

Report of the Complaints Sub-Committee: Mr P

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 Friday, 28 November 2014 to consider the complaint lodged by Mr P regarding:

1. His dissatisfaction with the way in which the Office of the Police and Crime Commissioner (OPCC) had responded, and on occasions had failed to respond, to his repeated requests via email for information about the Collaboration Agreement reached with the Fire Service.
2. His view that *"...the PCC's media announcement [about the signing of the Agreement] was less than honest in that it was more about generating positive publicity than reliably and impartially informing the public"*

Present: Cllr Fiona Fitzpatrick, Cllr Mick Griffiths (Chair) and Santokh Sidhu, Community Co-opted Member.

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

The Panel **CONSIDERED:** the evidence submitted by Mr P, comprising various supporting information and items of correspondence in relation to each of the themes highlighted below, and also the response of the PCC to the complaint.

1. Correspondence and Communication between the Complainant and the PCC

Having reviewed the email exchange between Mr P and the OPCC, the subcommittee accepts the PCC's claim that each of the complainant's emails received an acknowledgment from her office in a timely way. However, such acknowledgments, alone, fell substantially short of what a "proper response" could have said. Repeatedly, and over a number of weeks, the OPCC missed the opportunity to follow up these acknowledgments with *answers* to P's enquiry. The PCC asked the subcommittee to take into consideration that, once her office had decided to handle one of Mr P's later emails as a Freedom of Information (FoI) request (PCC reference no:535.2014-15), proper procedures were followed, and a reply sent which complied with the statutory 20 working day deadline. Whilst that might be true, Mr P's requests for information, which albeit in part related to sensitive matters, were not in the subcommittee's view so complex that they could not have been responded to

substantively at an earlier stage. Had they been, there is reason to believe that the complainant's mounting frustration might not have occurred, and consequently his decision to resort to the complaints process not been taken.

The subcommittee CONCLUDED that Mr P had reason to feel aggrieved at the way his correspondence was dealt with. But, given that the PCC has already acknowledged there were delays, the subcommittee believes there is nothing to be gained - in terms of informal resolution of P's complaint - by pressing this aspect of his case any further. From what Mr P has said in correspondence sent to the Panel's monitoring officer, this is a view he too holds.

From the subcommittee's perspective, the failure to offer a *substantive response* to P's enquiry in a manner consistent with the spirit of the PCC's recently adopted procedures for the handling of correspondence is most disappointing. Especially when, in a submission for a previous, unconnected complaint, the PCC had: reassured the Panel of the commitment to improve the approach she had inherited from the former police authority; and stated, with confidence, that all correspondence was now being responded to as a matter of course, in accordance with an improved and recently adopted policy. Then, the faith the subcommittee placed in these previous assurances was, at least in part, material to the way the Panel approached the informal resolution of that earlier complaint, and is referred to in the published report of the Panel's findings.

Given all the above, the subcommittee CONCLUDED that the Panel should be invited to reassure itself that, as the PCC states in her submission on Mr P's complaint: " ... *the delay in this particular case does not reflect the general nature of responses to enquiries within the OPCC, where almost all are responded to quickly and appropriately*".

As part of normal agenda setting procedures the Panel may wish to commission a report from the PCC on: how the new correspondence procedures are working in practice; the volume and nature of all correspondence; and how the learning and feedback from casework (whether it be critical or complimentary) is informing policy, service delivery and performance.

2. The Integrity of the PCC in announcing publicly, collaboration plans between the Police and the Fire Service

In supplying an extract from the Northern Echo dated 17 December, which reports the PCC's decision to enter into a statement of intent with the fire service, the complainant highlighted the following text: "...A spokesman for Ms Mulligan's office said the mergers will meet a "large part" of the £10m worth of savings the police must find". Mr P references no other source. The subcommittee assumes, therefore, it was this article and its quoted passage that underpin Mr P 's assertion: " ... *the PCC's media announcement [about the signing of the Agreement] was less than honest in*

that it was more about generating positive publicity than reliably and impartially informing the public". From this, Mr P suggests there are grounds to question the integrity of the PCC's announcement.

The subcommittee looked at the [PCC's press release issued on 17 December 2013](#), available via the PCC's website. It can be inferred, both from the dates in question and the wording of the piece, that it was this press release which attracted the journalist's interest, and is her primary source. [A second press release issued by the PCC on 21 January 2014](#) confirms the PCC's earlier, December announcement, but goes on to provide more detail of the successful funding bid to the Innovation Fund, the circumstances that led up to it, and the terms under which it is granted. The subcommittee also reviewed a detailed document on the Innovation Fund, provided by the PCC to the Panel Secretariat as part of a [wider report on Partnership working](#), and taken at what was then the next Panel meeting - the 9 January 2014 .

The Panel found nothing in the text of these official press statements, or in the narrative of the paper submitted to the full Panel, to support the passage in the article Mr P cites. Nor do the statements imply that the PCC is suggesting that the financial benefits of collaboration between the Police and Fire Services would, or indeed could, constitute a large portion of the £10million in savings that NYPolice believed it needed to make. These press releases appear to give a clear and faithful account of the circumstances of the matter. As a general principle, it is reasonable for Mrs Mulligan, as an elected official, to publicise the action she takes to secure a good deal for the constituents she serves. Moreover, there is nothing inherently wrong in telling a good news story.

Given the above, the Panel CONCLUDED that there are no grounds to question the integrity of the announcements made by the PCC in relation to the proposed collaborative arrangements with the Fire Service.

Other matters relating to Informal Resolution of the Complaint

In the course of his correspondence with the Panel Secretariat, Mr P let it be known that "*...if the Sub-Panel [sic] were to recommend/request that this matter (e.g. the specifics of the agreement with the fire service, its implementation and how the PCC's media claims 'stack up') be put on the Panel's (perhaps next) agenda for the PCC to be held to account then it would provide an appropriate route to informal resolution of this matter.*"

Although setting the Panel's agenda business is outside its remit, the subcommittee is happy to convey the above suggestion to the Panel Chair and Vice Chairs. For their part, the members of the subcommittee appreciate the PCC's offer to report on collaboration at a future Panel meeting. In practical terms, progress on the specific agreement with the Fire Service could easily be referenced against the previous Innovation Fund report.

The Panel **CONCLUDED** that there was nothing further that it could usefully contribute to the resolution of this issue, and thus **RESOLVED** to take no further action in relation to this matter.

COUNCILLOR MICK GRIFFITHS

28 November 2014