

SOUTH YORKSHIRE POLICE AND CRIME PANEL

1.	Meeting:	South Yorkshire Police and Crime Panel
2.	Date:	Thursday 9th June 2016
3.	Title:	Complaints concerning the conduct of the former Police and Crime Commissioner
4.	Directorate:	Finance and Customer Services

5. Summary

To inform the Panel of its options in relation to the complaints received in respect of the conduct of the former Police and Crime Commissioner.

6. Recommendations

That the Panel refers the complaints to the Clerk to the Home Affairs Select Committee.

7. Proposals and Details

7.1 At the last meeting, the panel requested a report in respect of the complaints received regarding the conduct of the previous Police and Crime Commissioner (PCC).

7.2 In October 2015 two complaints were received to the effect that the previous PCC had misled in his evidence to the Home Select Committee. As it appeared that the complaint may have referred to the commission of a criminal offence, in accordance with the Panel's complaints procedure, the complaints were referred to the IPCC.

7.3 However in March 2016, the IPCC referred the complaints back to the Panel on the basis that the IPCC had obtained legal advice to the effect that deliberately misleading a Select Committee was not in fact a criminal offence, but if proved would be a contempt of Parliament. As such the IPCC stated that it was not necessary for them to investigate the complaint.

7.4 The panels complaints procedure states that pursuant to the Police Reform and Social Responsibility Act 2011, complaints received by the panel must be resolved through the mechanism referred to as "Informal Resolution".

7.5 Guidance states that "Informal Resolution is a way of dealing with a complaint by solving, explaining, clearing up or settling the matter directly with the complainant, without an investigation or formal proceedings. It is not a disciplinary process, and does not involve the imposition of any sanction. It is a flexible process that may be adapted to

the needs of the complainant and the individual complaint. It may involve the person complained against explaining their conduct and, if appropriate, apologising for it. This could be done by correspondence or in a face to face meeting. The method of informal resolution is left up to the individual PCP, provided that it is in accordance with the Regulations and guidance issued by the Secretary of State.”

7.6 As such bearing in mind the complaint is against the former PCC there appears to be little prospect of "informal resolution" being successful in the circumstances. However, it is an option for the Panel to try to resolve this issue through these means. A sub-committee could be convened in order to hear any explanation as to the conduct involved. It should be borne in mind the former PCC would not be obliged to engage with this process and at the end of the process there would not be any sanctions which the panel could impose.

7.7 Further, it would be possible for the panel to take no further action in respect of this matter. An alternative option for the Panel would be to refer the complaint to Parliament. Contact has been made with the Clerk of the Home Affairs Select Committee who has stated that a referral would be made to her in the first instance and that the matter would then be considered along with the surrounding circumstances, before a decision was made as to what further action if any would be appropriate. In this regard, it should be borne in mind by Panel members, that Parliament's powers in respect of contempt are used very sparingly.

8. Finance

None

9. Risks and Uncertainties

There is a risk that if appropriate action is not taken in respect of this complaint public confidence in the Panel/Parliament could be eroded.

10. Background Papers and Consultation

Files and correspondence held by the Legal Adviser.

Contact Name: *Stuart Fletcher, Service Manager,
Legal Adviser, South Yorkshire Police and Crime Panel
Telephone 01709 823523 or e-mail stuart.fletcher@rotherham.gov.uk*