some become obsessed with issues. It is then necessary to adopt a very firm stance and not engage any further with such a complainant, where possible. Always to listen and explain, but refuse to negotiate further.

*PSD Response:*

*Really positive feedback on how the complaint was handled and resolved. There is a force policy in place, the investigation identified some operational learning in relation to the processing of returning property. The final letter outlines the appropriate measures put in place by officers.*

## **2. Complaints handled by the Early Intervention process - 8 complaints**

### **Complaint case reference 21: Early Intervention**

This complaint relates to a report of a transgender hate crime and it appears to have been resolved appropriately through the early intervention process. A positive point is that Police Communications Department **Sergeant Paula DONNELLY** identified that the Complainant's son was getting little support of his gender dysphoria and offered to find out what support was available and then provided information to the complainant.

### **Complaint case reference 22: Early Intervention**

This complaint is dealt with well through early intervention. It is a good example of specific learning being identified for a member of Police Staff. The finalisation email to the Complainant by PSD Assessor **Jonathan MABEY** (with information provided by Police Communications Department **Robert SIMMONS**) is of a high standard.

However, the Police Staff member complained about had not been spoken to – or it is not mentioned in the file – at the time the finalisation letter was sent. If this had been done, it would have allowed for a direct apology from the staff member to be included. In this case, this did not detract from the overall handling, though as it was acknowledged the original telephone call to the Police could have been handled better and an apology from a Manager is given.

**Question:** Is it possible to include a record of any conversation about learning with the member of staff in the complaint file, e.g. any reflections on their part? This is done when it forms part of the response to the Complainant, but would be interesting to see anyway in the complaint case file.

#### *PSD Response:*

*The panel's feedback is as always positively received and has helped shaped some complaint and early intervention procedures. Early intervention is a positive engagement with members of the public to resolve their complaints and provide a swift resolution to their concerns raised. The suggestion by the panel will be consider and reviewed.*

### **Complaint case reference 23: Early Intervention**

Rapid complaint handling - 4 days - and a clear internal response to the first contact:

*"I have reviewed this complaint and associated police records.*

*"Complainant had disclosed that she is a friend of Ms X and she had previously been to the address, but not as a resident. I have, therefore, arranged for any links to the home address to be removed.*

*"Unfortunately, the link to the car will remain as Ms X was arrested from complainant's car."*

However, the external response to the second contact from the complainant does not quite reflect the internal emails which suggest a delay in updating Ms X's address on PNC from court correspondence. The resultant assumption was that she lived at the complainant's address:

*"The response now received from one of these officers' sets out that Mr Y was recently sought by police and police intelligence suggested an association with Mr Z, who, as you will be aware, has links with Ms X, who had, at the time, links with your home address.*

*"Again, I have been assured that police systems have been updated to delete any links with {complainant's home address} and Ms X, so, hopefully, any searches for these persons will not result in officers attending your home address.*

The Panel member notes that the Police Database STORM incident report (initial complaint) states nothing about the reason for the Police Officer attending.

**Question:** It is unclear why the Police Sergeant at Broadbury Road Police Station advised making a complaint to get something done about the police visits. The initial commitment to have the address removed from Ms X's information did not appear to have been acted upon, as there was a subsequent visit. Why was no action taken?

**Operational question:** Whilst it is no doubt difficult to constantly update contact details, is there a system for logging changes known through official channels (in this case, through the courts) so that incidents such as these are minimised?

*PSD Response:*

*Cases resolved through early intervention are done with the aim of resolving the member of public's concerns at first point of contact, which has been achieved in this case. Subsequently action was taken to update the address.*

#### **Complaint case reference 24: Early Intervention**

A good response to the Complainant from PSD Case Administrator **Aysha AVERY** who linked this complaint to other against the same Officer. Also, a good comment in the response letter to the Complainant:

"... We constantly strive to learn from any complaints/feedback that we receive."

However, this complaint is closed but there is no completion in the complaint record. The Police Officer involved has said she is on the case but there is no record of her having obtained and viewed the CCTV footage or her giving an explanation/apology for the delay to the Complainant. There is no record of discussion between Sergeant BAILEY and Constable POOLE.

**Question:** Is it sensible/appropriate to repeat that the case is being dealt with via early intervention and not as a formal complaint? It makes it seem that it is not as important as other cases.

*PSD Response:*

*It is imperative that the member of public understands the procedures in which their complaint is being dealt with, due to the differences between informal resolution and formal.*

#### **Complaint case reference 25: Early Intervention**

Good communication from the Police to the Complainant who understands the difficulties. He is pleased to receive a visit from the relevant PCSO. This complaint is dealt with by email and a visit with 5 days, which is much appreciated. The complaint is resolved with very little Police time to complete.

#### **Complaint case reference 26: Early Intervention**

Clear and timely communications with the Complainant.

#### **Operational policing question:**

The telephone call to the Police Communications Centre was graded as a priority – and this was confirmed as correct as part of the review of this complaint. However, the Panel member's query is around managing the expectations of the Complainant. Despite being told this was a priority and someone would attend, no-one did. This was due to other operational priorities and the Panel member understands that this happens and with limited resources someone has to prioritise (and re-prioritise) the priorities. However, a phone call to the Complainant to explain why someone wouldn't instantly attend would have managed the situation better. Is this something that should

happen and failed to in this instance, or is this not done as standard practice due to limited police staff?

**PSD Response:**

*Thank you for the positive feedback on swiftly resolving complaints through early intervention. The report was graded appropriately in line with threat, harm, and risk assessment. However, due to other operational demand the call was not immediately actioned. This was explained to the complainant over the telephone and apologies made.*

**Complaint case reference 27: Early Intervention**

Clear communication from the PSD staff to the Complainant and resolved by telephone conversation to apologise, which included an explanation of assumptions made by the Police.

However, although there was a quick response when prompted, it does not meet the stated complaint turnaround deadline of 7 days.

**Complaint case reference 28: Early Intervention**

**PSD Complaints Handler Katie DARE** provided clear communication, maintained continuity (i.e. did not pass on this to another officer to deal with or handover), and the advice presented to the complainant was reasonable and balanced. The time taken to reach the final outcome response is only 4 days (including the weekend) so very quick and well managed.

However, use of appropriate terminology, in plain English, might have closed this complaint earlier. Members of the public are not generally familiar with the correct use of common policing terms. For example, in this instance the complainant was upset about the lack of action when they believed they had provided sufficient evidence. However, the term used in the response was “.. closed due to lack of evidence.”, which was the original basis for the complaint. A small change to include the word: “.. lack of actionable evidence” might have closed this matter earlier.

Using plain English could make communication with the public less ambiguous and less procedural.

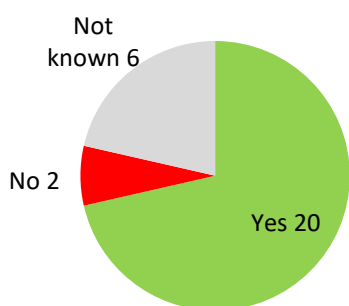
**PSD Response:**

*We encourage the use of plain English in our communication, feedback will be provide on the use of narrative.*

## APPENDIX 1 – FEEDBACK FORM STATISTICS – SIX QUESTIONS

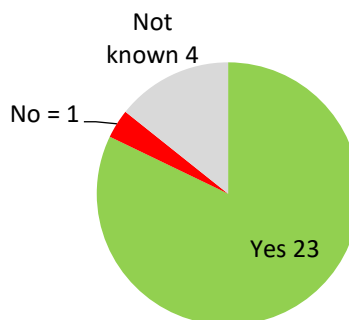
**Has the complaint process been open, fair and proportionate?**

**Total: 28 Answers**



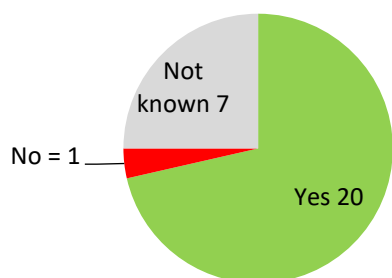
**Was the correct decision/final outcome made?**

**Total: 28 Answers**



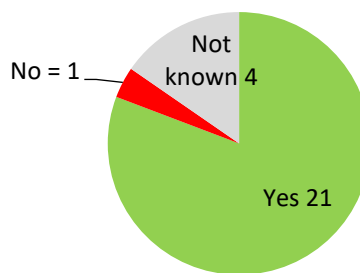
**Has appropriate support been offered to the complainant?**

**Total: 28 Answers**



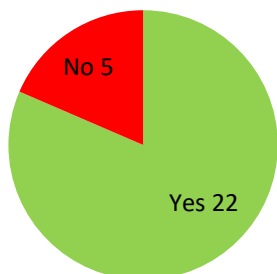
**Has the complainant been kept appropriately informed?**

**Total: 26 Answers**



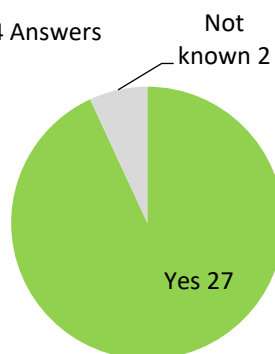
**Has the complaint handling process been timely?**

**Total: 27 Answers**



**Is the complaint handling process and outcome fair and free from any form of discrimination or bias?**

**Total: 14 Answers**



These pie 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 pie-chart figures.