

Annual Assessment of the Police Complaint and Conduct Performance 2020/21

The Police and Crime Commissioner has a statutory duty to monitor complaints against the police force. This includes a responsibility to hold the Chief Constable to account to ensure that Avon and Somerset Police fulfil their duty under Part 2 of the Police Reform Act 2002 in relation to the handling of complaints and conduct matters.

The Commissioner is reassured to see that that Avon and Somerset Police respond to complainants in a timely manner compared to others in the most similar group and work is being undertaken to improve the timeliness and quality of responses. It is promising that work is ongoing to improve the accessibility of the complaints system.

1. Complainant satisfaction

One way in which the police monitor complainant satisfaction is to analyse how complaints are resolved. They consider how many complainants are amicably resolved and how many remain unresolved to the extent where the complainant applies for a review of the outcome. The numbers of complaint reviews that are upheld by the Police and Crime Commissioner or IOPC allows the police to understand whether dissatisfaction is justified and where improvements should be made.

In 2020/21 37% of all complaints made to Avon and Somerset Police were resolved 'Outside Schedule 3'. This is a term created by legislation which means that the issue was resolved to the satisfaction of the complainant to the extent where they decided that formal recording was unnecessary.

1087 of the complaints made in 2020/21 were eligible for review. 185 review applications were received. 170 fell to the PCC to complete and 15 to the IOPC. This represents 17% of the total. Of the 170 reviews completed by the PCC 29% were upheld. Of the 15 completed by the IOPC 0% were upheld.

Complainants also have a right to make a further complaint about how their complaint was handled with a right to review. All complaints of this nature, whether upheld or not, are considered by manager within the Professional Standards Department and learning passed to staff.

The Professional Standards Department utilise a data software analytics application to analyse data relating to number of complaints received, the method of handling, the performance of successful handling of initial complaints outside of schedule 3, the length of complaint investigation and the nature of allegations recorded and subsequent allegation results, all of which directly correlate to satisfaction levels.

2. Recommendations in relation to complaints handling

Any recommendations from Her Majesty's Inspectorate of Constabulary and Fire & Rescue Services (HMICFRS) or the IOPC are recorded and tracked by the police performance and analysis department.

The Police and Crime Commissioner monitors progress towards the Police implementation of recommendations made by HMIFRS and / or the IOPC in relation to complaints handling, and if the recommendations have not been accepted, requires an explanation as to why.

No recommendations have been received from the IOPC or HMICFRS in relation to complaint handling in the period April 2020 to March 2021.

3. Themes and trends in complaints, and action taken

In 2020/21 the top 5 themes arising from complaints were

- Delivery of service and duties 1592 allegations
- Police powers policies and procedures 618 allegations
- Individual behaviours 568 allegations
- Discriminatory behaviour 181 allegations
- Abuse of position 91 allegations

The Professional Standards Department utilise a data software analytics application to analyse data relating to all aspects of complaints. Managers proactively track and analyse trends, determine performance and identify areas of improvement at a Tactical Tasking and Coordination Group. The data is also reported to a governance panel where data is scrutinised at a senior level.

The OPCC led Independent Residents Panel regularly dip samples complaints and provides scrutiny to police regarding to the handling. The independent Scrutiny of Police Powers Panel will review bodycam footage relating to complaints around the use of police powers to provide feedback, themes, and organisational learning. Both panels are facilitated by the Office of the Police and Crime Commissioner and where themes are identified they are reported to police with an expectation that appropriate action will be taken.

4. Timeliness of complaint handling

Following updated guidance from the IOPC around complaints handling, the system is now more accessible and the definition of a complaint has been widened. This has resulted in an increase in the amount of complaints recorded and logged than previous years.

It is clear that compared to their Most Similar Group, Avon and Somerset Police handle complaints in timely manner. HMICFRS defines the Most Similar Group for police forces. Avon and Somerset's group consist of Derbyshire, Essex, Hampshire, Hertfordshire, Kent, Staffordshire and Sussex.

In 2020/21 Avon and Somerset took an average of 3 days to log complaints and 4 days to contact complainants. They were the second highest performing police force in these areas.

Complaints are assessed and handled by the Professional Standards Department with oversight by the OPCC. As part of the assessment process allegations are finalised. Avon and Somerset Police are amongst some of the quickest police forces to finalise allegations for complaints assessed as outside of schedule 3 (to be handled informally)

Avon and Somerset Police have taken a number of steps to improve the timeliness of complaint handling which includes the utilisation of management information through a bespoke software application to provide significant data analysis. Performance is regularly reviewed by the PSD management team through daily tasking and timeliness is compared to other periods to determine performance and identify changes and trends.

The data is also reported to a high level governance and scrutiny group for further analysis and scrutiny.

5. The number of complaint and conduct investigations that have not been completed within 12 months

Police and Crime Commissioner's must receive information from the police about complaints and misconduct investigations that have not been completed within 12 months, those that are nearing 12 months and that are still ongoing, and to receive updates every 6 months until such time as the investigation concludes. This is so that the reasons for delays can be identified and scrutinised, and where possible remedial action taken to bring investigations to a conclusion.

At the time of this report, there were a low level of investigations within this category, some of which were Sub-Judice, which means that the case is being considered by and Judge or through the Courts and so the complaint / conduct matter cannot be progressed by the Police until this process has concluded.

The OPCC will review notifications and explanations when received and will scrutinise and challenge where appropriate.

6. Quality assurance mechanisms in place to monitor and improve the quality of police responses to complaints

Police responses to complaints that are subsequently reviewed by either the Police and Crime Commissioner's office or the IOPC at the request of the complainant are routinely checked for quality of response. Recommendations for improvement are then made to the police.

External auditors dip sample complaints and report recommendations to the PCC and police. Following a recent independent audit in to the handling of police complaints an assurance framework has been created and recommendations are reviewed by the PSD senior leadership team.

All complainants have a right to make a further complaint around how their complaint was handled and these will be recorded, assessed and managed by the police Professional Standards Department. Learning is captured from complaints of this nature and is used to influence internal processes and quality of staff.

Complainants are also offered a right to review and this function is carried out by the PCC. When complaint reviews are carried out the PCC will assess the quality of police response along with a review to assess if the complaint has been handled reasonably and proportionately. Themes, findings and learning is shared with Avon and Somerset Police in relation to complaint reviews.

The OPCC led Independent Scrutiny of Police Complaints Panel regularly dip sample complaints and are checked for quality of response. Feedback and learning is provided to police in the form of a written report and verbally at quarterly panel meetings.

All complaints are investigated by suitably trained staff who are supervised by police sergeants and inspectors who undertake quality assurance reviews.

7. How the police are complying with Equality Diversity and Human Rights (EDHR) legislation in the handling of complaints and misconduct

Avon and Somerset Police analyse and monitor complaint data to accurately analyse complaint and misconduct data relating to protected characteristics and outcomes. This data is scrutinised by PSD management and is also shared at a high level governance board. Protected characteristics, complaint themes such as discrimination and outcomes are all considered and relevant learning is captured and acted on.

Work is ongoing to update and change the police website to make it more user friendly for complainants, especially those from harder to reach communities and complainants with protected characteristics. This is with the aim to simplifying the process, proving accessibility and providing sufficient languages.

Work is also ongoing to set up community meetings to discuss complaint related matters in order to listen to feedback, improve accessibility and further understand the views and needs of communities in relation to complaints against the police.

8. Administrative arrangements the Police and Crime Commissioner has put in place to hold the chief constable to account for complaints handling

Relevant members of the OPCC meet regularly with the Professional Standards Department at a strategic level to discuss complaint handling performance. Other members of the OPCC are in continuous communication with PSD to discuss tactical matters and raise matters of concern.

The quarterly Independent Residents Panel provides written and verbal scrutiny to police around how complaints have been handled at a senior level.

Monthly high level governance boards are held between the PCC and Chief Constable to discuss and raise performance concerns. Any concerns around the handling of police complaints are raised as an agenda item.

The OPCC 'Keep in view' complaint oversight function is in place to hold police to account. Any issues identified through this administrative process are escalated to the PCC as appropriate.