

NORTH YORKSHIRE POLICE AND CRIME PANEL

Report of the Complaints Subcommittee meeting held on 20 October 2015

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 Tuesday 20 October 2015 to consider the complaint lodged by two people who, for the purposes of this report, will be referred to as: "Mr and Mrs T".

Present: Cllrs: Peter Wilkinson (Chair), Helen Grant, and Michael Chambers MBE.

In attendance: Ray Busby (Panel Secretariat) and Mark Taylor (Project Officer).

Mr and Mrs T (12-15): the Panel considered a complaint covering a range of issues where the complainants believe that the Police and Crime Commissioner having been advised of a number of failures had failed to act appropriately in that specific case and more broadly had misled the public through pronouncements made on tackling hate crime.

For the purposes of this public report the subcommittee has summarised the grounds of this complaint as:

"You no longer have faith in the Police and Crime Commissioner that she will officially record, resolve or fully and properly investigate the issue raised, in line with statutory legislation, IPCC and HMI guidance and Home Office procedure, regarding her recurring neglect, obfuscation and prevarication, together with the continuing failure to protect us from, or properly record and deal with, disability hate crime."

The subcommittee considered the correspondence submitted between the complainants and the Office of the Police and Crime Commissioner, and their submissions to the Panel. The members of the subcommittee believed, therefore, that the information before them was sufficiently detailed and comprehensive for them to carry out the process of informal resolution.

The subcommittee took the view that whilst a good deal of information and correspondence had been supplied by the complainants, some of it quite complex, the subcommittee could only determine those matters which related to the powers,

decisions and actions of the PCC. In particular, the panel can only deal with complaints against the PCC. It has no authority in relation to the conduct of the Chief Constable, force personnel, or staff in the Office of the PCC. Nor can it make judgments on the policing decisions of individual cases - for example whether specific instances of reported crimes have been appropriately recorded and classified.

In order to reach a view on the prospects for informal resolution, the subcommittee dealt with each the key themes of the complaint it identified and documented below, although it is recognised that, from the complainants' perspective, these themes overlap each other and are connected.

That the PCC had not responded appropriately to the issues they had raised about their experiences and concerns. On being advised of failures in regard to the Chief Constable and North Yorkshire Police, the PCC had failed to act appropriately on this advice and with the seriousness that the complainants believed the situation commanded.

There are constraints placed upon a PCC in terms of direct involvement at an individual case level, especially so when the circumstances have been deemed a "direction and control" matter. Members reviewed the exchange of correspondence between the PCC and the complainants, since the PCC's assumption of office in 2012, in which the complainants had repeatedly raised issues ranging across a wide spectrum. Some of their concerns stemmed from personal experience, some expressed dissatisfaction with much broader aspects of policing including the North Yorkshire Police's approach to the policing of hate crime, and some comments were critical of the PCC's strategic position on the protection of vulnerable people. The subcommittee was satisfied that the Commissioner had endeavoured to respond to this wide range of topics, concerns and opinions, whilst also observing the scope of her leadership role. The subcommittee recognised that the PCC and her staff had taken a committed interest in this case and made every effort to respond to the points raised.

The subcommittee CONCLUDED that the complainant's assertion, that the PCC had failed in her responsibilities on this aspect of the complaint, had not been established; furthermore, in the members' opinion, the content of the PCC's responses and her office's handling of the case supported her claim that she had shown extra commitment and taken additional steps to seek a resolution to a case which was, in part, over 20 years old.

Dissatisfaction that a complaint the complainants made against the Chief Constable was not recorded as a Chief Constable complaint.

Mr and Mrs T requested that their concerns be classed as a complaint against Chief Constable David Jones.

In considering the complainants' request that the panel consider the PCC's decision on complaint handling, the task before the subcommittee is not to substitute its judgement for that of the PCC, but

to review how the PCC had fulfilled her responsibilities and, then, reach a view as to whether the PCC had exercised her judgement reasonably and properly.

The OPCC dealt with the complainant's request that a complaint be recorded against the Chief Constable by:

- assessing whether it met the relevant criteria for recording complaints against a Chief Constable; and, separately;
- Reaching a view on what would be the appropriate course of action for what was deemed to be a "direction and control" complaint.

The subcommittee had sight of the recent ruling by the IPCC on the appeal lodged by Mr and Mrs T against the Office of the Police and Crime Commissioner of North Yorkshire for failing to record a complaint made by Mr and Mrs T. The IPCC had confirmed the decision to record the complaint as a direction and control matter, and the IPCC did not believe it to be a complaint against the Chief Constable.

Given the substance and nature of the allegations made, the fact that the procedures for complaints recording had been properly applied, and, most crucially, the IPCC ruling on this matter, the subcommittee CONCLUDED that there were no grounds to question the action the PCC had taken.

Release of Documents: The PCC failed to release documents when requested by the complainants.

The subcommittee noted that the PCC's assurance that she had, on each occasion requested, explained both the status of the documents in question and her reasons for taking the action in response to each such request.

The subcommittee accepted the PCC's explanation that the "missing" documents referred to by the complainants in their submissions were not being denied to them, rather they fell into a one or a number of different categories which meant the PCC was unable to help. For example, some predated the commissioner's assumption of office and were not in her possession; in a number of instances the OPCC was not the appropriate authority and therefore did not hold the information the complainants wanted; and other documents requested were not the PCC's to share.

The subcommittee CONCLUDED that there were no options available to it to assist in this matter.

PCC commitment regarding hate crime

In their submissions the complainants quoted evidence and examples of why they believed there was cause to question the veracity of the PCC's stated commitment to combat hate crime. From their perspective, she had failed to appreciate the prevalence of hate crime and its underreporting; she had failed to recognise the relationship between mental health and hate crime; she had failed to comply with her responsibilities in respect of HMIC report findings; and she had chosen not to appropriately prioritise the tackling of hate crime as a specific category in the Police and Crime Plan.

The subcommittee recognised that it would ordinarily handle complaints that deal with an expression of dissatisfaction at the receipt, or the non-receipt of a particular service, rather than, as is the case in this part of the complaints submissions, a strategic matter of general public interest; such matters belong to the full panel to consider. Nevertheless, the subcommittee could comprehend that the complainants genuinely believed that the consequences of the perceived PCC's lack of strategic commitment towards tackling hate crime was affecting them personally in the community in which they live. Furthermore, the complainants maintained that there are grounds to conclude the PCC had misled the public. The subcommittee therefore turned its mind to these concerns. It did so by reviewing the examples of relevant achievements in office highlighted by the PCC, which she believed demonstrated her commitment to this agenda, including:

- focussing on vulnerable people in North Yorkshire, which is the number one priority in the Police and Crime Plan;
- taking specific steps to ensure hate crime has been considered as part of the police and crime plan consultation;
- signing the Mencap 'PCC Pledge',
- Initiating a Hate crime review [*now reported see footnoteⁱ*] which includes the views of 18 focus groups;
- specifically mentioning hate crime in the 'Cut Crime and Anti-Social Behaviour' priority;
- a willingness to discuss personally with senior colleagues at the Crown Prosecution Service so as NYP can learn valuable lessons from other police forces that are grappling with similar problems regarding hate crime; and
- in addition to the use of third party reporting centres (albeit the PCC acknowledges the system needs improving), NYP and the Commissioner have recently launched Stop Hate UK in North Yorkshire, a 24 hour telephone helpline.

Whilst the complainants were personally disappointed with the success and or content of some of these initiatives, and did not accept that when taken together, it demonstrates the commitment expected of a PCC, the subcommittee acknowledged

that the PCC had responded to the complainants' opinions by setting out her position. The complainants' opinion appeared unchanged however.

The subcommittee CONCLUDED it did not support the complainants' suggestion that the PCC was not personally committed to combatting hate crime. Clearly, the PCC and the complainants do not see eye to eye on this, but as far as the subcommittee was concerned, disagreement, in itself, does not establish that the PCC is lacking in strategic commitment to this agenda, nor can it justify their claim that the PCC had misled, or continues to mislead, the public.

The complainants claimed that the PCC had not properly carried out her responsibilities with regard to HMIC inspections. The complainants documented carefully, and helpfully, the reasons why they believe the PCC could have done more. The complainants were disappointed that the PCC did not 'inform the Home Secretary of any recommendations' nor 'provide full, accurate or impartial notice'. In this regard, the subcommittee accepted the PCC's statement that this is not an accurate description of the approach a Commissioner is expected to take towards inspections. A Commissioner is required to *respond* to HMIC reports, and this she had done. By publishing the reports and her responses on the website, the subcommittee understood that she had met the requirement to be transparent about HMIC findings.

In the light of the above, the subcommittee CONCLUDED that the PCC had complied with her responsibilities to respond to HMIC Inspections.

Decision

Having reviewed both submissions, and bearing in mind the subcommittee's limited powers of investigation, the subcommittee CONCLUDED that all available options for informal resolution of this case appear to have been exhausted.

The subcommittee therefore RESOLVED to take no further action in relation to this matter.

Cllr Peter Wilkinson

Subcommittee Chair

20 October 2015.

ⁱ ADDENDUM

The report of the research commissioned by the PCC, carried out by Harriet Raine "[Understanding Hate Crime in North Yorkshire and the City of York](#)" (link opens PDF), has now been published on the PCC's website. This was considered by the North Yorkshire Police and Crime Panel at its meeting on the 12 November 2015.