

**Your ref:**

**Police and Crime Panel**

Room 39, County Hall, Northallerton  
North Yorkshire, DL7 8AD

**Our ref:** NI

Tel: [REDACTED]

E-mail: [REDACTED]@northyorks.gov.uk

**Sent by email to**

[REDACTED]@northyorkshire-pcc.gov.uk

17<sup>th</sup> April 2018

Dear Julia,

**Re: Notification of Qualifying Complaint**

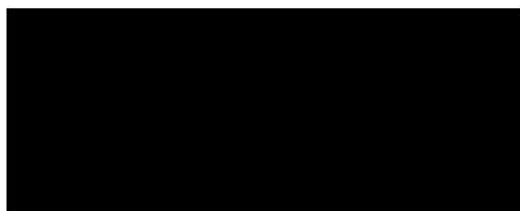
As designated Lead Officer to the North Yorkshire Police and Crime Panel I write to acknowledge receipt of your letter to my colleague, Barry Khan, dated 12<sup>th</sup> April 2018, indicating a qualifying complaint for the attention of the Panel.

I note your invitation to the Panel to consider disapplication of the complaint under Regulation 15(3)(a) of the Elected Local Policing Bodies (Complaints and Misconduct) Regulations 2012. However, any judgment on this point will need to be reserved until full details of the complaint have been received.

I would therefore be grateful if you could provide further details, in writing, at your earliest convenience to enable me to consider how to proceed.

I look forward to hearing from you.

Yours sincerely,



**Neil Irving**

Lead Officer - North Yorkshire Police and Crime Panel

**Your ref:**

**Police and Crime Panel**

c/o Room 39, County Hall, Northallerton  
North Yorkshire, DL7 8AD

**Our ref:** NI

Tel: [REDACTED]

E-mail: [REDACTED]@northyorks.gov.uk

**Sent by email to**

[REDACTED]@northyorkshire.pnn.police.uk

25<sup>th</sup> April 2018

Dear Fraser,

**Re: Further Particulars of Complaint Matter and Application of the Panel's Complaints Handling Procedure**

Thank you for email dated 20<sup>th</sup> April 2018, sent to [REDACTED] and Barry Khan, and which has been forwarded for my attention as Lead Officer to the Panel.

To clarify, the procedure for the handling of complaints about the PCC [REDACTED] is contained within pages 10 to 18 of the papers taken to last week's Panel meeting (at Agenda Item 8). You will note that at para 4.19 (on page 14) the procedure states that the Panel **may** disapply the Regulations in accordance with the conditions laid out in Regulation 15. The procedure does not state that the Panel will always use its discretion to disapply and indeed such a policy would be an unlawful fettering of the Panel's and the Lead Officer's discretion. However I note that the leaflet explaining the procedure to the public which is contained on pages 3 to 10 could be clearer in this matter and therefore we will take the matter back to the Panel so that the changes can be re-considered.

Thank you also for your letter of 18<sup>th</sup> April 2018, addressed to Barry Khan, providing further particulars regarding the recently notified complaint against the Police and Crime Commissioner [REDACTED].

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

[REDACTED]  
[REDACTED]  
[REDACTED]

[REDACTED]  
[REDACTED]  
[REDACTED]

Please don't hesitate to contact me if you have any queries.

Yours sincerely,

[REDACTED]

**Neil Irving**

Lead Officer - North Yorkshire Police and Crime Panel



Your ref:

Our ref: BK

**Police and Crime Panel**

c/o Room 39, County Hall, Northallerton  
North Yorkshire, DL7 8AD

Tel: [REDACTED]

E-mail: [REDACTED]@northyorks.gov.uk

**Sent by email to**

[REDACTED]@northyorkshire.pnn.police.uk

26<sup>th</sup> June 2018

Dear Fraser,

**Complaint against the Police and Crime Commissioner**

I am writing in capacity as Acting Lead Officer to the Police and Crime Panel ("the Panel"); a role which has been formally delegated to me by Neil Irving [REDACTED]. I write with regard to the complaint matter first notified by you to the Police and Crime Panel ("the Panel") on 12th April 2018 in respect of a complaint made against the Police and Crime Commissioner ("the PCC") by a serving employee.

Further to Neil's communications with you on this matter previously, [REDACTED]

[REDACTED]  
[REDACTED]  
[REDACTED]

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

You have previously recommended that the Panel consider disapplication of this complaint under paragraph 15 of the Elected Local Policing Bodies (Complaints and Misconduct) Regulations 2012. However, as you are aware, use of this provision is entirely at the Panel's discretion. On the basis of the significance of the contentions made and the fact that there are multiple accounts from both current and former employees, it is considered that the matter warrants further deliberation by this Panel's Complaints Sub-Committee

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and as such I am writing to notify you that I am referring this for their consideration.

To this end, we will be making arrangements to convene a meeting of the Sub-Committee within the next six weeks. To assist the Sub-Committee in considering the matter further, I would be grateful if the PCC could provide a statement by way of response to the complaint received. It would be helpful if this could be provided by 10<sup>th</sup> July, after which point the full paperwork will be provided to the members of the Sub-Committee to read and consider whether there are any points of clarification around the material, prior to sitting formally as a Sub-Committee. You should also be aware that we would normally make any statement made by the PCC available to the complainant.

I am grateful to you for acknowledging that you are potentially treating the complainant's concerns as a protected disclosure and recognise the protections that this brings [REDACTED].

We will keep you informed of the date of the Sub-Committee when arranged. However, if you have any further questions on this letter or the forward process then please do not hesitate to contact me.

Yours sincerely,

[REDACTED]

**Barry Khan**

Acting Lead Officer - North Yorkshire Police and Crime Panel

Encs.

Appendix A - Statement of complaint (dated 30 May 2018)

Appendix B - Supporting statement (dated 22 May 2018)

Appendix C - Supporting statement (dated 29 May 2018)



Your ref:

Our ref: [REDACTED]

**Police and Crime Panel**

Room 39, County Hall, Northallerton  
North Yorkshire, DL7 8AD

Tel: [REDACTED]

E-mail: [REDACTED]@northyorks.gov.uk /  
[REDACTED]@northyorks.gcsx.gov.uk

Sent by email to

[REDACTED]@northyorkshire.pnn.police.uk

10<sup>th</sup> July 2018

Dear Fraser,

**Timescales for the PCC's response to complaint matter**

Thank you for letter dated 6<sup>th</sup> July 2018, asking the Panel to consider an extension to the timescales for the Police and Crime Commissioner ("the PCC") to respond to the complaint matter notified.

I have noted the factors that you have identified as making it difficult for a detailed response to be provided by the PCC before 23<sup>rd</sup> July 2018 and appreciate that you are committed to fully supporting the Panel's process in expediting this matter thoroughly.

However, in order to help us to avoid difficulties at this end in respect of managing the forward process around annual leave commitments for Panel supporting officers and Complaints Sub-Committee Members, please may I request that the PCC provides a response to us no later than **Friday 3<sup>rd</sup> August 2018**.

In relation to the matter you have raised [REDACTED]

[REDACTED]  
[REDACTED]

Please be assured that this will be fully redacted from the complainant's statement. [REDACTED] before the material is shared with the Complaints Sub-Committee members.

Please don't hesitate to contact me if you have any queries.

Yours sincerely,



**Neil Irving**

Lead Officer - North Yorkshire Police and Crime Panel





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20<sup>th</sup> August 2018

Dear Fraser,

**Progress on complaint matter and points for clarification**

I write to update you on progress regarding the Panel's Complaints Sub-Committee's consideration of the complaint matter notified against the Police and Crime Commissioner ("the PCC") and also to request assistance on a number of points to assist the Sub-Committee further.

**Sub-Committee meeting and review of main complaint**

The Sub-Committee members met on 14<sup>th</sup> August 2018 to review the complaints material. This was the first opportunity for the members to be able to look through what is a large amount of material. As explained previously, the Sub-Committee members have been particularly concerned to ensure the confidentiality of material surrounding this complaint. This means that they will only be provided with access to the material by the Panel Secretariat in hard copy to read at a designated, agreed session, following which point the material is returned to the Secretariat to be locked away securely.

The members were unable to fully complete their reading on 14<sup>th</sup> August and as such it has been agreed that further time is needed for them to meet and read the full documentation in detail. There were also a number of points arising during their reading which they have identified as requiring clarification thus far from the paperwork you have provided. I have attached these at Appendix A and would be most grateful if you could respond on these points by the end of August.

As further reading time is required and as the members would also appreciate responses to the points at Appendix A, they intend to convene again informally on 6<sup>th</sup> September as this was time already allocated in the diary. We will therefore not be using this as a date to hold the formal Sub-Committee meeting and will be re-scheduling the date for formal deliberation. The members are keen that the main complaint regarding allegations of bullying is deliberated upon as soon as possible,



so we intend to try to schedule this to take place by the end of September and will keep you informed of the revised date.

Additionally, you will have noted from Barry Khan's letter of 26<sup>th</sup> June 2018 that we normally provide the complainant with a copy of any statement of response from the PCC's office and as such we intend to provide this to the complainant this week. Any references in the response you have given which refer to the PCC's response about the other complaints will be redacted before the response is sent to the complainant. [REDACTED]

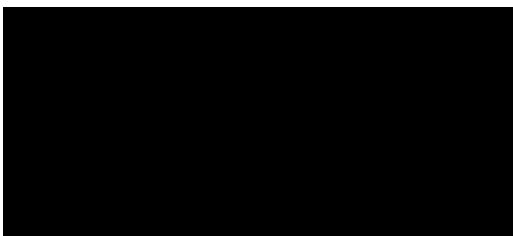
### **Handling of additional matter following referral by the IOPC**

Further to [REDACTED] email to you of 6<sup>th</sup> August 2018, you will be aware that the Independent Office for Police Conduct ("the IOPC") have responded following our referral to them of allegations that the PCC instructed a former employee [REDACTED] and to remove personal details from the PCC's Facebook account. The IOPC has decided to return this matter to the Panel at this stage as 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 misconduct in public office.

However, in responding to the Panel they have advised that the matter is being returned for the Panel "to deal with in any manner [they] may determine" in accordance with Part 4 of the Elected Local Policing Bodies (Complaints and Misconduct) Regulations 2012. Having reviewed the material around these particular allegations, the Complaints Sub-Committee members intend to record this matter as a separate complaint to that of the wider allegations around bullying. As such they will also be deliberating on this matter separately through the Complaints Sub-Committee process.

I hope this is helpful. Please don't hesitate to contact me if you have any queries.

Yours sincerely,



**Neil Irving**

Lead Officer - North Yorkshire Police and Crime Panel

Appendix A – Request for clarification from the Panel's Complaints Sub-Committee

### Points requiring clarification received thus far from the Police and Crime Panel Complaints Sub-Committee

[REDACTED]  
 [REDACTED]  
 [REDACTED]  
 [REDACTED]

2. May we clarify who authored the response to the complaint about the PCC (pages 1 to 4) and Appendix B [REDACTED]?
3. Page 2 states that “all emails [REDACTED] have been retained..” between the PCC and the complainant. Please could you confirm that you have retained and reviewed all emails with the complainant and clarify what is the protocol for retention of such records?

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[illegible]

6. Please can we see the job description for the employee [REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]
7. The Chief Executive's statement at various points offers to provide the Panel with relevant contemporaneous notes of calls and discussions held. We would be grateful if these could be provided.

[REDACTED]  
[REDACTED]  
[REDACTED]

9. In paragraph 16.1 of the Chief Executive's statement, when Thomas Thorp and Will Naylor met [REDACTED], was this just the two officers plus [REDACTED] involved in this meeting?