

Annual Assessment of the Police Complaint and Conduct Performance 2022/23

Introduction

The Police and Crime Commissioner (PCC) 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 (ASP) fulfil their duty under Part 2 of the Police Reform Act 2002 in relation to the handling of complaints and conduct matters.

PCCs are required to publish certain information to allow the public to hold them to account. [The Elected Local Policing Bodies \(Specified Information\) \(Amendment\) Order 2021 guidance](#) sets out the information that must be published. This assessment is produced in accordance with the order and aims to provide a summary assessment of the performance of Avon and Somerset Police in the areas of complaints handling.

Information in this report is drawn from complaints data and statistics published by the Independent Office for Police Conduct (IOPC). This includes national [Annual Police Complaints Statistics](#) and [IOPC Quarterly Performance Data Bulletins](#) specific to ASP.

Effective PCC oversight of the police complaints regime is critical to ensuring that Avon and Somerset Police are held accountable for their performance in this area. Transparency is important to build public trust and confidence in policing. If people can see and understand what you are doing and why you are doing it, they are far more likely to trust what you do.

Members of the public can make a complaint to police about the service they receive. Complaints are mainly handled by the Professional Standards Department (PSD) and should be managed in line with [IOPC Statutory Guidance](#).

The Commissioner is reassured to see that that ASP are finalising complaints quicker than nationally and this is particularly strong with cases resolved outside of Schedule 3. However, timeliness should be further improved, including the time it takes to contact complainants. PSD are working to improve the timeliness and quality of responses, this includes increasing the size of the team dealing with complaints. It is promising to see that work is also ongoing to improve the accessibility of the complaints system.

Glossary

Allegation	A police complaint case may include one or more allegations.
ASP	Avon and Somerset Police
Complaint Review	If the individual does not believe that the police handled their complaint correctly, they can ask the PCC to conduct a review of the outcome. A review is not a re-investigation, but it will consider whether the outcome was reasonable, proportionate and lawful. The Independent Office for Police Conduct (IOPC) are responsible for conducting reviews of criminal or complex matters, while reviews of quality of service complaints fall to the PCC. The letter received from the police will explain who is responsible for the review, and the complainant has 28 days from the date of this letter to request a review.
IOPC	Independent Office for Police Conduct who are responsible for how police forces deal with complaints.
OPCC	Office of the Police and Crime Commissioner
PCC	Police and Crime Commissioner
Police Complaint	Any expression of dissatisfaction with a police force that is expressed by or on behalf of a member of the public. It must be made by a person who meets the definition of a complainant. There must also be some intention from the complainant to bring their dissatisfaction to the attention of the force or local policing body.
PSD	Professional Standards Department
Schedule 3 Complaint	A complaint that has been assessed and recorded under Schedule 3 of the Police Reform Act 2002 and handled in accordance with the provisions of that Schedule. A complaint must be recorded under Schedule 3 if at any point the person making the complaint wants it to be recorded. This applies even if previous attempts have been made to handle the complaint outside of the requirements of Schedule 3. Where a complainant's wishes are unclear, reasonable steps should be taken to clarify what they are.
Outside of Schedule 3 Complaint	Complaints dealt with outside the requirements of Schedule 3 must be handled with a view to resolving them to the complainant's satisfaction. Handling a complaint outside of Schedule 3 provides an opportunity to address promptly the concerns a complainant has raised. Some complaints do not require detailed enquiries in order to address them. For example, the complainant may only want an explanation, or for their concerns to be noted or passed on. Handling such complaints outside of Schedule 3, promptly, may be the most efficient, effective, and beneficial way to resolve the complaint. It can assure the complainant that their concerns have been listened to and addressed, while potentially providing a learning opportunity for the force (and, if appropriate, any individuals involved).

Summary

1. Assessment of Complainant Satisfaction

One way in which the police monitor complainant satisfaction is by analysing how complaints are resolved. They consider how many complaints 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 PCC or IOPC allows the police to understand whether dissatisfaction is justified and where improvements should be made.

[Annual Police Complaints Statistics](#) show that in 2022/23 32% of all complaints made to Avon and Somerset Police were resolved outside of Schedule 3. This is a category, created in law, which means that the issue was resolved to the satisfaction of the complainant to the extent where they decided that formal recording was unnecessary. This is a small increase from last year where 29% were resolved this way.

In some cases, a complaint is initially handled outside of Schedule 3 but the complainant remains dissatisfied and will request that a complaint is handled under Schedule 3. In 2022/23 only 6% of ASP complaint cases fell into this category, compared to a 15% nationally. This is evidence that ASP are doing this initial handling well.

If complainants are still not satisfied with how their complaint was handled, they are able to submit a request for their review (formerly known as an appeal) to be completed by the PCC (as the Local Policing Body) or the IOPC.

The 2022/23 [Annual Police Complaints Statistics](#) shows that 203 review applications were made relating to ASP complaints. This represents 18% of the total eligible complaints compared to 13% last year. Of the reviews completed by the PCC 24% were upheld i.e. found to have an outcome that was not reasonable and proportionate. This compares to 20% nationally.

Where the review was conducted by the IOPC 45% were upheld for ASP, compared to 40% nationally. The higher proportion of reviews upheld were where the complaint was not originally investigated. In ASP these complaints are allocated outside of PSD to line managers across the force to handle. PSD have been working to improve the wider management knowledge and skills in handling complaints by delivering workshops and training and complaint handling guidance has been added and updated on the ASP to make it more accessible. PSD are also looking at a new IOPC Toolkit and how this new tool will support line managers in the effective handling of these complaints.

Aside from this right of review, complainants also have a right to make a further complaint about how their original complaint was handled by ASP. This is separate to the review process and will address dissatisfaction around any shortfall in the service provided by Professional Standards Department (PSD) as opposed to the review process which will focus on if the outcome was reasonable, proportionate and lawful. All complaints of this nature, whether upheld or not, are considered by a manager within the PSD and any learning is passed to staff.

The Professional Standards Department utilise a data visualisation software 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.

The Professional Standards Department often receive positive feedback and thanks from complainants around how their complaint was handled in a quick and thorough manner. There is currently no measure in place to capture and analyse this feedback and no set process to ask complainants how satisfied they are with how their complaint was handled in the form of a questionnaire or feedback form. This presents a gap in information available in this area however it is worth recognising that for outside of Schedule 3 complaints, the success rate is consistently high at around 97%, demonstrating that the majority of complainants are satisfied with the resolution of their complaint.

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 Assurance Department. Any specific learning identified by the IOPC is captured by PSD. Themes and patterns are identified by a PSD performance analyst and communicated to department heads and thematic leads at a regular learning meeting. Organisational learning is reviewed by the Deputy Head of PSD who will meet with the relevant thematic lead and department head to look for onward accountability and agree implementation of any changes to policy or working practices that are required.

The PCC monitors progress towards the police implementation of recommendations made by HMICFRS 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 during the 2022/23 year.

3. Themes and trends in complaints, and action taken.

In 2022/23, ASP logged 2,248 complaint cases. This is an increase of 92 (4%) more than the previous year. In 2022/23 the top 5 themes arising from complaint allegations were:

- Delivery of service and duties – 50%
- Police powers policies and procedures – 18%
- Individual behaviours 706 allegations – 16%
- Discriminatory behaviour – 5%
- Abuse of position / corruption – 5%

Managers within the PSD proactively track and analyse any trends and identify areas of improvement at a Tactical Tasking and Coordination Group. The data is also reported to an internal governance panel where data is scrutinised at a senior level, chaired by a member of the Chief Officer Group.

The [Independent Scrutiny of Police Complaints Panel \(ISPCP\)](#) regularly dip samples complaints and scrutinises ASP's handling of these matters. The [Independent Scrutiny of Police Powers Panel](#) 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 PCC and where themes are identified, both in terms of best practice and areas of concern, they are reported to ASP with an expectation that appropriate action will be taken.

ASP have changed internal processes with an aim to improve the quality of written responses to complaint outcome letters as a result of feedback from the ISPCP.

4. Timeliness of complaint handling

In 2022/23 ASP took an average of 6 working days to log complaints and 8 working days to contact complainants. The national average for both of these is 5 working days. ASP are performing slightly below the national average in this area and a local increase on last year's figures. ASP are working to address their performance in this area including by increasing the number of people working in PSD.

In 2022/23 ASP finalised allegations, outside of schedule 3, in an average of 12 working days compared to 16 nationally. ASP also finalised cases quicker than the national average where they were dealt with under Schedule 3, if they were not subject to investigation or subject to local investigation.

ASP have taken a number of steps to improve the timeliness of complaint handling which includes closer management of performance through data analysis. Performance is regularly reviewed by the PSD management team through daily tasking and the OPCC have direct access to this application for scrutiny and assurance purposes.

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

PSD also utilise monthly Departmental Leadership Meetings to undertake regular assurance on the handling of complaints. This is used to identify improvements which is monitored and tracked as part of the department's single delivery plan of actions. Implementing more structured supervisor reviews and quality assurance processes which look at regulatory compliance, data quality and ensuring all objectives in complaint handling plan are completed by the investigating officer, to improve the quality of the complaint investigations.

When complaints are reviewed by the OPCC, recommendations for improvement are made to ASP. For 2022/23, 24 complaint reviews handled by the PCC resulted in recommendations being made to Avon and Somerset Police.

External auditors dip sample complaints and report recommendations to the PCC and police. Following a recent independent audit into the handling of police complaints an assurance framework has been created and recommendations are reviewed by the PSD Senior Leadership Team.

As referenced earlier in this report, complainants have a right to make a further complaint around how their complaint was handled if they are dissatisfied with the way in which PSD managed their complaint as opposed to the outcome. Any complaints of this nature will be recorded, assessed, and

managed by PSD. Learning is captured from this process and is used to influence internal processes and quality of the service provided.

The Learning Assessment Tasking Group enables the identification of lessons and CPD opportunities through the outcomes of complaints and misconduct cases. PSD hold quarterly meetings with stakeholders across the organisation and capture and disseminate learning. Outcomes include improvements to internal policy and procedures and further training to staff and officers within the organisation.

The OPCC led [Independent Scrutiny of Police Complaints Panel](#) regularly dip sample complaints which are scrutinised and checked for quality of response. Feedback and learning are fed through to ASP in the form of a written report, verbally at quarterly panel meetings and through governance channels.

All complaints are investigated by suitably trained staff who are supervised by police Sergeants and Inspectors who undertake quality assurance reviews. Data quality is managed through a data analytical tool called Qlik and through a supervisory review process.

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

ASP analyse and monitor 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.

PSD have created a cohort of volunteers, known as lived experience practitioners, who review complaint allegations relating to discrimination. This is a group of 20 volunteers covering a wide range of protected characteristics and lived experience, they include – race, nationality, gender, age, LGBT+, mental and physical health and disability. They have successfully started embedding lived experience insight from volunteers enabling them to gain 'lived experience' in complaints and misconduct investigations to effectively address emerging issues of internal and external discrimination. Other work includes:

- A dedicated single point of contact for lived experience has now been appointed.
- Written guidance for volunteers, Investigating Officers and Appropriate Authority is nearing conclusion, will be checked by Legal department and circulated.
- Consultation with the Data Protection Office is nearing completion.
- Reviewing how they deliver on-going training programmes/courses to volunteers.
- They will be setting up of 6 monthly sessions for volunteers to discuss learning and feedback.
- Wider recruitment of volunteers in consultation with REACH (formerly known as the Avon and Somerset Black Police Association).

Work is ongoing to update and change ASP's website to make it more user friendly for complainants, especially those with protected characteristics. This aims to simplify the process, improve accessibility, and provide information in different languages.

Community meetings have taken place within some communities to discuss complaint related matters to listen to feedback, improve accessibility and further understand the views and needs of all residents to help to improve and build trust in ASP and particularly PSD.

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

Senior members of the OPCC team 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 areas of concern. OPCC senior leads attend regular strategic meetings with PSD and the wider organisation to review performance in this area, ensure organisational learning and recognise opportunities, success and risk.

The quarterly [Independent Scrutiny of Police Complaints Panel](#) provides written and verbal scrutiny to police around how complaints have been handled to the Head of PSD.

Data is also reported quarterly to the [Governance and Scrutiny Board](#) for further analysis and scrutiny. This is the most senior governance meeting in Avon and Somerset Policing: it is chaired by the PCC and attended by police Chief Officers.