

# Independent Residents' Panel

March 2021

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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, DH, LC, CH, DW, TW, AD, PK & PAK

### STRUCTURE OF THE SESSION

Due to the continuation of COVID-19 and lockdown measures that remain in place, the Independent Residents' Panel was facilitated virtually again. It is anticipated that this meeting structure will continue for the year ahead, until we are in a safer position to accommodate meetings in person. The Office of the Police & Crime Commissioner will regularly review how meetings can take place safely and in line with government recommendations as the year progresses.

All 10 members attended including 3 that have been seconded from the OPCC volunteer's network. The Panel opted to focus their meeting on **Discrimination**. The cases were selected on the basis that the complainants felt that they had been treated unfairly and discriminated against by the police based on one or more of the 9 protected characteristics, as defined by the Equality Act 2010. These are; age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

The Panel welcomed presentations from Esther Wride and members of the Avon and Somerset Police Inclusion and Diversity Team. These inputs assisted the Panel to understand what work is being done to make Avon and Somerset Police a more diverse and inclusive workplace and how the team raise cultural awareness amongst police officers and staff.

Total number of cases sampled: **26**

## ACTIONS

No.	Action	Status
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 2020/2021.	KEEP IN VIEW
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
Dec 2020	D/Supt Jane Wigmore to look at the use of the term 'fanciful' in complaints handling, especially in context to complainants where mental health is a factor. To consider supporting commentary to enable understanding if this is considered appropriate terminology.	<b>Addressed. D/Supt Wigmore agreed the term which is incorporated into the statutory guidance is not user friendly. Awareness raised to avoid using this emotive term.</b>
<b>New Actions</b>		
Mar 2021	A request to Head of PSD to consider revising the OTBI final letter to make it easier to understand.	<b>PK and KS to work with PSD on this</b>
Mar 2021	Inclusion & Diversity training for all panel members	<b>BM to liaise with EW</b>

## PSD UPDATE

### Temporary Detective Superintendent Jane Wigmore

#### KEY PERFORMANCE MEASURES

Recorded complaint numbers remain the same. In the last few months it has been noted that the number of Schedule 3 complaints (those which meet the logging criteria & will be recorded and assessed under the Police Reform Act 2002 and IOPC Statutory Guidance 2020) are getting progressively higher. PSD have high success rates at present to ensure that complainants are contacted within 3 working days of a complaint being submitted. In January 65% of complainants were contacted within 3 working days of submission and 71% in February. Where an expression of dissatisfaction was logged, the resolution success rate was 95%.

## REFLECTIVE PRACTICE REVIEW PROCESS

As part of the new regulations an officer can now be required to undertake the Reflective Practice Review Process (RPRP). RPRP is central to the reforms, it brings policing in line with other services, where minor mistakes are not simply punished – they are used as opportunities to learn. It is a structured, non-disciplinary approach which encourages officers to identify mistakes, consider the impact of their actions and reflect on how they can learn and improve. Outcomes can involve training courses, formal monitoring or mentoring, an apology to the complainant or even a process of continued reflection. PSD have been working hard internally and externally to promote this practice by speaking directly with staff and line managers. This is now captured in the performance figures and in January and February 2021 there was a marked increase in its use which is promising news.

## INVESTIGATIONS LONGER THAN 12 MONTHS

Investigators are now expected to explain when their investigations take longer than 12 months. As of February 2021 there were no live investigations outstanding for death or serious injury complaints or misconduct. The only live outstanding cases were cases that have been paused due to criminal proceedings taking place. It is inevitable that the delays in the criminal justice system due to COVID-19 are having an impact on certain areas of business.

## OTHERWISE THAN BY INVESTIGATION PILOT UPDATE

At the last meeting the 'Otherwise than by investigation' (OTBI) pilot was discussed. OTBI allows complaint handlers to resolve complaints in the most reasonable and proportionate way and some of these cases are best handled through a process called 'Practice Requires Improvement'. This reflective practice, formerly managed by PSD, had as of the 16<sup>th</sup> November 2020 been returned to line managers to trial. PSD have noted many more local officers are now making contact with staff and having proactive conversations regarding how to address complaints. There have been some areas of learning identified, including the lack of explanation and rationalisation when decisions are made. Overall there are promising outcomes of good practice.

# Inclusion and Diversity

**Presented by Esther Wride, Inclusion and Diversity Lead, Avon & Somerset Constabulary and Outreach team members: Eneyi Pemu, Serena Serjeant, Paul Walker and Veron Dowdy.**

Esther and her team spoke with passion, delivering a thoroughly engaging and informative session to the panel about what her team are doing to make Avon and Somerset Constabulary a more inclusive and diverse workplace. They talked also about how they raise cultural awareness amongst police officers and staff.

## The team's aim

The team's main objectives are to challenge mind-sets, change perceptions and build powerful relationships from grass roots. The Outreach team has been consistent in engaging with different communities; aiming to build trust, create awareness of opportunities in policing, and increase community insight.

## Internal Engagement

The team focus a great deal of importance on engaging with our communities but acknowledge how vitally important it is that departments internally have the chance to learn about the importance of having a more diverse workforce and the benefits for everyone.

***"Diversity fosters a more creative and innovative workforce".***



## Training

The team spoke about how they are gradually working down the organisation from a management level to roll out Cultural Intelligence (CQ) training. The training aims to develop participants' confidence in engaging in diverse cultural contexts and to develop their understanding of their own cultural value preferences, biases and how these impact on

the way they engage with difference. CQ trainer Eneyi Pemu, strongly believes the training makes a difference; *"many people are still confused by the terminology, once you know what your unconscious bias is, you can address it to make you a better person"*.

Sergeant Serana Serjeant spoke regarding her involvement in delivering Cultural Awareness training sessions. These sessions are centred on Demystifying Islam and Islamophobia. The training is delivered in-house to Avon and Somerset staff to increase their cultural awareness. In addition to this training the team run Safe Space sessions. The aim of Safe Spaces is to create a comfortable environment for staff to talk about topical cultural issues such as the Black Lives Matters protest, the toppling of the Colston statue and to understand and discuss terms such as white privilege. The team want to encourage staff to be confident to ask questions so that advice can be provided around what is the correct type of language to use when dealing with a member of the public.

Outreach Worker, Veron Dowdy spoke passionately about continuing to develop a Safe Space to talk about race. The international debate was really brought to the forefront in May 2020 following the death of George Floyd and we must continue to talk about controversial issues such as race.

The team continue to reach out to engage with Neighbourhood Policing Teams across the force to build relationships, engaging with some of the more remote communities that are often overlooked. Outreach Worker, Paul Walker has been doing some fantastic work in the Bridgwater area working collaboratively with DWP and the jobcentre to engage young people and the wider community.

The panel members concluded that they felt it would be useful to have some Inclusion & Diversity training as part of their CPD. It was agreed that this will be taken forward as an action for 2021.





## HIGHLIGHTS OF POSITIVE FEEDBACK

### Positive Commentary from the Panel:

- “I felt the police went above and beyond to thoroughly investigate this complaint and in the final letter explaining in great detail again, how and why, with each issue the complainant had, was acted on fairly to safeguard both the Officers and the complainant and to act in accordance with the law”
- “Reading all available documentation it is clear that all officers involved at the scene, ambulance crew in attendance, and custody staff acted professionally and with appropriate use of force throughout. A very difficult case to review as the complainant clearly has a history of mental health issues and the potential for violent outbursts. The case was dealt with fairly and taking all information into account, I can see no evidence of discrimination or systemic failure”
- “The Investigating Officer handled a delicate matter with appropriate sensitivity”
- “Hoorah for Body Worn Video (BWV) it clearly showed consistency to the whole incident. The arresting Officers were shown to conduct themselves in a very professional calm manner and diffused any irate behaviour from the driver. It also recorded the conversation between the driver and the DVLA that clearly said the driver should not be driving as the license had not been processed yet”.
- “The complaint was dealt with in a timely manner and the complainant was kept informed at all relevant stages. He clearly expressed his appreciation that the Investigating Officer was looking into his concerns, albeit he no longer sought to pursue his complaint”

**“Commendable initial response from [REDACTED] who appears to have taken a pro-active approach to resolving the complaint. Good empathetic final response, which was especially important given the situation and also because it was not what the complainant was probably hoping for. Also good to see some positive suggestions about how the complainant might go about resolving the problem.”**  
Panel Member

## HIGHLIGHTS OF CONCERNS, QUESTIONS OR ISSUES RAISED BY THE PANEL

Panel Member Feedback	PSD Response
<p>The complainant must have requested a Review after the initial investigation although I could not find a copy of a formal request?. Unless a formal application is sent by the complainant for a review how much encouragement or engagement should we be applying after the initial outcome?.</p> <p>Why had [REDACTED] not seen a full driving license and business insurance documentation before employing this person? Should we be doing spot checks on drivers for these and other firms or investigate the companies for taking on drivers that have not got complete documentation?</p>	<p>Following receipt of the complaint report and final letter the complainant emailed questioning aspects of the case. His right to seek a review was highlighted to him as had been in the final letter. He emailed again, not formally requesting a review but again questioning aspects of the case. Despite the fact that this was not a formal request to review he was still clearly dissatisfied so it was treated as such and was therefore subject of review. The employment of drivers by companies is a matter for them to ensure their drivers are driving legally. There is clearly a requirement that all drivers on the road comply with all relevant legislation.</p>
<p><i>I have noticed a couple of cases where the complainant has hinted they would like the case dropped but nothing formal has been received. Is this because they are unsure of how to go about formally asking to drop a case/could this be made clearer?</i></p>	<p>A complaint can only be dropped if written authority is received from the complainant to do so. If not received we are able to write to them and ask for a response within 28 days, often used for non-cooperative complainants. Where a complainant expresses a clear wish to discontinue their complaint we would discuss and seek written authority to do so.</p>
<p><i>Why did the officers in this case not use a spit hood?</i></p>	<p>It is up to the officer concerned to justify any use of force. The officer in this case expresses a belief that he could hear the complainant gathering spit in his mouth, he took action to prevent being spat upon. The complainant then spat upon the ground. Spit guards are issued only to staff trained in their use. The officer recorded events on his body worn camera and recorded his justification in his pocket note book.</p>
<p><i>This is a very detailed series of complaints from someone who appears to have substantial mental health issues and a history of making complaints. Unfortunately the letter was not up to the high standard I expect to see. The letter was lacking in empathy and read as if the author wanted to dismiss the complaints as quickly as possible.</i></p>	<p>Feedback noted in respect of the final letter, it is accepted that this letter could have been written in a more empathetic manner. All forms and final letters are currently subject of review.</p>



*The complainant is told that the BWV addresses all of her concerns. Would it be helpful to therefore invite her to view it? Complaint handler's letter does not address the allegation of a threat to put her children in care.*

We have previously invited complainants to the station to review body worn camera footage, unfortunately this has not been possible in recent months due to COVID restrictions. That facility will become available to us again once the lifting of COVID restrictions allow. Whilst this complaint was recorded the complainant did not proceed with it. In such circumstances we have no obligation to provide a response but the letter to the complainant did cover the basic details, albeit not every aspect of the complaint was addressed.

*Any contact from PSD to an officer has the potential to cause possible anxiety to that staff member (in particular junior officers), please be aware of this.*

PSD are always mindful of the human aspect and of the anxiety caused to officers when they have been accused of wrongdoing even when, in their own mind, they've done nothing wrong. Investigating Officers are always open and honest with those subject of complaint and support measures are always in place for those subject of investigation, particularly in what are assessed to be more serious cases.

*What guidance is given on Use of Force - what is considered as being reasonable force?*

The Use of Force is a complex legislative area and at its core is the National Decision Model which informs the officer's decision making in each given case. Significant training is given to officers in all aspects of the legislation and the National Decision Making Model which dictates formulating decisions on the appropriate use of force. This training is repeated at relevant points such as various refresher training inputs.

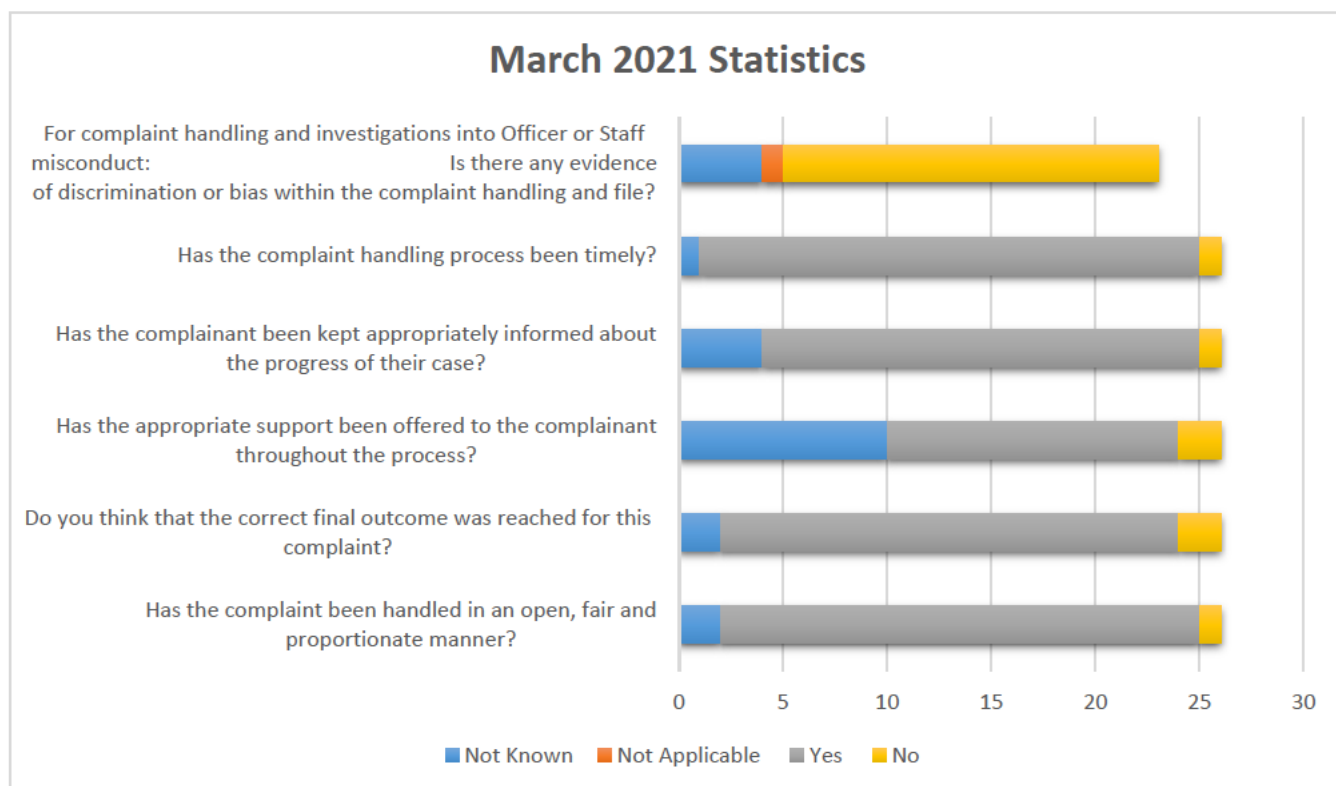
*Use of PAVA - when should aftercare apply - is it immediately after spraying. The guidance states that if there is no water available then the subject should be exposed to fresh air. Why don't officers carry water as a matter of course?*

It's impractical to carry water to cover all eventualities. Officers are trained in aftercare, the guidance of which emanates from Approved Professional Practice issued by the College of Policing. Ideally aftercare should commence immediately after spraying, however that may not always be possible as there may be ongoing risks to the detainee, officers and the public (such as ongoing violent behaviour) that may require immediate resolution.

*Racial profiling is not always evident through behaviour/language -there can be other indications, what training do Police have in this area?*

Officers receive significant training in this area and are fully aware of the principles of conscious and unconscious bias. The IOPC have produced statutory guidance on how to investigate allegations of discrimination. This guidance introduces tests such as 'comparator evidence' and provides other guidance to assist whilst investigating allegations of discrimination.

## 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 Head of Professional Standards Detective Superintendent Jane Wigmore:

*As a department we remain incredibly grateful for the continued commitment of the panel in acting as critical friends and helping us to develop our response to the public. Our Outreach team are vital in assisting the Constabulary achieve its aims in respect of inclusion and diversity, I'm pleased that members of the panel found their input so beneficial.*

*The issue of dealing with complaints relating to discrimination effectively is vital in building and maintaining trust and confidence within ethnic minority communities and as such the assistance of the panel in driving this area is much welcomed.*

*We have listened to previous feedback around language used in communications with complainants, we have reviewed this and are producing letters and communications in more plain language. We look forward to further developing our relationship with the panel in meetings to come and to widen our ability to consult and seek an independent view on key matters.*



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

*I would like to thank the Outreach Team for their contribution to this quarter's Panel and to commend them for all their hard work so far in helping to make Avon and Somerset Constabulary a more inclusive and diverse workplace. I look forward to seeing their continued journey as they strive to ensure that Avon & Somerset becomes the most inclusive police force in the country.*

*It is crucial for public confidence that discrimination complaints are handled properly and the work of the Panel is critical to ensuring the police maintain high standards and investigate thoroughly at all times.*

*A sincere thank you from me to all our panel members for their continued dedication and hard work in ensuring the police complaints regime is fairly and robustly scrutinised.*