

Independent Residents' Panel

September 2020

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Purpose of the Independent Residents Panel

The Independent Residents Panel (IRP) consists of 10 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 [on our website.](#)

ATTENDANCE:

Attendees: SB, KS, DW, TW, AD & PAK

Apologies: CW, LC, DH, & PK

STRUCTURE OF THE SESSION

Due to COVID-19 and lockdown measures, the Independent Residents’ Panel was facilitated virtually. 6 members attended including 2 that have been seconded from the OPCC volunteer’s network. The Panel focused on most recently closed complaints. This enabled the Panel to look at a broad range of complaints with varied themes such as Discriminatory Behaviour or Delivery of Duties or Service

Total number of cases sampled: 21



ACTIONS

No.	Action	Status
1. Dec 18	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 2019/2020.	Dip sample report circulated to Panel - completed. KEEP IN VIEW
7. June 19	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		
13. September 20	SF to disseminate copies of the DCC Phil Cain NPCC Report link and PSD Inclusion and Diversity plan.	COMPLETE

PSD UPDATE

Temp Detective Chief Inspector Gary Stephens

STAFF CHANGES

There have been some significant staffing changes in the Professional Standards Department since our last meeting. Detective Chief Inspector Ed Yaxley has now left PSD to take up a post elsewhere in the organisation. Detective Chief Inspector Jane Wigmore has now taken the role as Deputy Head of Professional Standards. We have seen leadership changes in the South of the force area with a new Inspector and changes in the Senior Leadership Team due to maternity. We will see further changes in the New Year as current Head of PSD Detective Superintendent Simon Wilstead will be retiring. Whilst we welcome these new appointments, we are cognisant of the experience that we will lose with these departures.

POLICE REFORMS

The new regulations have been a significant change for PSD and provide a greater focus on learning and reflection. Gross misconduct and misconduct are still available but the thresholds have changed. There is a review that is about to take place to assess 'where we are' in terms of the new regulations but in general terms we feel that it is working well. The new regulations are now embedded and considered business as usual. It was anticipated that the new regulations would increase the number of complaints recorded and we have seen a substantial increase which has also been reflected nationally. One of the rationale's for this increase is around the change in the complaint definition any expression of dissatisfaction with the service or conduct of police. Whilst there are higher numbers, the new regulations are clear that complaints should be handled reasonably and proportionately which gives more discretion for complaint handlers.

PANEL Q&A

Panel Member – When officers are the subject of repeat complaints, are you able to take a cumulative view of how many times an officer has been spoken to, especially in light of the regulatory change?

PSD – *When a complaint or conduct matter is recorded we check the history to see whether there is a series. Misconduct and Gross Misconduct are still there. There is a College of Policing test which considers harm, capability, mitigating factors and as such this would allow us to push this up in terms or severity and outcomes. QlikSense (the force data analytics tool) is used in PSD to assist in looking at this history at an organisational, departmental and individual level, for example the number of stop checks and activity of certain people.*

Panel Member – What is Reflective Practice Intervention?

PSD – *Where an officers actions or behaviour are alleged to have fallen below the expectations of the organisation but are not considered serious enough to warrant misconduct proceedings, a reflective practice review process can be evoked. This is a formal process which is reflected in the legislation and designed to give officers and line managers an opportunity to discuss where things have gone wrong and to look for ways of addressing issues.*

Panel Member – What is the percentage split of complaints relating to those concerned that the police have not done enough enforcement and those that feel the police have done too much enforcement?

PSD – *It is difficult to make direct comparisons as the legislation has been subject to much change in a short period and we have to look at the matter of complaint in accordance with the legislation at the time. The complaints that we have received are generally more about individual officer's interpretation and application of the legislation. We have also seen some members of the public deliberately coughing and spitting at officers which also poses a COVID risk.*



Panel Member – I understand that the majority of PSD staff are working from home but do not have phones to speak with the public. This was raised at the last meeting. I have seen in my audit that people have not been called as staff do not have the equipment. What is being done to address this?

PSD – *As you are aware, the entire force was expected to move to home working very swiftly and whilst Avon & Somerset Police were already significantly ahead in their digital roll out, there were challenges in obtaining all the kit required due to the demand across the force and operational services had to be prioritised. PSD should be phoning people from home where they have the equipment to do so and we are working towards getting all our staff that require phones in the near future.*

Panel Member – There are disproportionality issues in relation to representation, Fixed Penalty Notices and Stop and Search for the BaME community. What is being done to address this both at Avon and Somerset and nationally?

PSD – *Avon and Somerset are committed to becoming the most inclusive force in the country and PSD have been working with local equality leads SARI as part of our internal training and to develop our own strategic Inclusion and Diversity plan. Much of this has been developed in line with the work completed nationally by National Police Chiefs Council lead DCC Phil Cain of North Yorks Police. Further information is available [here](#).*

HIGHLIGHTS OF POSITIVE FEEDBACK



“Very prompt resolution – it’s clear that when the Professional Standards Department get involved, they get it done!”

Panel Member

Positive Commentary from the Panel:

- “Responses are sensitive to the complainant’s needs (well worded, empathetic and informative of the course of action and the methodology being applied.”
- [REDACTED] was recognised twice for the handling of [REDACTED] the case was dealt with in a timely manner from initial complaint date to acknowledgement, within planned finalisation date. He was also recognised for [REDACTED] which demonstrated a good acknowledgement of a complaint email, specifically detailing the actions which would be taken
- [REDACTED] was recognised twice for handling of [REDACTED] where she provided a full explanation as to the decision-making process which led to the complainant understanding the A&S actions and accepting them [REDACTED] was also recognised for empathy in the handling of [REDACTED].
- [REDACTED] was recognised for his handling of [REDACTED]. The report and final letter were thorough and professional. It is clear that the Body Worn Video was invaluable in the resolution of this complaint.
- Recognition was also given to [REDACTED] for [REDACTED]. The case contained a good acknowledgement letter, detailing actions to be taken investigating the complaint which included a full explanation to complainant as to why his complaint has been upheld and the original decision changed. This successful outcome for the complainant was in part due to the comprehensive evidence based argument he submitted, and the attendance of PS Watson to a review meeting with the complainant – excellent examples of engagement and collaboration

“The letters are far more accessible and understandable than they used to be – much more user friendly!” Panel Member

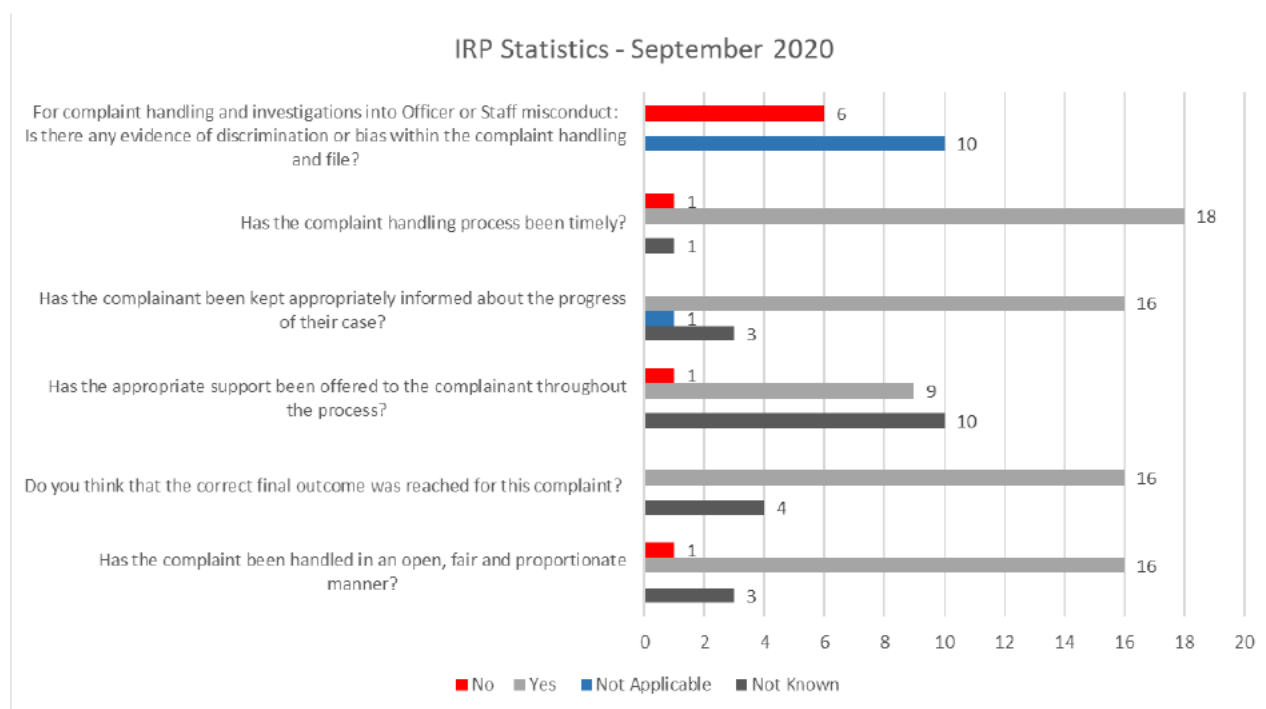
HIGHLIGHTS OF CONCERNS, QUESTIONS OR ISSUES RAISED BY THE PANEL

Panel Member Feedback	PSD Response
<p><i>"In the case I looked at racial profiling was possibly not picked up or ignored. If someone has mentioned within their complaint there is a responsibility to acknowledge it and if disproven, to articulate this for assurance."</i></p>	<p>I have reviewed it and I can see that racial profiling/discrimination was mentioned in the first e mail but when further detail was sought it was not repeated. Whilst the profiling element was then mentioned on the assessment sheet it did not get reflected in the recorded allegation, the IO completed a report based on that recorded allegation.</p> <p>In order to reflect the wider dissatisfaction the racial profiling element should have been recorded, either as part of the first allegation or a second one so it could be appropriately addressed. Albeit it's worth noting that it's not entirely clear who is being racially profiled, her or the male subject of police attention?</p> <p>The case was appropriately recorded as otherwise than by investigation and was dealt with reasonably and proportionately as a clear objective basis was cited for police attendance. I think what it missed perhaps was the profiling allegation being explored in this context.</p> <p>I'm satisfied the complainant has been given an appropriate explanation (within the confines of reasonable and proportionate) but the learning is that we perhaps should have explicitly recorded the profiling/discrimination element.</p>
<p><i>"This specific complaint was quite vague in the resolutions, how can this be incorporated when the complainant is using other methods of complaint such as email or letter where there is no prompt on the resolution?"</i></p>	<p>This form of complaint involving multiple nuances is not unusual. It is therefore down to the experience of the assessor to understand what the allegations are and to seek to understand what resolution is sought by the complainant in order to address their dissatisfaction.</p> <p>It is difficult to be formulaic in this approach as this is often down to communication between the assessor/complaint handler and the complainant. In this case a resolution was considered and highlighted to the complainant who agreed it would be an</p>

	appropriate approach to resolve his expression of dissatisfaction.
<i>"Now it has been disclosed that there is a negative history between the complainant and PC X, what steps have been taken to avoid future interaction? And if PC X was already aware of previous negative interactions, was it appropriate for him to attend in the first instance?"</i>	As this was a local issue it was dealt with locally by the officer's Sergeant who spoke personally with the complainant with a view to resolving matters. On speaking with the complainant it was only then disclosed there was some historical hostility from the complainant towards the officer, the officer was subsequently spoken with and given appropriate words of advice. The complainant indicated he was content with this response.
<i>"What support services are available for victims of what is clearly anti-social behaviour and physical bullying"</i>	In this case the incident referred to in the complaint was independently reviewed, despite suspects being interviewed evidentially it was not possible to proceed to court. The Police Anti-Social Behaviour teams work in a multi-agency setting to address local problems and there are various support mechanisms available through the Police and other agencies, both statutory and voluntary to support those involved. In this case the victim was under 18 so information was shared through a safeguarding data sharing agreement.
<i>"It appears the original call handler did not complete and submit a DVDS application (from the very helpful response by Andy Fox), and hence Lighthouse was not notified to take any action. Final email advises the complainant to request a DVDS via 101 or front desk. My query is, how would a member of the public know to request this? Is it something the call handlers should have suggested, or is the onus on the caller to request it?"</i>	It was never fully established why this request for service from the complainant wasn't dealt with appropriately as it would seem she was aware of Clare's law, we can only attribute this to human error. Clare's law and the DVDS process is signposted on the force website as it is by many other Government, Police and 3 rd sector organisations so awareness of it is widely communicated. An initial call to the organisation on 101 will be answered and where appropriate referred to the correct dept. In this case it should be referred to call handlers who have access to a process map and directions on how to invoke the process.

In cases where direct feedback was highlighted for the attention of the handling staff member, PSD has ensured this was considered.

STATISTICAL ANALYSIS



This chart related 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 Deputy Head of Professional Standards Temp Detective Chief Inspector Gary Stephens

Once again this has been a very productive review. I'm especially pleased that the panel has highlighted positive feedback for named members of staff, this will be shared with them and I know they appreciate it. There was also very constructive feedback and a case highlighted from which personal learning has been shared. We remain grateful for the ongoing work of the panel as critical friends and I reiterate our commitment to working with the panel in order to continuously improve our response to the public. Thank you.



Comments from Avon & Somerset Police and Crime Commissioner Sue Mountstevens:

The Independent Residents Panel have raised valid points of discussion throughout their feedback and provided a strong balanced response. I am grateful, as always, for their time and views, all of which given on a voluntary basis. I would also like to thank Professional Standards for their support of the Independent Residents Panel and professional engagement throughout. Only by listening and acting on feedback can we ensure the highest level of service for our communities.