

Independent Residents' Panel



SEPTEMBER 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

STRUCTURE OF THE SESSION

4 of the 9 Independent Residents' Panel (IRP) attended this quarter's meeting. The panel was asked by the Constabulary's Professional Standards Department to review complaints relating to mistaken identity to assess whether they had been dealt with fairly, proportionately and impartially. This was part of a wider piece of assurance work being conducted by the IRP and the December meeting will focus on how the Constabulary's new values are reflected in complaint management.

The session focused on two themes:

Most Recently Closed and Mistaken Identity

- Most Recently Closed: 10
- Mistaken Identity: 3

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.

ATTENDANCE: SB, LC, PK & AD

APOLOGIES: TW, CW, KS, PK, NB

ACTIONS

The action register is monitored and maintained by the OPCC Contacts and Conduct Policy Officer on behalf of the Panel

No.	Action	Status
CARRIED FORWARD		
1.	Dec 2018 Carried Forward 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.	Keep in view
2.	Dec 2018 Carried Forward (AOB 2) 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	OPCC to maintain register. Keep in view.
3.	June 2019 Carried Forward Suggestion of a possible theme for the IRP -complaints have arisen from incorrect information or data held against an address or person	Keep in view
NEW ACTIONS		
8.	Three options to be formatted and disseminated to the Panel for a revised report.	Complete
9.	Check the number of hits on the IRP pages to see what the foot fall is.	The total number of hits for 2019 is 60. 10-15 hits from the OPCC
10.	To contact Inspector Shaun Finn and provide dates of the next 3 IRP meetings for an input on Use of Force and consider potential shadowing opportunities for IRP members in custody.	Complete
11.	Question raised by the Panel about the reference to VCOP in case [REDACTED] when the son of the complainant was the perpetrator and not the victim.	Chief Inspector Yaxley will review the case.

PSD UPDATE

Chief Inspector Ed Yaxley

DEPUTY HEAD OF PROFESSIONAL STANDARDS

Staffing issues within PSD

This is now stabilising however PSD were experiencing high workloads due to staff vacancies. Recruitment has now been completed and new starters are trying to get a grip of their new roles. We have a new DI Steve Cartilidge in Counter Corruption Unit (deals with complaints relating to corruption for Police Officers, abusing authority for sexual gain e.g. domestic abuse) and also running Operation Topaz (operation that tackles Child Sexual Exploitation CSE).

Operation Uplift (National increase in Police numbers)

The increased funding nationally for police officers and locally through the precept increase, has had a significant impact on the Vetting Team as it has increased their workload. The SLT have already considered the current departmental structure and plans have been approved to bring the Vetting Unit in line with PSD rather than the Business Improvement Unit. The Vetting Unit compliment the work streams of PSD and it is appropriate it sits as part of this department. There has been a peer assessment conducted into the Vetting Unit which has assisted in identifying the appropriate strategy to address the current issues and this has provided 19 actions to consider. This work will put Vetting in a much better place with a sustainable infrastructure moving forward.

Police Integrity Reforms

We are now moving towards the new regulations for complaints management. These have been delayed significantly however they were approved by Parliament in December 2019 and a go live date of 1st February 2020 has been set. Despite the General Election, the Home Office feel that these timelines are still realistic.

Training is being provided and this will see a significant shift in the level of complaints handled by PSD and more focus on learning and reflection.

Steve Crouch has now been seconded to the OPCC in preparation for the new regulations where PCC's will become responsible for carrying out 'Reviews' (currently known as Appeals).

Local policing bodies do not become the 'appropriate authority' for the complaint under any of the models.

Appeals

There has been one appeal upheld by the IOPC since the last meeting in July 2019. Whilst PSD feel that the officer's action was appropriate under the circumstances, the IOPC disagreed and requested a further investigation. PSD have concluded that they stand by the original findings.

We await further response/direction.

New IRP Report

It was agreed by all present including C/Insp Yaxley that a revised IRP report should be produced which provides a more succinct summary of the activity of the IRP and their findings as well as key highlights from PSD and themes identified.

PSD Q&A

Based on the dip samples conducted by the Panel earlier in the day with Chief Inspector Ed Yaxley and John Smith CEO for the Office of the PCC



Panel – Looking at the recent statistic for ‘Early Intervention’ (EI) cases, (expressions of dissatisfaction that are assessed as low level and could be resolved by means of explanation or learning), they appear quite static, are you still progressing and championing EI’s?

PSD Response – Arguably we have hit the threshold for the number of complaints suitable for EI or we are not assessing at the right level. 100% it is the first consideration and with the new regulations, it will go hand in hand.

Panel – I have seen mention that the Police are considering a restorative approach to resolving expressions of dissatisfaction - is this new?

PSD Response – This is considered as part of the severity assessment. I consider whether serious enough to warrant paperwork being issued and as part of that Restorative Justice is considered.

Panel – I have noted a real improvement in the way records are categorised and stored with action plans and sub categories clearly labelled.

PSD Response – The Regulations are very stringent now, one of the things that we are currently looking at as an SLT is our retention schedules to ensure that we are not retaining things unnecessarily.

Panel – I have noted that Body Worn Camera (BWC) was not used in this case of mistaken identity and only months after the case of [REDACTED]

PSD Response – It is a cultural issue and is now widely being used and hopefully with the increased battery capability we will see it increase. For stop and search it should always be used.

John Smith OPCC CEO – The burden of proof is with Police and soon the first question will be ‘why did you not have your BWC on’? Colleagues on the Scrutiny of Police Powers have noted that the BWC footage now shows use of 85% upwards. There is the intention to do some work on those not using it - some use the excuse of prolonging battery life.



PANEL FEEDBACK

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 FEEDBACK

- **Sgt Dudley BOND** was commended by the Panel on providing a very courteous outcome letter which conveyed empathy whilst not accepting the substance of the complaint. (Case 10.PK Refers)
- **T/Insp Rob CHEESMAN** was recognised for his handling of a complaint which had multiple issues highlighted including the victim suffering difficulties with neighbours and partner agencies. The assessment of the complaint was clear and concise, setting out all the issues and the action agreed by the complainant to resolve them. (Case 8. PK Refers)
- **PSD Investigator Nicholas CROCKER** was commended for good communication and evidence through the consideration of facts. (Case 2.AD Refers)
- The Panel commended **Insp Adam GOLDING** for his resilience despite the level of abuse he received. (Case 3.AD Refers)

'On the whole, the Panel were very positive about the cases that they reviewed citing significant improvements in recording, organisation and tone of communication including empathy and reassurance'.

- **DI Gary Stephens** was recognised for his effective and efficient handling of a mistaken identity complaint. The panel felt his report showed that the complaint had been taken seriously and thoroughly investigated. The final letter was good and demonstrated a fair and proportionate approach. (Case 12.PK Refers)
- **A general recognition by the Panel that there had been improvements in timeliness and efficiency of complaints.**

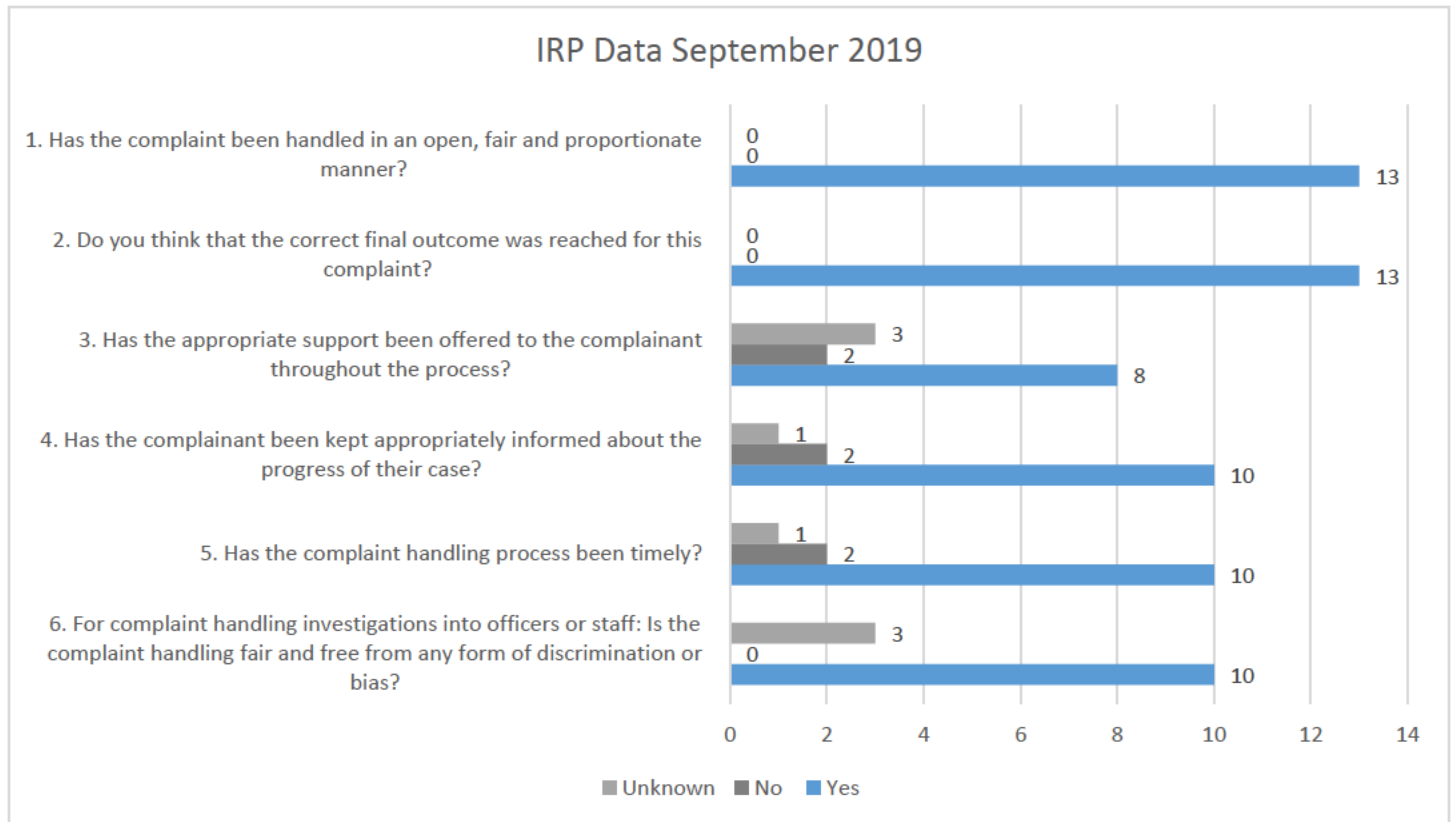


The IRP and the Professional Standards Department recognise the importance of the reward and recognition of staff who are performing well and providing an excellent service to the public. All those identified in this session will receive the feedback from the Panel and where appropriate, submissions will be made for consideration of formal recognition by the Constabulary.

HIGHLIGHTS OF CONCERNS, QUESTIONS OR ISSUES RAISED BY THE PANEL

FEEDBACK FROM PANEL	COMMENTARY FROM PSD
<i>'In case 11.PK there was a lack of empathy in the response as the officer dealing failed to acknowledge the impact this case of mistaken identity had on the complainant and the wider community. The complainant was of a BAME background and the Panel stated that one poor experience of policing can compound the feeling of distrust for a community.'</i>	We agree with this feedback. Organisationally, the Constabulary has commissioned Cultural Intelligence training for all first line managers and championing inclusive leadership in policing.
<i>'In case 1.AD the Panel felt that the complaint was handled well but initial lack of ownership led to issues with timeliness.'</i>	We accept that there were delays initially, however, once taken by officer in charge the appropriate action was taken to address and resolve concerns raised
<i>'In case 2.AD there was concern raised again about compliance with time scales being outside of the statutory 28 days for updates (IOPC Guidance).'</i>	PSD dealt with allegations of the same nature under a different case number, which was finalised with a thorough final letter by the PSD Investigator. Months later the complainant wrote to the force raising the same concerns, albeit no appeal was made under the previous case. Due to repetition, allegation 1 was subject to disapplication process and allegation 2 was recorded for Local Resolution. The disapplication letter was sent on 11th April seeking representations, none were received, final disapplication letter sent on 30th May. Reviewing the file the complainant chased a response to the recorded allegations via PSD, who redirected to the local policing inspector to address and resolve. PSD regularly chase complaints allocated outside of PSD to ensure the complainant's needs are met in a timely manner.
<i>Concern was raised on two occasions about the lack of Body Worn Camera usage.</i>	Discussed in PSD Q&A page 4.
<i>The Panel remarked in case 6.LC that more support could have been offered to someone living with Asperger's and other mental health conditions.</i>	The Panel makes extremely valid comments in relation to additional support. The complaint was made due to the length of time the criminal investigation was taking. Learning for the Constabulary to improve timeliness and communication.
<i>Wasn't part of the complaint, but it seems the S&S was undertaken in the street (assumption made as a passing member of the public made comments) – due to the distress of the complainant could this have been undertaken in a more secluded place.</i>	Stop & Search lead Chief Superintendent Richard Corrigan will review these comments and respond.
<i>Case 12 SB The report states "It is disappointing that, with this knowledge, they did not consider a different approach than simply shouting out to [REDACTED] the street from their car"</i> <i>What sort of approach should have been used instead?</i>	The investigation identified learning for those involved which resulted in management action to address individual learning/reflection.

STATISTICS



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.

Comments from the Professional Standards Senior Leadership Team:

'We welcome the Independent Residents Panels comments; it is particularly reassuring to read the positive comments in relation to our complaint handling procedures. All complaints are taken seriously and the observations from the panel demonstrate that cases are handled, fairly and proportionately in a timely manner.'

'We are a learning organisation and in times where the service falls below the expected standard, it is important that we seek to improve and learn for the future.'



Comments from PCC Sue Mountstevens

'Mistaken identity cases can be very distressing for the person involved so I am pleased the panel looked at this area. Generally there are a number of positive areas and I am pleased with the positive responses from the Constabulary.'

Sue Mountstevens