

NORTH YORKSHIRE POLICE AND CRIME PANEL

The North Yorkshire Police and Crime Panel is responsible for dealing with complaints about the conduct of the Police and Crime Commissioner for North Yorkshire (PCC).

Complaints are handled by Informal resolution which 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.

The Complaints Sub-Committee met on Wednesday 19 August to consider the complaint lodged by Mr W

Present: Cllr Ashley Mason, Santokh Sidhu (Chair) and Professor Gary Craig.

In attendance: Ray Busby (Panel Secretariat)

Mr W (13-15): the Panel considered a complaint covering a range of issues where the complainant believes the performance and conduct of the Commissioner have fallen short of those both the Panel and the wider public must expect.

The Sub-Committee believed that much of the complainant's submission concerned his opinions and assertions about the PCC's actions in matters of general public interest, rather than services he as an individual had received. A thread throughout the complainant's case was his assessment of how effectively the PCC had held the Chief Constable to account.

The Sub-Committee recognises that it would ordinarily be called upon to review a complaint that deals with an expression of dissatisfaction at the receipt, or the non-receipt of a particular service. Nevertheless, the Sub-Committee could see, in relation to a number of points, how the complainant had become involved in the issues he referred to and, therefore, how he came to have an interest in the issue, and its resolution. However, the Sub-Committee's terms of reference are clear, well defined and specific: to carry out informal resolution as part of the complaints procedure. The Sub-Committee does not have the authority to set the Panel's agenda business. However, as members of the Police and Crime Panel, they could see that the matters raised could properly be of interest to the Panel in the context of its responsibility to

hold the PCC to account. The recommendations the Sub-Committee arrived at reflect that position.

Given the above, the Sub-Committee examined each of the issues the complainant had raised, where the members considered they could offer a view, in detail.

Funding for harassment claim:

The complainant had raised many aspects on this matter. As far as the Sub-Committee could determine, his core question was whether the PCC's actions in supporting the Chief Constable's civil proceedings claims under harassment were ultra-vires.

The Sub-Committee saw evidence from the PCC's response that she had satisfied herself, by recourse to internal / external advice, that the steps she was taking in supporting this action were appropriate.

The Sub-Committee noted the complainant's view that a decision notice ought to have been issued to ensure the PCC was compliant with the scheme of delegation and policing protocol. On this, the Sub-Committee feels that it did not have sufficient information for it to reach a view. Moreover, this is a governance matter, more properly considered by the Panel.

The Sub-Committee saw no evidence to substantiate the complainant's suggestion that the PCC's decision not to issue a decision notice was motivated by a desire to avoid public scrutiny, whether that be by the Panel or elsewhere. Nevertheless, the Sub-Committee noticed that the PCC said that she may well issue a decision notice, depending to a large extent on the views of external auditors. The Sub-Committee believes this is a matter of full Panel interest. To help the Panel understand the reasons behind the decision not to issue a decision notice and what events had occurred to cause a review of this original position, the Sub-Committee suggests that the Chair formally invite the PCC to report to the Panel's next meeting. Furthermore, the PCC be invited to comment on whether, in hindsight, a report to the Panel, once the decision had been taken to support the harassment proceedings, might have been appropriate.

Bomb Hoax

In relation to the complainant's submissions about the bomb hoax in Northallerton, the Sub-Committee did not believe that it was something on which it could (or

should) attempt to offer a view. The Sub-Committee could not see how the circumstances described amounted to a complaint that it could handle and resolve - especially since the complainant was not materially and personally affected by the incident itself

However, the members acknowledged the seriousness of the complainant's allegations and, therefore, ask the PCC to explain to the Sub-Committee how she satisfied herself that all necessary operational requirements were being adhered to. It would be helpful in this response to the Sub-Committee, if the PCC explained the systems in place in matters like these, which enable her to properly assess that such matters are ones of operational independence rather than matters over which she should exercise her powers of scrutiny.

Victim Harassment

The Sub-Committee does not have the remit to take a view on the wider issue of the PCC's commitment to supporting victims. During their time serving on the panel, the members have seen, and supported, the PCC's initiatives to support victims and vulnerable people. This topic has featured and will continue to be a part of the Panel's forward work programme; nevertheless, the Sub-Committee acknowledges the complainant's view that victim support may still be lacking in some areas.

The Sub-Committee suggested that the Panel Secretariat liaise with the PCC with a view to a report being made on the progress of the Victim Support Scheme with particular reference to any process of evaluation of the Scheme which she may be proposing.

Freedom of Information Requests

Mr W comments - partly from personal experience, partly from national comparisons - on what he believes is the poor performance of North Yorkshire Police when dealing with Freedom of Information Requests (FOIs).

The Commissioner is invited to comment to the Sub-Committee, who may take a view as to whether this is a matter of Panel concern, as to how she has broached what appears to be the comparatively low performance of North Yorkshire Police, with the Chief Constable. In reaching this position, the Sub-Committee remembered that a previous complainant had raised concerns about how the OPCC had dealt with

his FOI request. The Sub-Committee, therefore, invites that PCC to reassure it that OPCC procedures regarding correspondence handling, and for FOIs specifically, are robust as well as properly and effectively observed.

101 Emergency: First Contact

The Sub-Committee noted the complainant's comments regarding the 101 service. Again, members did not believe they were in a position to comment, other than to say this topic features on the Panel's work programme, and the Panel has specifically asked for that the PCC report on the current review at the Panel's next meeting. The Panel as a whole will want to comment on the outcome of this review at that time.

Handling of PSD complaint

The complainant makes adverse remarks regarding his experience with regard to Police complaints within North Yorkshire. The members could see that the commissioner had turned her mind to the complainant's anxiety and had intervened to help out where she was able, but only to the extent that that it was appropriate for her to do so bearing in mind her role and responsibilities.

How Police Complaints are managed and processed is, of course, very much a "live issue" nationally, and something on which the Panel has indicated that it will maintain a watching brief. The Sub-Committee is grateful however to the complainant for raising it.

In the light of the above, and bearing in mind the Sub-Committee's limited powers of investigation, the Sub-Committee also **CONCLUDED** that all other options for informal resolution of this case appear to have been exhausted and therefore **RESOLVED** to take no further action in relation to this matter other than as outlined earlier in this report.

The Sub-Committee decided that these matters were under public interest and the report would therefore be published.

SANTOKH SIDHU

Sub-committee Chair

19 August 2015