

# Independent Scrutiny of Police Complaints Panel

December 2022

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# Purpose of the Independent Scrutiny of Police Complaints Panel

The Independent Scrutiny of Police Complaints Panel (ISPCP) consists of 6 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 Scrutiny of Police Complaints Panel (ISPCP) will review complaints against the police from a local citizen’s viewpoint.’***

Further information can be found [on our website](#).



## STRUCTURE OF THE SESSION

All Panel members attended the virtual Independent Scrutiny of Police Complaints Panel meeting for the quarter.

The theme of the dip sampling session was a random selection of Recently Closed cases where the complainant was a young person. The panel noted that the issue of property being returned, arose quite frequently & this is a topic they might like to revisit in future.

A total number of 26 completed complaint case files were reviewed in detail by the panel members prior to the meeting and discussed in depth verbally with Chief Inspector Ayesha Giles from Avon and Somerset Constabulary’s Professional Standards Department (PSD) answering questions.

### MEETING ATTENDANCE:

Attendees: KS, LC, DW, AD, SB, TW

## PSD UPDATE Detective Chief Inspector Ayesha Giles



The team are currently under considerable pressure with a noticeable increase in complaints, they are working with Business Improvement colleagues to try to ascertain whether there are any plausible reasons for this peak in complaints.

Whilst resourcing has been a concern, the team have seen some growth with the approved recruitment of two new Researchers, one Analyst and a newly created role of a Sexual Misconduct Coordinator. This new role is intended to support the Sexual Misconduct Advocates (volunteer staff members) and provide bespoke support to victims of sexual behaviour within the force.

## ISPCP ACTIONS



No	Date	Action	Progress update	Completed or Ongoing
1	March 2021	Inclusion & Diversity training for all panel members (BM)	<p>ASC Learning Department ran Inclusive Policing with Confidence training in 2022 which focused on topics around Inclusion &amp; Diversity for front line officers and staff. There are no firm plans to roll this out again at this stage so this is not accessible to volunteers. However, the Learning Department have made several recordings available of the 'Expert Seminars' which BM will circulate &amp; utilise as part of the new volunteer training package.</p> <p>The Equality and Diversity E-learning package regarding the Equality Act Training remains available to all new panel members or as a refresher for existing members.</p> <p>The ASC Inclusion &amp; Diversity Team offer information sessions about Race (Safe spaces) and Demystifying Islam (and Ramadan) and panel members can attend these sessions. BM to follow up with Esther Wride.</p>	Ongoing
2	March 2022	PSD requested to consult with the panel regarding a proposed ToR for review in relation to a police complaint, relating to a former police staff member who complained about how he was treated whilst he worked for ASC. His story was covered in the BBC news (JW)	This request has been superseded by events & was not a final requirement. A strategic review has taken place and the matter is being progressed through legal services. No ISPCP action required.	Completed
3	Sept 2022	Supt Jane Wigmore to cascade reports as they are available following the PSD Learning Meetings & update on any recent complaint statistics of interest (JW, SB)	C/I Baker has shared a draft PowerPoint product presentation with BM, however, advised this product is best supplemented with context and discussion. It is not intended for external publication. BM contacted C/Insp Baker to ascertain the best way forward for the ISPCP to be sighted regarding the learning from this group. One suggestion is that PSD update the panel each quarter regarding progress and share key headlines. C/I Baker to discuss with Supt Edgington & update the panel as appropriate.	Ongoing

			Further to this learning is broader than what is facilitated by PSD in the arena of police complaints. There is a wider framework to Organisational Learning which Avon & Somerset's new Organisational Learning Lead is designing and implementing. It has been agreed that a written paper/submission will be submitted to the panel to update them regarding this in due course.	
4	Dec 2022	Schedule 3 advice issue.  Specifically - ref Case SB-1 (Dec 2022 sample) – panel member requests PSD look into comments regarding the standard wording used in early intervention cases advising the complainant that they have the option of formally recording the complaint, but that 'the outcome will be the same'.	Substantive feedback to panel member provided 24/02/23 by Supt Wigmore, an extract of this included; 'the assessor confirmed the complainant's right that they could ask for the matter to be recorded under schedule 3 which will enable the ability to have the matter reviewed. They do say the outcome will remain the same which is likely but not guaranteed and I agree this statement should be avoided. The assessor missed an opportunity to apologise again for the SIM in the final email and the wording used isn't standard, therefore 2 learning areas. This is individual feedback which I personally delivered to the assessor, and I consider the matter closed'.  Panel wish to keep this action open to continue to monitor the Schedule 3 advice that is being provided.	Ongoing



### Positive commentary from the Panel, comments included:

- “Good clear final letter in which there is an unequivocal admission, an apology and, most importantly, a clear summary of the learning which has been derived for the future. I also note that C was spoken to which is also commendable”.
- “I could find no evidence of bias or discrimination as alleged and it appears that relevant policies and procedures were followed. The fact that there was BWV which was viewed by the IO gives confidence that the arresting officer behaved appropriately. Thorough and detailed investigation and good report, plus multiple engagements with C during the process.”
- “The complaint was efficiently dealt with and a very positive outcome was met. An email was written to the Officer dealing with the complaint thanking the Officer who returned the items, stating he was very happy with how his complaint had been dealt with, in a swift and effective manner. It is great to see such a positive outcome to a complaint especially in an email personally thanking an Officer of ‘a job well done”.

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

Panel Member Feedback	PSD Response
<p><b>Circumstances of the complaint</b> – Complainant’s moped was seized by police under S.59 of the Police Reform Act 2002, which relates to using a vehicle in a way that causes alarm, distress or annoyance. The complainant complains that the police had no proof he was using his vehicle in this way and also his moped was damaged whilst in police possession.</p> <p>Questions for PSD – this complaint was dated 7th April and initial contact made on the 21st April. Is this too long?</p> <p>Amongst the explanation re S.59 it is said that the PNC had no record of a S.59 notice. However it is then said there was a S59 notice dated 21/09/21. Why this apparent contradiction?</p> <p>Apart from a broken zip tie there is no evidence of damage whilst in police custody. If damage occurred it must have happened whilst the moped was with Hintons . What responsibility do Hintons have to the complainant and how can he pursue that?. If he has a remedy why wasn’t he advised of it?. As ASP choose to use Hintons do ASP have a responsibility for what happens at Hintons?</p> <p>Why doesn’t the final letter remind the complainant of his redress via legal Services?</p>	<p>PSD had a backlog of complaints for assessment because in Feb/March we were instructed to manually categorise 12 months worth of complaints and conduct meeting the new Violence against Women and Girls definition. To achieve this, we had to realign resources from both assessment and administration to complete this. This then followed with another national data request from the Home Office and the NPCC to PSD. These new national data requests had significant impact and caused a backlog with complaint assessments with took until the end of October 2022 to resolve.</p> <p>The background to this complaint is that officers/PCSOs were threatened by members of the public and damage caused to a police vehicle. The complainant was the owner of the moped, seized eventually. Reading the explanation from the Assessor, it seemed clear that although there wasn’t a S59 notice recorded on PNC, another PCSO could confirm they had previously issued one within 12 months. S59 of the PRA allows for a constable to seize a vehicle if a driver drives a vehicle anti-socially again within 12 months. I don’t see a contradiction as it was explained to the complainant in an open and transparent manner that although PNC hadn’t been updated, a colleague on duty could provide evidence they had previously served a notice.</p> <p>The complainant doesn’t describe the damage and unfortunately I can’t access any images. The assessor rang the complainant and emailed them, in light of them not responding it is my assessment that the enquiries undertaken were reasonable and proportionate when considering we receive over 2000 complaints and this is not a serious allegation.</p> <p>Contractors are subject to a contract with ASC and the delegated AA can allocate complaints to them. The challenge here is</p>

what damage was caused and how to establish when that took place? The assessor could have signposted the complainant to the claims page on the website but overall I am satisfied with how this was handled.

**Circumstances of the complaint** – an attempt was made to steal the complainant's motorbike which failed and it was abandoned 100 yards from where it was originally parked. As a consequence of it being abandoned, the police had the motorbike impounded which cost the complainant £150 to retrieve. The complainant questioned why the perpetrator got away 'scott free' yet they were left to foot the bill to retrieve the motorbike and had to take time of work to do so.

Questions for PSD - The inspector complained that he supported the claim for reimbursement of the £150 impounding fee but the complainant was not made aware of this. Also PSD simply informing the complainant of the email address of legal services seems perfunctory and unhelpful.

£150 is a lot of money. 80% of Britons have less than £500 of savings and a higher percentage is applicable to younger people so for this complainant £150 is a lot of money.

Was the complainant reimbursed? If not may we see a copy of legal services decision?

The inspector asked PSD to discuss learnings from this case. What was the outcome?

**Circumstances of the complaint** – complainant alleges harassment by Officer X. PSD could not communicate with the complainant via email as the complainant's inbox was full. The case was closed due to lack of response.

Query for PSD - Preferred method of communication was email, but given the full mailbox this was not possible. No alternative method of communication advising of this was tried. Young people are often disorganised and this could be perceived by young person as the police not being interested in engaging with his complaint- fulfilling low expectations of someone already involved with YOT?

Consider alternative method of communication if "mailbox full" message is received

This was dealt with outside of Schedule 3. There is no record of any correspondence with legal services as to reimbursement of the £150, so that aspect is unknown at this time. The PSD staff member and Inspector have acted in line with guidelines.

I agree that with professional experience the PSD member of staff should have taken a step further, included the Inspector's opinion and forwarded the email to Legal Service on behalf of the complainant. This will be fed back to the PSD member of staff, to empower them in the future.

**Noted** - a search of other Police systems could have found a phone number as an alternative, or a longer time period given to allow full mailbox issue to have been resolved. This learning can be shared with PSD staff.

**Circumstances of the complaint** – since October 2021, the complainant has been supported by a Children’s charity to retrieve a large quantity of possessions from ASC, dating back to 2016.

*Why did it take 7 months to answer the complaint?*

*Why was there no detailed explanation of what items were returned and on what dates?*

*Why was there no explanation of why the complainant's request for information was ignored by ASP?*

*What learnings have PSD identified as a consequence of this complaint?. -*

The actual complaint was finalised as such on 24th March 2022 when the Insp called and updated the complainant, the Insp failed to send the final letter (and therefore right to review) until PSD admin staff reminded him. This is common place and PSD are looking to improve processes to prevent this from happening, however unless all complaints are handled by PSD this is likely to be a failure point. The Insp confirmed his coat was returned to his mum the next day, the remainder was returned to his representative, it is unclear on the exact date, however the very latest that could have been was the day before the letter date (24th March) although the inference is it was much sooner. It does not appear the Insp did not conclude properly the second allegation, as he gave no reason as to why the information was not given, this should have been picked up when QA'd by admin team. Feedback to be given.

**Circumstances of the complaint** - Complaint to the police about complainant’s attempts to register as a foreign national, the website having been down for weeks and the office requiring her to make an appointment when she visited. This was frustrating for a person not well versed in the English way of doing things. All in all, this case was a bit of a non-event, as there was no further response from the complainant, so those Investigating Officer assumed that all was well and closed the case.

*Questions for PSD - It seems dangerous to let a complaint go without having determined a definite outcome. From my reading, it leaves open the possibility that if that individual becomes involved in some trouble in the future, and it is discovered that she had not registered as a foreign national, questions would be asked about the force’s attitude to such people, when they had tried hard to do the right thing.*

*Is it usual to let cases of complaints drop before arriving at a definite conclusion?*

It appears that upon receipt of the complaint, we have attempted to make contact with both the complainant (2 occasions) and the team responsible for managing registration of foreign nationals (3 occasions), without a response from the complainant and without a satisfactory response from the team managing the registration of foreign nationals. Without the engagement of the complainant it is difficult to assess what more could be done to resolve the initial complaint.

It appears unusual to conclude this complaint without knowing more about whether or not this member of the public has subsequently been successful with registration, however it appears that the complaint handler has conducted reasonable and proportionate enquiries in these circumstances.



## PANEL Q&A

**Panel member – For all situations when PSD staff are absent from work, is the remaining supervisory oversight tight enough to ensure that complaint cases continue to be handled in a timely fashion?**

PSD – When Investigating Officers are absent there is an expectation that supervisor's pick up the workload and update complainants. PSD have a proposed a new supervisor template for introduction this year which should help with this and it is something that we will continue to discuss in our Learning Meeting.

**Panel member – the complaint case I looked at related to an assault investigation that took too long due to the OIC, a PCDA entrant, having to attend University – the result was the statutory time limit for prosecution was missed and an assault prosecution (where it appears**

**there was strong evidence) was no longer possible. I am therefore highlighting this as an important organisational learning point in terms of keeping track of statutory time limits.**

PSD – Supt Jane Wigmore; this is a valid point and our Performance & Insight Department have confirmed that over the coming month there will be a Qlik app being launched which provides data of niches where the statutory time limits are about to run. This will be added to the tracker in the Supervisor App.

Chief Insp Ayesha Giles; in terms of the PCDA entrants being absent to attend University, I have discussed this with training school and they are raising it with the Superintendent for Patrol with a view to putting guidance in the Patrol Pulse Magazine and Comms message, and there will be further discussions regarding this.

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

*Thank you to the panel for their continued hard work and commitment. Another insightful meeting and as always exceptional scrutiny and attention to detail by our panel to ensure that the police maintain a high quality approach to complaints which focuses on accountability, transparency and learning.*

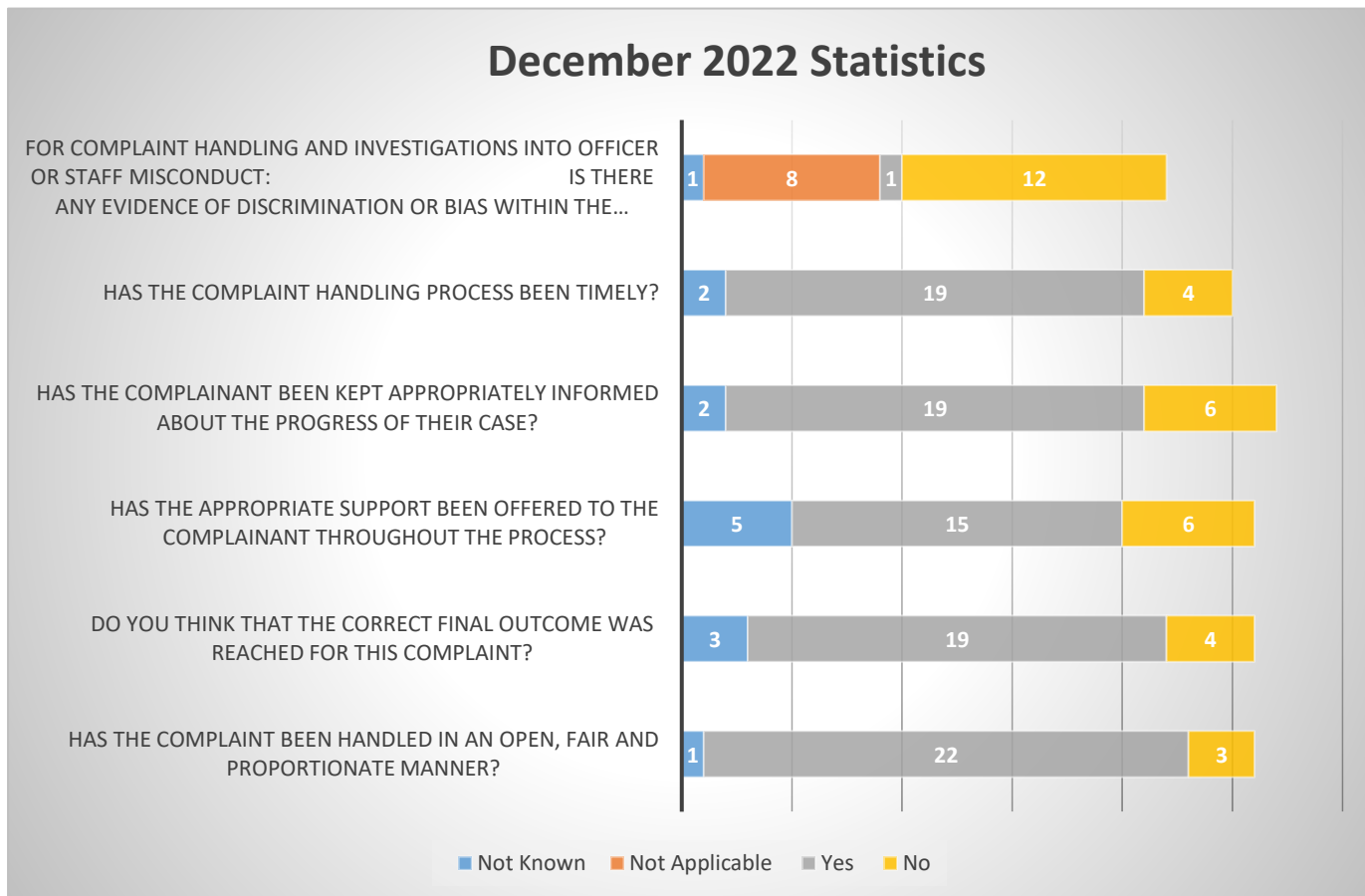
*I would like to take this opportunity to thank Supt Jane Wigmore for her regular attendance at our ISPCP meetings and for her valued input and updates. I wish Supt Wigmore all the very best in her new role and look forward to welcoming Supt Mark Edgington at future meetings.*

### Comments from Head of Professional Standards Detective Superintendent Jane Wigmore:

*The panel continue to ask probing questions and apply sufficient scrutiny to the handling of complaints by Avon and Somerset police. The feedback highlights we still need to improve on timeliness and communication.*

*The department will be seeing some change in its leadership with Supt Mark Edgington taking over as Head of Professional Standards on the 13<sup>th</sup> February 2023. Supt Edgington previously worked in PSD and is one of the most experienced Superintendents whose leadership will benefit the department significantly.*

# 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