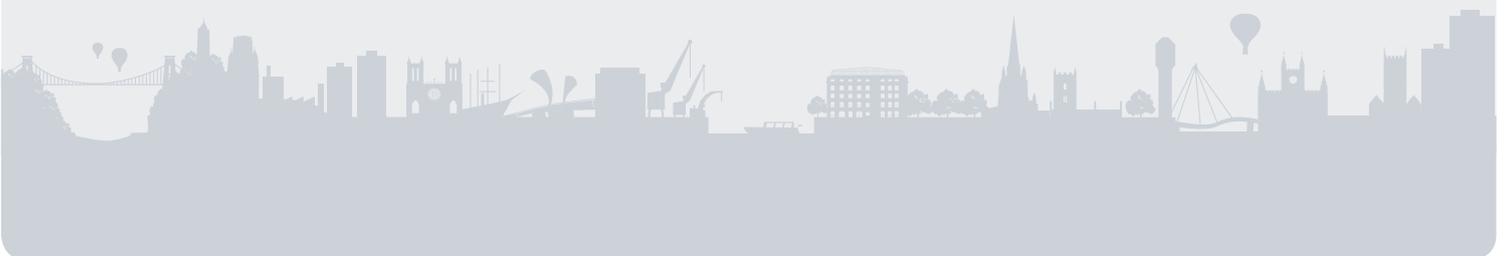




Bristol City Council response to the IPCC and Safer Bristol Partnership Report into the death of Bijan Ebrahimi



1. Purpose of report

- To provide a response to the Independent Police Complaints Commission (IPCC) report released in July 2017
- To provide a response to the Safer Bristol Partnership multi-agency report being released on the 18th December 2017
- To summarise the provision of services by Bristol City Council to Mr Ebrahimi before his death
- To summarise the learning and changes in service delivery since his death

2. Background

Mr Bijan Ebrahimi was murdered on the 14th July 2013 near his home in Capgrave Crescent in Brislington. He was a council tenant with a history of involvement with local agencies and organisations and had been a victim of hate crime and anti-social behaviour (ASB). Two local men pleaded guilty to offences of murder and assisting an offender and have been convicted.

The Independent Police Complaints Commission (IPCC) conducted a lengthy three year investigation into police contact and action in this case and released their report in July 2017.

As a result of the IPCC process two police officers were convicted of Misconduct in Public Life offences and were given custodial sentences. There have also been a number of police internal disciplinary processes regarding other officers.

Following the murder in 2013, the case was considered by the Safeguarding Adults Serious Case Review Panel and was not considered to meet the criteria for a Serious Case Review but it recommended to the Safer Bristol Partnership (Crime & Disorder Partnership) that an independent multi-agency learning review should be undertaken. This work was commissioned by the partnership in 2013, led by the Service Director responsible for Safer Bristol at that time and was independently chaired by Dave McCallum.

His draft report was produced in January 2014 and contained a number of recommendations for organisations alongside comment that there was evidence of discriminatory behaviour and institutional racism by the council and the police. The draft report was shared with the family at that time. This draft report was also shared with the Senior Leadership Team, the then Mayor George Ferguson and Cabinet in February 2014, prior to it formally going to the Safer Bristol Partnership, as at that point it looked likely that there would be an imminent wider release into the public domain. This has not happened as the partnership was formally asked by the IPCC not to release the Safer Bristol report until their report was completed.

The IPCC report was released in July 2017 and made the following recommendation for partner agencies:

‘that the Constabulary brings our reports to the attention of its partner organisations, which should also reflect on their own responses to meeting Mr Ebrahimi’s needs throughout his time in the city.’

This report therefore sets out the Council’s formal response to the IPCC’s recommendation.

3. Safer Bristol Report

One of the key findings from the IPCC report was that whilst the police and other agencies had viewed Mr Ebrahimi as both a victim and an alleged perpetrator of ASB, their in-depth investigation concluded that this was misplaced and his experience was solely that of being a victim.

Safer Bristol had planned to release the Multi Agency report at the same time as the IPCC report but following a request from Mr Ebrahimi's family were asked to consider the author reviewing its report in the light of the IPCC's findings. This was agreed to, and this work has now been completed with the finalised report being published on the 18th December 2017.

Whilst the release of the report is some four years after Mr Ebrahimi's death we have of course not waited to deliver on the recommendations in the original draft report and much progress has been made. There is also an action plan in response to a 'stop the clock' exercise that looked at all of the interventions from all of the agencies in their history of working with Mr Ebrahimi, with an examination of what could have been done differently at points in time. This action plan is regularly reviewed by the Safer Bristol Partnership and has been shared with the family. Mr Ebrahimi's sisters are keen to continue to work with us to deliver change and we are currently looking at how we do this most effectively working with Stand Against Racism and Inequality (SARI). Improvements in service delivery are really important to his sisters as a legacy following his murder.

4. Bristol City Council Services

In the 12 years that Mr Ebrahimi lived in Bristol before his murder in 2013 he had contact and received services from the following services within BCC:

- Estate management
- Anti-social behaviour team
- Pollution control
- Neighbourhood enforcement

As part of the Multi Agency Learning process all of these services provided individual chronologies and some individual reflections on learning that were shared with the Safer Bristol report author to guide individual interviews and inform the compiling of the Safer Bristol Report.

The Service Directors responsible for these services considered the actions taken by BCC officers at the time, following completion of agency submissions for the Safer Bristol report, and did not identify any issues that warranted any internal disciplinary action. There was a question as to the delegated decision making level to apply for an Ex Parte (without notice) Injunction and this has been changed as set out in the next section of this report.

Of the 14 Safer Bristol recommendations four relate specifically to Bristol City Council. There are another two for all agencies and three for Safer Bristol, of which the council is a key partner. The remaining recommendations relate to the police and SARI, both of which are also members of the partnership.

In the following sections some of the detail of the service provision is provided followed by improvement actions.

5. Service Detail

Mr Ebrahimi was housed by Bristol City Council in November 2006 from a private tenancy following racial harassment. This was reported to the police and to SARI to provide support and he was rehoused in Whartons Crescent in Nov 2006. By July 2007 he was the subject of further abuse which was recorded by the police and he was placed in emergency accommodation following a serious arson attack before moving to Capgrave Crescent in 2008. These responses by Estate Management were appropriate and multi-agency in nature, responding to the racial harassment he was experiencing.

The Whartons is geographically quite close to Capgrave Crescent and there is a question as to whether sufficient consideration was given as to whether this was an appropriate long term move given previous issues and harassment from neighbours.

From his time living at Capgrave Crescent there were an ongoing series of anti-social behaviour reports from Mr Ebrahimi and reports against Mr Ebrahimi by his neighbours. Analysis of the IPCC report show that there were numerous reports made to the police which the council were not aware of. This indicates that the multi-agency working was not effective in protecting Mr Ebrahimi as a victim. Over time his victimisation appears to have been not assessed effectively, with a view taken that he was a perpetrator. The in-depth work completed by the IPCC does not support this view and we must take responsibility as a council for not challenging this and therefore failing to fully support Mr Ebrahimi as a victim of anti-social behaviour. Incidents were dealt with individually and there was no longitudinal analysis of a pattern resulting in us failing to assess the level of his vulnerability.

Within this time frame there were short term interventions by noise pollution and the dog warden service that dealt with complaints about noise and a neighbour's dog. The involvement of the noise pollution team, in response to complaints by Mr Ebrahimi about loud music from one of his neighbours, was followed up appropriately and a Noise Abatement Notice was served on the perpetrator. Similarly issues he was experiencing with a neighbour's dog were followed up with him and with the police and the dog owner but this did not lead to any action being taken.

A key event in respect of the viewing of Mr Ebrahimi as a perpetrator of ASB was the obtaining of an Ex Parte Interim Injunction against him in 2010 by BCC following complaints about him from his neighbours. It was considered that there was such an urgent need to obtain this injunction to prevent his alleged anti-social behaviour that it should be applied for without notice to him. The application was made on the basis of statements from his neighbours, some of whom Mr Ebrahimi had already made complaints about. The investigations of these complaints were not thorough enough, given the level of allegation and counter-allegation, resulting in action only being taken against Mr Ebrahimi. Nevertheless the court granted this order, although it was set aside by agreement when Mr Ebrahimi was legally represented at the next hearing and reluctantly agreed to sign an undertaking to be of good behaviour.

The obtaining of an Ex Parte Injunction without notice is an area where as a direct result of this case we have specifically changed our procedure and the delegation of decision making. In 2010 the decision to go to court could be made by the Team Manager (4th tier) following consideration at an ASB case conference. This decision is now made at Head of Service level (3rd tier), to provide additional distance and challenge in considering the evidence in a case. Where the Head of Service considers that there are particular issues of vulnerability in respect of the alleged perpetrator this decision is escalated to the Service Director (2nd tier). This change in policy and practice provides considerable additional safeguards in terms of consideration of the robustness of the evidence, although any final decision is of course taken by the court itself. In terms of number of Ex Parte Injunctions we would expect these to be low in number and of the order of 10 per year.

A key corner stone in dealing with complex ASB and hate crime cases effectively is the multi-agency case conference system for both ASB and hate crime. At the time of his death a hate crime case review meeting system was in place but it met infrequently and was not effective in identifying the level of risk and vulnerability. One of the key multi-agency actions has been to change the way these are conducted.

Case conferences are now held weekly to consider cases where risk is increasing. We are constantly trying to ensure that we are considering the 'right' cases and focussing on need and vulnerability. As a result of this case we have:

- Introduced a new hate crime risk assessment working with partners including SARI (changed Nov 13 and revised Dec 14)
- Established new hate crime case conference meetings with revised terms of reference
- Introduced an escalation process at these meetings where agencies don't agree on action and have examples where this has been effective
- Strategic Partnership Against Hate Crime currently reviewing the current system to look at further improvements
- Worked across the council to ensure we are considering these issues in the round and from a holistic perspective as the council may have a number of different responsibilities e.g. as a landlord, as a social care assessor

This is ongoing work which is monitored through the Safer Bristol Partnership Executive to which the Strategic Partnership Against Hate Crime reports.

The complaints from Mr Ebrahimi appear to have been seen as a set of incidents rather than an understanding of a pattern. We did not look at this holistically or challenge agency colleagues as to their assessment. We therefore unintentionally colluded and supported the view of neighbours that Mr Ebrahimi was the 'problem'. None of the actions we took from 2010 challenged that view and whilst we have put new processes in place there is a need for vigilance to ensure this is not repeated and to ensure we are held to account by 'critical friends'. We have already agreed that Mr Ebrahimi's family will support this process, as for them improvement in practice is an important part of ensuring some positive outcomes for the loss of a brother.

The Safer Bristol Partnership provides a quality assurance function for the partnership. From a council perspective, it is proposed and agreed by the Chair that the Council's Overview and Scrutiny Management Board (OSMB) considers how it can effectively oversee the changes the council has put in place to manage processes more effectively, monitor progress and make recommendations as to any further improvements. A recent round of briefings on anti- social behaviour for all councillors was well attended and received and it is clear that this is an issue that is a very high priority for councillors.

The Safer Bristol Report concludes that there was a collective failure of both the police and the council to provide an appropriate and professional service to Mr Ebrahimi. There was no evidence that any member of our staff intentionally behaved in a racist manner or that our policies and procedures were racially biased. However there is evidence that Mr Ebrahimi was targeted for racist abuse and victimisation by neighbours, that this was reported to us and we, alongside the police, sided with his abusers.

The conclusion of the Safer Bristol Report is that there was evidence of discriminatory behaviour and institutional racism by both the council and the police. The report references the McPherson report in coming to this conclusion.

The McPherson Report defined institutional racism in the following way:

“The collective failure of an organisation to provide an appropriate and professional service to people because of their colour, culture, or ethnic origin. It can be seen or detected in processes, attitudes and behaviour which amount to discrimination through unwitting prejudice, ignorance, thoughtlessness and racist stereotyping which disadvantage minority ethnic people.”

Key to addressing these issues is the training of our staff. As a result of this case as well as all of our ASB and Housing staff having an introduction to our policies as part of their initial induction to the council, they also have specific training through our online training portal on hate crime, vulnerability and equalities and diversity. With additional monies being put into the internal training budget to support cultural change in the organisation, this has been identified as an area for further investment for our whole workforce. Specific financial resources of £50,000 have been set aside to deliver race equality training to all staff.

6. Conclusions

Mr Ebrahimi’s murder was shocking and brutal. Whilst the perpetrators have been brought to justice, the implications for the council in terms of service delivery and reflection on our practice have been enormous. Whilst the IPCC investigation and report have guided the police response, for the council in the absence of a Serious Case Review we have used the Safer Bristol Multi-agency Review as the vehicle for our learning. This has taken a long time to release, given the request from the IPCC to await the publication of their report and the subsequent review of the Safer Bristol Report in the light of that report.

Whilst much has changed in the light of Mr Ebrahimi’s death, there is still more to do in effectively tackling ASB and hate crime. In terms of this report the following specific recommendations are made:

1. That Overview and Scrutiny Management Board consider the most appropriate input to provide additional assurance that service changes are embedded across the council.
2. That £50,000 of additional resources for staff training are earmarked for race equality training for all staff.
3. That BCC fully supports a multi-agency ‘delivery assurance day’ in March on how we tackle ASB and hate crime alongside our partners.
4. That once published, the learning from the multi-agency report is cascaded to all of our staff to help prevent this ever happening again.