

North Yorkshire Police, Fire and Crime Panel

18 July 2019

Update report from the Complaints Sub-Committee

1 Purpose of Report

- 1.1 To submit the Complaints Sub-Committee's report of 20th May 2019 for agreement by the Panel;
- 1.2 To highlight the Commissioner's response to the Panel's recent s29 request and to invite any further comments on this;
- 1.3 To share the Home Office response to the Panel in respect of powers around complaint handling.

2 Response by the Commissioner to the Panel's request for further information under s29

- 2.1 At the last Panel meeting in May 2019, a request was issued to the Commissioner under section 29 of the Police Reform and Social Responsibility Act 2011 to provide to the Panel, in writing and within 14 days, a response detailing the Commissioner's progress against the Sub-Committee's recommendations in its report of 24th October 2018. In particular the request sought:
 - Reasons for the apparent delay in progress by the Commissioner;
 - Details of what has been achieved thus far
 - The Commissioner's plans going forward to progress the recommendations
 - Details of the frequency of the mentoring sessions undertaken
- 2.2 The Commissioner responded on 30th May 2019 and a copy of the correspondence is provided at Appendix A.
- 2.3 Panel members are invited to provide any comments or seek any further clarification from the Commissioner as appropriate on this response.

3 Update – recent deliberations by the Sub-Committee

- 3.1 The Complaints Sub-Committee published a report on 20th May 2019 in respect of a complaint matter regarding the conduct of the Commissioner. The report is attached at Appendix B for information. This report was published at www.nypartnerships.org.uk/pcp
- 3.2 The report outlines the complaint and the process undertaken by the Sub-Committee. The latter included seeking representations from both the complainant and from the Commissioner to assist with its deliberations around

whether informal resolution could be achieved. The Commissioner also attended a meeting at the Sub-Committee's invitation in January 2019 to answer points of clarification in addition to being given the opportunity – along with the complainant – to give final comments and representations on the finalised report in April 2019.

- 3.3 The Sub-Committee concluded that due to the historical nature of the complaint and the difference in opinion on the course of events as recollected by the complainant and the Commissioner that the matter was not appropriate for informal resolution. Moreover, it was concluded that there was insufficient evidence to substantiate the allegations regarding the Commissioner's conduct. As such, no further action is recommended on this complaint matter and the Panel is asked to approve the report attached.

4 Home Office response in respect of investigatory powers

- 4.1 A letter was sent to the Home Office from the Panel Chair and Sub-Committee Chair on 30th October 2018 to highlight concerns regarding the limited powers available to Panels in dealing effectively with complaints about the conduct of a Police (Fire) and Crime Commissioner; particularly where allegations made are of a serious and significant nature.
- 4.2 The Minister for Policing and the Fire Service, the Rt Hon Nick Hurd MP, responded on 31st January 2019 and a copy of the letter is attached at Appendix C. Due to the Panel's focus on precept earlier this year and due to the cancellation of the Panel's meeting in April 2019 (pre-election period), it has not been possible to bring this correspondence to full Panel for consideration until now.
- 4.3 It is clear from this response that while it remains the intention of the Home Office to confer powers on Panels to be able to investigate complaints made against the Commissioner and Deputy Commissioner, this is unlikely to have a statutory basis any time soon.
- 4.4 However, the Sub-Committee welcomes that the Home Office have committed in the meantime to reviewing and refining non-statutory guidance to support Panels in dealing with complaint matters.

5 Recommendation

- 5.1 The Panel is invited to:
- (a) comment on the Commissioner's section 29 response to the Panel at Appendix A;
 - (b) receive the report of the Complaints Sub-Committee at Appendix B;
 - (c) note the response of the Home Office to the Panel regarding investigatory powers at Appendix C.

Report presented by:
Councillor Peter Wilkinson
Chair, Complaints Sub-Committee

Report prepared by:
Diane Parsons
Principal Scrutiny Officer
North Yorkshire County Council

9th July 2019

Appendix A – Response of the Commissioner to the Panel under s29 of the PRSRA 2011 (dated 30 May 2019)

Appendix B – Report of the Complaints Sub-Committee (dated 20 May 2019)

Appendix C – Letter from Rt Hon Nick Hurd MP to the Panel (dated 31 January 2019)



Police & Crime Panel Report

30 May 2019

Response to Police, Fire and Crime Panel Request for Information – Recommendations of the Complaints Sub-Committee

Purpose of the Report

This report is provided in answer to Members' request for information made at their meeting of 16 May 2019, details of which are set out in the body of the report.

Panel's Questions – s29(1) Police Reform & Social Responsibility Act 2011

At their meeting on 24 October 2018 Members of the North Yorkshire Police, Fire & Crime Panel Complaints Sub-Committee made the following six recommendations arising out of their consideration of certain complaints:

Recommendation 1. The PCC commissions a baseline survey of staff – via an independent body – to be carried out within the context of the findings of this report, including staff perceptions of experiencing or seeing bullying in the workplace. This survey would benefit from being repeated at regular intervals thereafter with staff. The Sub-Committee would further recommend that the terms of reference for this survey are agreed through the Panel.

Recommendation 2. The findings of the staff survey would further be shared with the Panel, along with any action plan agreed by the PCC as a result. The Panel would welcome the opportunity to review progress against the actions after six and twelve months.

Recommendation 3. The PCC is advised to reflect upon the complaints and to undertake a management and leadership development programme, which includes emphasis on understanding the implications of Duty of Care in a senior leadership role. Such a development programme can be aimed at supporting the PCC to deal appropriately with stressful situations and ensuring her desire for improving public services is met.

Recommendation 4. The PCC is advised to draw on the support of a mentor – a colleague in either a similar role or another senior managerial position – to help assist her in what is a challenging and difficult role.

Recommendation 5. In further discharging the support and challenge role, it is recommended that the PCC updates the Panel on a six-monthly basis on progress and development in the context of the recommendations set out in this report.

Recommendation 6. Under section 29(3) of the Police Reform and Social Responsibility Act 2011, the Sub-Committee requests that the PCC respond in writing within 21 days to the recommendations made by the Sub-Committee.

Members have now requested information pursuant to s29 Police Reform & Social Responsibility Act 2011 which provides as follows:

29 Power to require attendance and information

(1) A police and crime panel may require the relevant police and crime commissioner, and members of that commissioner's staff, to attend before the panel (at reasonable notice) to answer any question which appears to the panel to be necessary in order for it to carry out its functions.

(2) Nothing in subsection (1) requires a member of the police and crime commissioner's staff to give any evidence, or produce any document, which discloses advice given to the commissioner by that person.

(3) A police and crime panel may require the relevant police and crime commissioner to respond in writing (within a reasonable period determined by the panel) to any report or recommendation made by the panel to the commissioner.

(4) The police and crime commissioner must comply with any requirement imposed by the panel under subsection (1) or (3).

(5) Members of the staff of the police and crime commissioner must comply with any requirement imposed on them under subsection (1).

(6) If a police and crime panel requires the relevant police and crime commissioner to attend before the panel, the panel may (at reasonable notice) request the relevant chief constable to attend before the panel on the same occasion to answer any question which appears to the panel to be necessary in order for it to carry out its functions.

Members' requested the following information:

In relation to the recommendations of the Police & Crime Panel Complaints Sub-Committee of 24 October 2018:

- *Request 1: Explain the reasons for the delay in progress against the recommendations;*
- *Request 2: Set out what has been achieved thus far;*
- *Request 3: Set out what the PFCC's plans are going forward (mindful that there will also be a twelve-month report due in November);*
- *Request 4: Additionally, Cllr Mason requested that the PFCC advise of the frequency of mentoring meetings held thus far.*

Information

In order to assist the Commissioner with the preparation of this report, Officers have examined such documentation as has been reasonably accessible to them and also gathered oral accounts from the Commissioner and the Deputy Commissioner.

It is hoped that this approach caters for as full an explanation of the issues as is proportionate and practicable.

The following summary information and chronology is distilled from those sources

Request 1, Request 2, Request 4

Explain the reasons for the delay in progress against the recommendations (this was felt to be particularly pertinent to the ToR work but also included the lack of response to Peter's letter of 23rd Jan 2019 and reasons for this);

Set out what has been achieved thus far;

The frequency of mentoring meetings held thus far.

Recommendations 1 and 2

- An initial draft of the survey Terms of Reference was prepared immediately after the meeting in October 2018.
- A draft was shared with the Police, Fire & Crime Panel Complaints Sub-Committee on 8 January 2019, albeit on the day of the meeting.
- The Chairman of the Sub-Committee wrote to the Commissioner on 23 January 2019, copied to the then-Chief Executive Officer (CEO) amongst others.
- The CEO provided an update and advice to the Commissioner on 25 January 2019. The update was to the effect that a member of staff was progressing the staff survey arrangements and looking at a single tender agreement with Durham University.
- On 25 February 2019 the Panel's Principal Scrutiny Officer emailed the CEO, who appears to have replied to the points raised by telephone. On 25 and 26 February 2019 the CEO provided an update and advice to the Commissioner.
- It appears that the letter of 23 January 2019 went substantively unanswered. The reasons for that omission are unclear, although it appears that the substance of the letter was discussed between officers on 25 February 2019.
- There appears to have been a further exchange of information between officers and the Commissioner in relation to the Terms of Reference in March 2019.
- A substantive update on the Recommendations (including the Terms of Reference) was provided to Members at their meeting on 16 May 2019.
- In accordance with s29(2) the substantive advice of officers to the Commissioner (including that of the CEO) is not detailed in this report.
- The available information seems to demonstrate that although the recommendation actions were progressed promptly at the point that the recommendations were received, work to progress some of the specific actions such as the survey procurement, the mentoring sessions and the Terms of

Reference was intermittent rather than consistent. Consistent progress has been made with Recommendations 3 and 4, as set out later in the report.

- There appears to have been a divergence of recollection and view between Members on the one hand and the Commissioner and the OPFCC on the other, in relation to the question of whether the specific Terms of Reference should be developed collectively or by Durham University.
- The proposal for a staff survey seems to have caused anxiety and concern amongst staff of the OPFCC, which may have impeded the further refinement of the Terms of Reference and appears to have underpinned the Commissioner's wish for the document to be finalised independently by the provider.
- It further appears that in any event, a range of business as usual demand issues, as well as impact from change programmes such as T2020 and the associated proposals for restructure of the OPFCC, converged and adversely impacted the ability of the Commissioner and OPFCC staff to dedicate whole or part time resource to continuing work upon the recommendations without interruption.

Recommendations 3 and 4

- The Commissioner formed a view as to an appropriate initial source of development support and mentoring to discharge these recommendations.
- The person chosen to provide that support was Susannah Hancock, Chief Executive of the Association of Police & Crime Commissioners.
- Susannah's professional track record includes service as a probation officer and key roles in youth offending. Susannah has served as Assistant Chief Executive of Victim Support and prior to becoming APCC Chief Executive, served as Chief Executive to the Police & Crime Commissioner for Essex.
- Susannah is an accomplished senior professional and in her role as APCC Chief Executive, uniquely well placed to provide the calibre of development and mentoring support to the Commissioner.
- The Commissioner commenced engagement with Susannah Hancock promptly after Members made their recommendations in October 2018 and then undertook sessions to coincide with engagements in London.
- According to records in the Commissioner's possession, sessions took place on 31 October 2018, 27 November 2018, 14 February 2019, 28 February 2019, 19 March 2019 and 24 April 2019. It was not possible to engage extensively in November and December 2018 due to the need for the Commissioner to complete her programme of 'roadshows' and station visits in connection with the change in Fire Service governance. During January 2019 the Commissioner was on leave at the point when she might otherwise have expected to be in London.
- The Commissioner has found those sessions of considerable benefit.
- The ordinary conventions of support and mentoring rely upon a duty of mutual confidence to exist between the parties and the Commissioner knows from Members' indications to her, that they do not expect the substance of the discussions to be included in this paper or related outside of the mentor and mentee relationship. However, a recommendation has been made as part of those engagements for the Commissioner to engage support via the College of Policing Managed Executive Coaching Service.
- As set out in the Commissioner's letter of 15 May 2019, the Commissioner intends to take up this particular service.

Recommendations 5 and 6

- Recommendations 5 and 6 appear to have been discharged as described in the Commissioner's report to the Panel's meeting on 16 May 2019.

Request 3

Set out what the PFCC's plans are going forward (mindful that there will also be a twelve-month report due in November)

- The Staff Survey
- As mentioned within the six-month Recommendations report to the Panel on 16 May 2019, the Acting Chief Executive & Monitoring Officer and the Temporary Assistant Chief Executive & Deputy Monitoring Officer began practical induction into their interim roles commencing 15 April 2019. A twelve-month Office of Police Fire Crime Commissioner (OPFCC) Development Plan is being finalised, and this is being used to form the basis of their programme of leadership and management under the collective Head of Paid Service element of the Cleveland collaborative Chief Executive service provision model.
- The staff survey forms a key element of that OPFCC Development Plan for 2019/20, and any findings from the survey will be used iteratively, to provide greater support and focus to the activities within the plan. Preparatory actions that have already been carried out to enable the survey work to be implemented include the completion of any necessary remaining procurement activity and the appointment of a provider to conduct the survey and collate results. The Acting Chief Executive & Monitoring Officer and the Temporary Chief Executive & Deputy Monitoring Officer acknowledged the benefits and opportunities offered through the survey work, and welcome the prospect of using any findings to strengthen and direct the OPFCC Development Plan. Both senior officers recognise the importance of this work to Members and would propose to engage formally and informally with Members as the Development Plan is progressed. Further updates on this matter will be provided as part of that process.
- The Support & Mentoring Arrangements
- As indicated in the Commissioner's letter of 15 May 2019, the Commissioner intends to take up the College of Policing Managed Executive Coaching Service.
- Other Matters
- The Commissioner has had discussions with the Interim Chief Executive & Monitoring Officer and the Temporary Assistant Chief Executive and agrees with the recommendations set out in the Chief Executive & Monitoring Officer's Comments & Recommendations section below.

Commissioner's Remarks

I accept and support Members' role in fulfilling a critical public interest duty in dealing with issues within their remit, including their role in deliberating complaints made against me.

I would like to reiterate the following assurances to them on my commitment to working positively and constructively with them.

I do recognise that there has been delay, including initially in providing the original drafting to Members. In the circumstances I do not feel it is appropriate to make any criticism of the work of my CEO and other officers in relation to the progression of the staff survey recommendations.

It is a matter of regret to me that, unwittingly, the delay in communications appears to overshadow and obscure the work done both by myself and my previous and current executive leadership officers, in progressing the work needed to deliver and discharge the recommendations received by the sub-committee. As referenced within the report from my office to the panel on 16th May, action was actually taken, very quickly after the Committee's recommendations were made, and one of the first activities to be commenced was that of seeking regular mentoring and support sessions through the Association of Police & Crime Commissioner's Chief Executive. To date several such sessions have taken place, and while it would be inappropriate to share details of the content of these confidential sessions, I am able to advise that the sessions assisted me in identifying an enhanced support resource that, as also advised, I will be submitting an application to the College of Policing's Executive Coaching Service.

I should also like to provide assurance on the point of carrying out a staff survey; the work to identify and commission a provider was commenced very shortly after the recommendations were received, and an appropriate provider, Dr Les Graham from Durham University, was duly identified, and the necessary procurement activity to enable use of his services was also completed.

A critically important consideration, however, for myself, the OPFCC leadership team and staff themselves, was that of the design components that would feature in the implementation and activation of the survey, i.e. the range and tone of the questions to be asked of staff members, contextual information to be provided to them, continued support for their welfare as well as that of senior leadership figures, ensuring clearly demarcated support and reporting mechanisms for any staffing issues that may arise during the survey period, welfare considerations, and the way in which all of these considerations are communicated to staff.

Although it is regrettable that this part of the activity has taken longer than intended, and may have given rise to an understandable perception of an overall delay in progress, but I would also ask for understanding on this point. Against the backdrop of an organisational wide transformation programme, which has naturally had an effect upon staff members' sense of security, a comprehensive Terms of Reference, started some months ago, is now in a draft mature form, to the extent that it has been possible to communicate the developing document with Members very recently.

I hope that the explanations in this paper provide the details that Members hoped to receive in relation to this matter and assurance on the point that the contributory factors which led to the delay have been identified, and are being actively managed.

Chief Executive & Monitoring Officer's Comments & Recommendations

As the Commissioner's Head of Paid Service and Monitoring Officer it appears to me that the circumstances described in this paper (including the elements of delay, but also the substantive issues which appear to form the background to the index complaints) amplify the need for clarity in respect of the respective roles in staffing matters and generally, as between the Commissioner and the Chief Executive. The model in North Yorkshire in that respect has differed from those adopted in many other areas, until recently (following the disaggregation of the CEO role and the establishment of the Enable service provision model). I also think that

as in any case involving delay, the circumstances highlight opportunities for improved communication, including with the Panel.

I have therefore discussed and agreed the following recommendations with the Commissioner:

- That in addition to the existing meeting structure, regular and structured time should be set aside for the Chief Executive team to have update meetings (and the opportunity for advice provision) with the Commissioner on all current and emerging issues; such sessions to include agreeing actions, timescales, progress and outcomes.
- That through the OPFCC Development Plan, the roles to be performed by the Chief Executive team in leading and developing the OPFCC to undertake its role to the best possible effect, be clarified, developed and embedded. The opportunity of additional senior leadership capacity under the collaborative Chief Executive service arrangement should be used to best effect to ensure an effective and supportive OPFCC, led and directed by the Head of Paid Service.
- That work continues to develop the relationship with the Panel's officers, including but not limited to agenda planning, pre-meetings, enhancements to reporting conventions and other measures to ensure that overall engagement better meets the needs of Members and ultimately, the public.

Conclusions and Recommendations

- That Members note the information provided in this report under s29.
- That Members note and agree the additional recommendations set out in the body of the report.

NORTH YORKSHIRE POLICE, FIRE AND CRIME PANEL

The Panel's Complaints Sub-Committee met on 13th November 2018 and 8th January 2019 to review a complaint lodged against the Police, Fire and Crime Commissioner ("the PFCC"). This report sets out the conclusions reached by the Sub-Committee following their review of this matter.

1. The Panel's role in complaints about the PFCC

The North Yorkshire Police, Fire and Crime Panel is responsible for dealing with (non-criminal) complaints about the conduct of the PFCC.

The Complaints Sub-Committee has responsibility for considering the handling of complaints by informal resolution. Informal resolution is a way of dealing with a complaint by solving, explaining, clearing up or settling the matter directly with the complainant, without investigation or formal proceedings. The Panel has appointed a sub-committee of three members of the Panel to carry out this responsibility, in line with the Panel's formal complaints handling protocol. Those present and attending the above meetings were as follows:

Present: Cllr Peter Wilkinson (Chair), Santokh Singh Sidhu and Paula Stott.

In attendance: Barry Khan (Legal Adviser to the Panel) and Diane Parsons (Panel Secretariat).

2. Context to complaint

The Panel received a statement from a former employee of the PFCC (who will hereafter be referred to as "BC"), which was submitted in support of the complaint from "AB" regarding the conduct of the PFCC (then Police and Crime Commissioner). However, having reviewed BC's supporting statement in detail, the Sub-Committee determined that a particular element of that statement needed to be recorded and reviewed as a separate complaint in its own right. Consideration was given as to whether or not the same three Sub-Committee members who had deliberated on the "AB" complaint should also deliberate on this matter and it was decided that it would provide a helpful continuity in the context of the previous deliberations.

3. Complaint summary

The specific complaint had regard to an alleged request made of BC by the PFCC in BC's former role as an employee to the PFCC. The allegation centred around instructions given to BC to review a social media account owned by the PFCC and to take steps to remove anything which might associate her with an individual who had volunteered in a previous election campaign on her behalf and who was subsequently found to have been convicted of serious crimes. BC also alleged that they had been

instructed to give what BC felt to be a false statement to the media in respect of the PFCC's association with this individual.

4. Legal framework and referral to IOPC

Under the regulations which govern how Panels may handle complaints, Panels are prohibited from undertaking any investigation into the accounts provided by the PFCC or the complainant.¹

However, under the same regulations, the Panel is legally obliged to consider referring a complaint to the Independent Office for Police Conduct ("the IOPC") where the allegations made pertain to a potential criminal offence. The PFCC's Interim Chief Executive Officer/Monitoring Officer advised the Panel's Lead Officer that he felt the allegation made that the PFCC had made a dishonest statement to the press to be a matter which should be referred to the IOPC. The Lead Officer and Panel's legal adviser, having reviewed BC's statement and accompanying material in detail, concurred that this allegation had the potential to be seen as a complaint concerning the offence of misconduct in public office ("MIPO"). As such the matter was duly referred to the IOPC for them to determine whether an investigation was required.

The IOPC responded that:

"The IOPC has decided that this matter should be returned to [the Panel] to be dealt with in any manner you determine, in accordance with Part 4 of the Elected Local Policing Bodies (Complaints and Misconduct) Regulations 2012. This is because based on the information provided, we did not feel an investigation was required at this stage.

...Although [BC's] allegations are supported by [BC's] own evidence, the IOPC is not satisfied that the available information supports the assertion that the PCC acted dishonestly or that the allegations meet the threshold for an offence of MIPO. As such this matter will not be subject to an investigation and we are returning this matter to you to be dealt with in any manner you see fit."

Again, it should be noted that Panels are prohibited from undertaking any investigation and the legal remit for Panels in handling complaints extends to considering whether a complaint matter can therefore be dealt with via informal resolution (see also section 1). Having reviewed the IOPC's response, the Lead Officer subsequently determined that the matter should be reviewed by a Complaints Sub-Committee of the Panel (see also section 2 – Context) within its remit to consider

¹ The Elected Local Policing Bodies (Complaints and Misconduct) Regulations 2012 – para 28(7).

handling the matter by informal resolution. The Sub-Committee's review of the evidence has therefore been confined to making an assessment based on the complaint, the PFCC's response to this and any further clarification sought by the Sub-Committee on the information provided.

5. Sub-Committee's approach and findings

Due to the nature of the allegations presented, the Sub-Committee gave careful consideration to the evidence provided with regard to the following contextual sources:

- The Nolan Principles of Public Life;
- The PFCC's Oath of Impartiality; and
- The PFCC's national lead portfolio for Transparency and Integrity.

As per standard practice in reviewing complaints, the Sub-Committee only had limited access to a printed copy of the complaint material which was kept securely at County Hall. Having reviewed the material in full at a formal meeting convened on 13th November 2018, the Sub-Committee agreed that further enquiries should be made with both BC and the PFCC to assist the Sub-Committee in making a reasoned assessment. This was particularly due to the historical nature of the allegations and the paucity of any corroborative evidence.

Under the governing regulations, the Sub-Committee is able to invite the PFCC to attend before the Sub-Committee to answer questions. The PFCC was invited to attend the second Sub-Committee meeting convened on 8th January 2019 to provide clarification around the written response she had previously provided. The Sub-Committee is unable to investigate but was able to use this opportunity to seek clarification from the PFCC about her recollection of the events described and her association with the individual identified in the complaint. BC was also afforded the opportunity to provide further comment and clarification for the Sub-Committee prior to this meeting in writing, particularly once the PFCC's response to the allegations had been shared with BC.

Part of BC's statement had alleged that BC had expressed reluctance to the PFCC, initially, in removing the digital footprint which would have evidenced links between the PFCC and the individual in question. They had further added, however, that in spite of this reluctance, the PFCC had "made it clear in no uncertain terms what was expected of me". The Sub-Committee had invited BC to offer corroborative evidence, for example contemporaneous discussions they may have recalled having, to help evidence the allegations made, but none was provided. The PFCC refutes that any concerns were raised by BC at the time, either with herself, BC's line manager or the Monitoring Officer. She also sought to clarify that her "expectations" of BC in this

context amounted to flagging up any risks with her that may arise as a result of the media interest in the individual in question.

It is apparent from the statements provided to the Sub-Committee that there is difference in opinion between BC and the PFCC regarding the veracity of the PFCC's statement to the media about the length of her association with the individual in question. BC inferred in the course of their conversations with the PFCC on the matter – and in the course of considering the response to the media enquiries – that the PFCC had continued to have an association with the individual in question, via social media, after her election campaign in 2010. The PFCC maintains that she cannot recall whether the individual in question attended an informal 'thank you' event held after her election campaign or whether she has had any correspondence with that person since then.

The social media account which was at the centre of these allegations was the PFCC's own personal account. The PFCC has advised the Sub-Committee that she does not know what, if any, changes were made to this account by BC following their conversation, nor has she made any subsequent checks of that account in order to attempt to verify what, if anything, was done. The Sub-Committee requested a copy of the digital footprint of the PFCC's social media account to be able to identify whether it would be possible to evidence changes made to the account during the period in question. However, the PFCC was unable to assist in this respect due to the historical nature of the allegations, so the Sub-Committee were unable to take a clear view on the course of events.

In light of the IOPC's refusal to investigate the matter, the Sub-Committee's role is to consider whether or how informal resolution may be applied to this complaint matter. However, this is an historical matter involving a difference in opinion between the individuals who have submitted statements in terms of the instructions given and the accuracy of the PFCC's recollections about the length of her association with an individual who was later found to be convicted criminal. As such this renders it difficult to adequately resolve the dispute through informal resolution. Furthermore, as the Sub-Committee has been unable to investigate the circumstances of the complaint, this makes it very difficult to make unequivocal findings of fact. To be clear, if the Sub-Committee had undisputed information that the PFCC had altered her social media account in this way, the Sub-Committee would have no hesitation in stating that such a course of action was in breach of the Nolan Principles.

6. Conclusions

1. The allegations made in BC's statement imply that there has been a breach of the Nolan Principles due to a lack of transparent conduct by the PFCC. While the Sub-Committee are fully cognisant of the implications of such allegations, no information has been presented to corroborate the allegations made. As such there is insufficient

basis to conclude that there has been a breach or that the allegations are in any way proven, or accepted.

2. No specific recommendations are therefore being made by the Sub-Committee for the PFCC in this matter.

A handwritten signature in black ink, appearing to read 'Peter R Wilkinson', with a long horizontal flourish extending to the right.

Cllr Peter R Wilkinson

Complaints Sub-Committee Chair

20th May 2019



Home Office

Rt Hon Nick Hurd MP
Minister of State for Policing
and the Fire Service

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Councillor Carl Les and Councillor Peter Wilkinson
North Yorkshire Police and Crime Panel
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31 JAN 2019

HOCS Reference: MIN/0015991/18
Your Reference: 26-L-18

Thank you for your letter of 30 October 2018 setting out your concerns regarding the role of Police and Crime Panels (PCPs) in the Police and Crime Commissioner (PCC) complaints process. I am very sorry for the delay in my response.

In your letter, you mentioned the difficulties faced by the North Yorkshire Police and Crime Panel in considering a recent complaint. As you are aware, PCPs are responsible for handling non-serious complaints made about a PCC, and resolving these through the process for 'informal resolution' as set out in the Police Reform and Social Responsibility Act 2011 and the Elected Local Policing Bodies (Complaints and Misconduct) Regulations 2012.

The informal resolution process is not disciplinary in nature, and as you are aware, does not involve the imposition of any sanction by the PCP. The principle of a PCC's accountability to the electorate should not be undermined by the non-serious complaints process, which should aim to deal with a complaint by '*solving, explaining, clearing up or settling the matter directly with the complainant, without an investigation or formal proceedings*' (as set out in the guidance accompanying the above regulations). It is for PCPs to decide whether publishing a record of their informal resolution is in the public interest (having invited those involved to comment, and having considered their views); or to decide at any time to submit recommendations to the PCC under their general scrutiny powers.

The Government is committed to delivering a more transparent complaints procedure, and providing satisfactory outcomes for complainants. As you note in your letter, the Government intends to amend the relevant legislation and give panels the ability to investigate complaints through the appointment of an independent investigator. I'm afraid it is not currently possible to provide a timeframe for the completion of this legislative work, due to a heavily restricted Parliamentary timetable.

We also intend to develop and publish non-statutory guidance for PCPs; clarifying what constitutes a complaint about conduct, the parameters of 'informal resolution', and how panels can handle vexatious complaints about PCCs.



Rt Hon Nick Hurd MP