

Independent Residents' Panel

March 2022

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Purpose of the Independent Residents' Panel

The Independent Residents' Panel (IRP) consists of 8 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: KS, LC, DW, CH, AD, SB, TW

Apologies: PK

STRUCTURE OF THE SESSION

7 of the 8 Panel members attended the virtual Independent Residents Panel meeting for the quarter.

The annual election of a new Chair and the extension to the appointment of the existing Vice Chair took place.

The PCC Mark Shelford attended to thank the Chair for all his hard work and dedication to the panel and to welcome the new panel Chair. The PCC emphasised that the scrutiny of police complaints is an area of continued interest to the public. He highlighted how important it is that the public understand that there is a process, which is followed and monitored to provide transparency and to help to inspire public confidence in the police. The PCC congratulated the panel on their consistent, excellent scrutiny and reaffirmed that we have learnt and continue to learn lessons from the important role of the IRP.

The members proceeded to share thoughts regarding a new name for the panel which reflected more accurately what the panel does. Thoughts were gathered around rebranding the panel to the 'Independent Scrutiny of Police Complaints Panel'.

The theme of the dip sampling session was police complaints which had been reviewed by either the Independent Office for Police Conduct or by the Police & Crime Commissioner as the appeal body.

The Panel welcomed presentations from IOPC colleagues Frances Taylor, Stakeholder Engagement Officer & Steve Smith, Oversight Liaison.

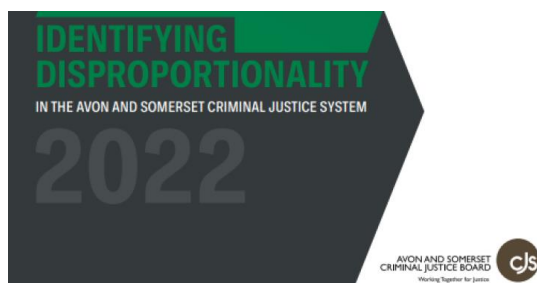
A total number of 24 files were reviewed in detail by panel members prior to the meeting and discussed in depth verbally with the Head of the Constabulary's Professional Standards Department (PSD) answering questions.

ACTIONS

| No. | Action | Status |
|--------|---|--|
| Mar 21 | Inclusion & Diversity training for all panel members (BM) | C/fwd - BM reissued mandatory Equality Act eLearning. BM has consulted with ASC's Head of Organisational Development regarding further training. IRP to be borne in mind once training has been rolled out to senior leaders & staff in 2022. |
| Mar 22 | PSD request to consult with panel regarding ToR for review into former police staff member (JW) | Ongoing |

Identifying Disproportionality Report

Deputy Chief of Staff Sally Fox briefed the panel on the recently published **Identifying Disproportionality in the Avon and Somerset Criminal Justice System (CJS) Report**. You can read the report [here](#).



In 2017 The Lammy Report was published following a national review, led by David Lammy MP, into the treatment of and outcomes for Black, Asian and other minoritised individuals in the CJS.

In 2019, following the publication of that report, the PCC and Chief Constable in Avon and Somerset at the time, Sue Mountstevens OBE and Andy Marsh QPM, commissioned a local independent review, chaired by Desmond Brown, a person who had been at

the forefront of racial inequality activism and campaigning in our area.

Desmond Brown led the local deep dive into statistics, policies and processes of CJS agencies in relation to racial disproportionality.

The aim is to effect changes in processes in five key areas including stop and search, youth offending, out of court disposals, prisons and HR recruitment, retention and progression as well as a focus on the separate work of the judiciary.

The OPCC intend to review internally how some of the recommendation can be implemented before consulting with scrutiny panel Chairs.

It is hoped that the report will act as a catalyst for change by creating a baseline in identifying the biggest areas of disparity across the CJS partner agencies in A&S and lead to the creation of an innovative shared data review mechanism within those agencies, to ensure a legacy of continued partnership scrutiny and reform.

PSD UPDATE Temporary Superintendent Jane Wigmore

LEARNING MEETING

There has been a 13% increase in complaints over the last 12 months.

Supt Wigmore updated the panel on the Learning Meeting that was established in 2021, chaired by Chief Inspector Sharon Baker. This meeting is still in its infancy and Supt Wigmore agreed to provide updates to the panel around the learning structures.

IRP CONSULTATION

A recent story was broadcast on BBC news concerning a former police staff member who complained about how he was treated whilst he worked for ASC. Chief Constable Sarah Crew has commissioned a review into this case. PSD are looking to resource and implement this next month alongside some support from the Constabulary. Supt Wigmore requested to consult with the panel to share the draft Terms of Reference and seek the panel's feedback to which the panel agreed. These Terms of Reference should be ready for the next quarterly meeting.



Positive Commentary from the Panel:

- “I felt the case was handled in a sensitive manner with patience and understanding for someone who was deemed to be struggling with mental health”.
- “The investigating officer’s report contains considerable detail and sets out sound reasons for the decision to dismiss the complaint, as well as describing the measures being taken by the police to provide the complainant with support. On the evidence, it seems to me that the complaint has been taken seriously and investigated thoroughly, with no evidence of unlawful discrimination apparent”.
- “It is helpful that cases like this do get referred to the IOPC for investigation and analysis in the cold light of day. Very experienced staff can cast their eyes over the details and give them careful consideration. Then they can make recommendations which should make a positive contribution to improving the service. I am pleased that the emphasis on the analysis of this case has been on the policies that had a bearing on the incident, rather than the actions and attitudes of the officers involved.



The Independent Office for Police Conduct (IOPC) oversees the police complaints system in England and Wales. They investigate the most serious matters, including deaths following police contact and set the standards by which the police should handle complaints. The key purpose of the IOPC is to secure accountability and improve policing with independent, impartial oversight by using the learning from their work to influence changes in policing.

Police forces deal with the majority of complaints against police officers and police staff. Police forces must refer the most serious cases to the IOPC – whether or not someone has made a complaint. In some instances the IOPC will refer the complaint back to ASC or retain and investigate the most serious and sensitive matters themselves.

The IOPC also considers applications for a review or appeal from people who are unhappy with the outcome of their complaint or the way it has been handled by Professional Standards.

Panel Question – Is there a way to follow up IOPC recommendations to other forces?.

The IOPC have no statutory power to enforce change. Instead, the IOPC's Oversight Team lead the work to help deliver a consistent

You can read more about the Oversight Newsletter here:

<https://www.policeconduct.gov.uk/research-and-learning/learning-and-recommendations/newsletter>

Presented by Frances Taylor, Stakeholder Engagement Officer & Steve Smith, Oversight Liaison

approach to complaints handling across all police forces.

Through analysis of police complaints data, IOPC case information and engagement with a range of stakeholders, the team identify trends, offer support and promote good practice. The team meet regularly with police force professional standards departments and local policing bodies. They also organise a regular programme of activities such as workshops, briefings for complaint handlers or thematic dip sampling of cases.

An Oversight Newsletter is also produced for complaints handlers at OPCCs. This work ensures the standards and expectations set out in the IOPC's Statutory Guidance are adhered to and that forces are held to account for how they handle complaints.



HIGHLIGHTS OF CONCERNS, QUESTIONS OR ISSUES RAISED BY THE PANEL

| Panel Member Feedback | PSD Response |
|--|--|
| <p><i>This case, alongside IOPC involvement took 12 months to complete. Are there targets for each stage of the process and in this case was the complainant given progress reports?, and if not, why not?</i></p> | <p>The original complaint was received on the 25th Jan 21 and complainant was contacted the next day to ascertain the nature of the complaint. On receiving a response on the 27th Jan, it was recorded as a Schedule 3 complaint the following day which is fantastic as we aspire to do this within 5 working days.</p> <p>The IO then contacted the complainant on the 12th Feb and again on the 16th March 2021. The complaint was then completed on the 24th March 2021 (2 months after receiving the complaint). PSD took nearly two months to send the papers to the IOPC for Review which isn't PSD usual performance timescales for transferring material to the IOPC. There was a particular reason for this in this case (note – this was explained in the meeting)</p> <p>The IOPC completed the review on the 19th Jan 2022. The IOPC have been working hard to address the backlog in Reviews and there has been improvements in recent months.</p> |
| <p><i>IOPC took 4 months to respond, this seems a long time for a straightforward case?</i></p> | <p>The IOPC hold the police service to account and forces can't hold the IOPC to account. We do have a constructive and professional relationship to raise any concerns for particular cases.</p> |
| <p><i>Clearly there was an unacceptable delay following the complainant's report of an alleged offence. Panel member raised concerns regarding the complainant's suggestion that the OIC's line manager (DI) had initially 'persuaded' him not to make a formal complaint about the officer.</i></p> | <p>Rationale provided by the DI (Handler) for comment/explanation: 'We would never try and persuade a victim not to make a complaint if they were unhappy with the conduct of an OIC. The Supervisor simply explained the reason for the delay and offered their apology. I reiterated in the reply and after having spoken to the complainant that the enquiries were in hand I had spoken to the OIC and Supervisor around the importance of updating the victim and being Victims' Code of Practice compliant'.</p> |

On balance of probability, it seems unlikely that the officer involved did misuse their position, however, what systems are in place to prevent or record unnecessary or unwarranted access to police databases by staff, when not forming part of an ongoing investigation? And how are access requests audited?

When concerns are raised regarding inappropriate access to data for a non-policing purpose, an audit can be carried out under Lawful Business Monitoring on police databases, this can involve relevant checks on various systems using the necessary tools and skills. These requests can be made by members of staff or through complaints where there are legitimate concerns. The requests are recorded as IX files within PSD and assessed to see if it will meet the requirement for Lawful Business Monitoring. PSD intel will conduct the checks, if positive this will progress within PSD if negative no further action is required.

The complaint took 2+ months to resolve what should have been a simple 'review and respond'. Was this influenced by the complainant's background in policing and way the complaint was presented?. Complainant doesn't appear to have been kept updated, asked for an update after 2 months.

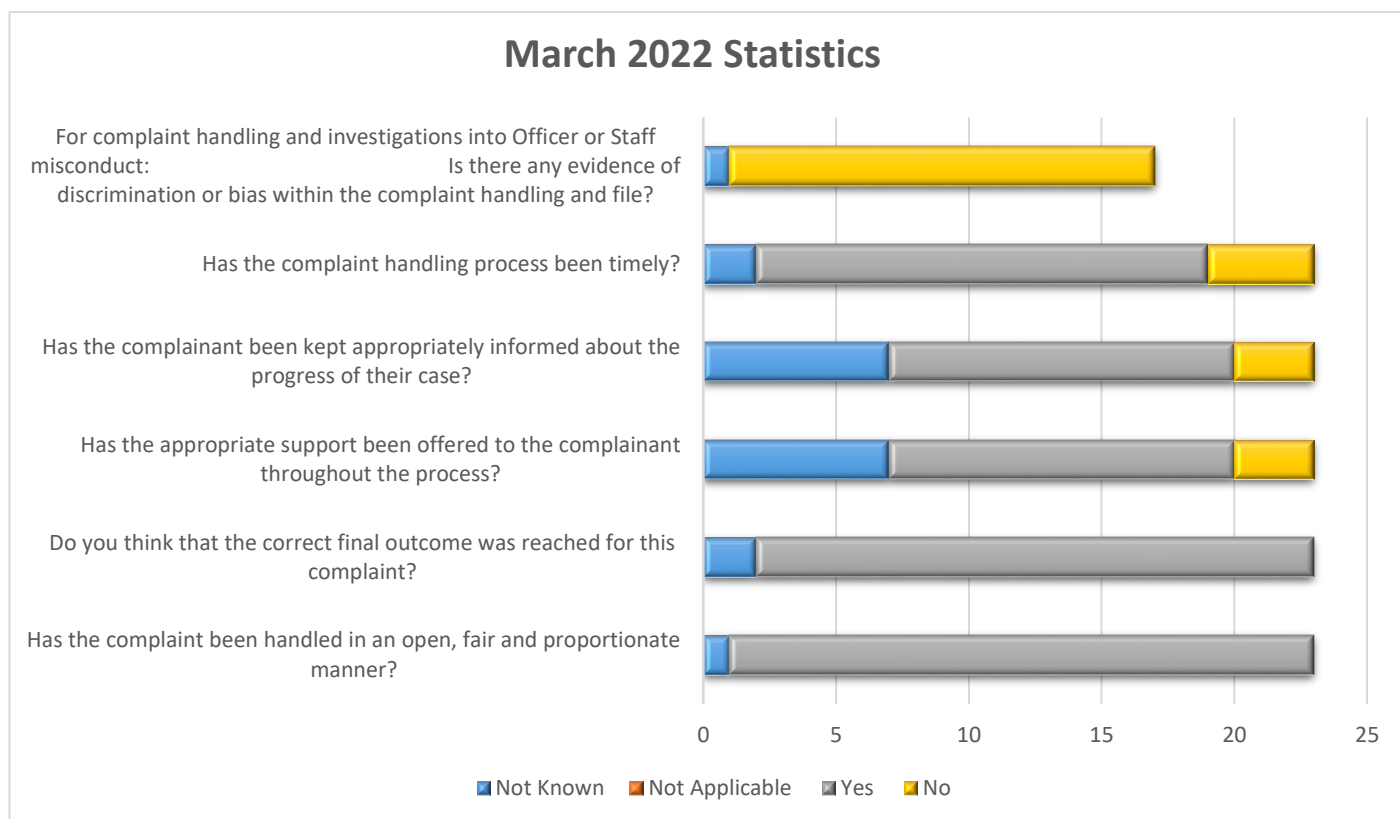
The complainant was a previous A&S officer. Would the response had been to the same level of detail/argument, quoting court cases etc, for a 'normal' member of the public? The complaint presents as a simple one, but advice was sought from the force legal department.

I have reviewed this case and note that the delays revolve around awaiting for a response from our legal department as the complainant has made reference to being afforded the right to remain without a tenancy agreement and also the restrictions on evictions due to covid, this was obtained and case law presented within the final letter. The assigned Inspector confirms within emails when chased by PSD that he has made contact with the complainant and updated them. Although the complaint was made by a former officer within Avon & Somerset it actually was made on behalf of his son, I can see nothing that would indicate that X's previous occupation played any role in decision making.

I have noticed several cases on the last few panel dip samples (including this one) have had issues for the complainant accessing Box to review their correspondence. Has this been reviewed as potential negative impact on customer satisfaction with the service?.

PSD have not ascertained if the use of Box has had a negative impact on customer service. We thank the panel for raising this and we will consider it with the Data Protection Officer's guidance. The introduction of Box has reduced data protection breaches which in itself had a negative experience for complainants and the public.

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:

I prioritise attending the Independent Resident Panel as it's valuable for me to hear views and feedback put forward on behalf of the communities we serve. Professional Standards is committed to being open and transparent whilst recognising the need for confidentiality to maintain the confidence of those involved in complaints and the wider public.

The feedback from the Panel is used to brief our Chief Inspectors who allocate complaints locally as well as PSD. We also feed in relevant learning to the force learning meeting held on a quarterly basis.

We are grateful for the panel's time in reviewing our complaints and sharing feedback to inform improvements.



Comments from Avon & Somerset Police and Crime Commissioner Mark Shelford:

Once again another incredibly insightful meeting and very interesting to hear from our colleagues in the IOPC who oversee and ensure that the most serious complaints against the police are handled to the highest standard. There have been some excellent questions posed by the panel & as always I value their scrutiny.

I wish to thank Simon for his dedication and commitment in his role as chair over the last 3 years. Your contribution to the OPCC has been significant. I am very pleased that we are retaining your expertise on the panel and I look forward to working with Kim in the future as she takes over the position as chair, supported by Linda.