



04.09.18

Sent via email:

[REDACTED] [@northyorks.gov.uk](mailto:[REDACTED]@northyorks.gov.uk)

[REDACTED] [@northyorks.gcsx.gov.uk](mailto:[REDACTED]@northyorks.gcsx.gov.uk)

Dear Neil,

Complaints - Points Requiring Clarification

I write further to your letter of 20 August 2018 and the appended list of supplementary questions.

Having met with the Police and Crime Commissioner and her Deputy, together with Tom Thorp the Policy and Scrutiny Manager, I would make the following observations.

Adopting your numbering:

1. It is my understanding that, following the Panel's determination that it would not treat the relevant matters complained of under the provisions of reg 15 (essentially approaching them as employment matters for determination within the ordinary internal [REDACTED] procedures of the employer) [REDACTED]
2. The PCC and DPCC.
3. I can confirm that all apparently relevant emails have been reviewed and retained and further that no relevant emails have been knowingly deleted (even those that might have been inadvertently deleted remain recoverable). The protocol for records retention can be found on our website at <https://www.northyorkshire-pcc.gov.uk/your-information-rights/records-management/#retention-amp-destruction-of-documents>

[REDACTED]

[REDACTED]

[REDACTED]



[REDACTED]

[REDACTED]

- [REDACTED]

7. I have responded under separate cover to this request. My notes are handwritten and have been made available in that form. They are however untidy and idiosyncratic. It would be possible to have them transcribed into typed format but this will take a little time.

- [REDACTED]

9. The meeting was on [REDACTED] and involved the PCC, DPCC and Tom Thorp.

The PCC, DPCC and I remain available to answer any further questions that Panel may have about the documents supplied and I trust that this response is helpful.

Yours sincerely

[REDACTED]

Fraser Sampson
Interim CEO to the Police and Crime Commissioner
For North Yorkshire



Date 06 July 2018
Your [REDACTED]
Reference

SENT VIA EMAIL TO:

[REDACTED]@northyorks.gov.uk
[REDACTED]@northyorks.gcsx.gov.uk

STRICTLY PRIVATE AND CONFIDENTIAL

Dear Neil

Referral of matter to the Independent Office for Police Conduct

I write to acknowledge receipt of your letter dated 5 July 2018.

Having raised this matter with Barry Khan earlier in the week I agree that the most appropriate of action is for the Panel to refer the matter within Appendix B as a discrete complaint to the Independent Office of Police Complaint (IOPC); I will await their further directions to you.

In relation to the date you have specified for Panel to receive response to the allegations by the complainant, I would ask that this be extended by two weeks. In addition to the matter above element of the complaint having now been made the subject of a referral to the IOPC, and also

[REDACTED]
[REDACTED] the week beginning 23 July is also the final stage of the recruitment of the Chief Constable being held on 26/ 27 July. Taken together, these factors do not allow enough time for the Commissioner to put together a reasonably detailed response to the various matters raised within the statements served on her, several of them being historical in their nature and none of them having been foreseeable. I understand completely the need for expedition in bringing these matters to a conclusion and can assure you that we are doing all we can to assist the Panel and to ensure that all relevant information is available to them in determining the complaint. However, for the reasons above, I believe that the earliest we will be in a position to present the relevant information together with the Commissioner's statement will be 6 August and I would ask that this date is considered as a more realistic alternative in order that all the relevant information can be collated and presented to the Panel at the same time.

Fraser Sampson | Interim Chief Executive & Monitoring Officer
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Lastly may I bring to your attention [REDACTED]

[REDACTED]

[REDACTED]

This information plainly amounts to sensitive personal data relating to someone other than the complainant. [REDACTED]

[REDACTED]

[REDACTED] I trust that this will be suitably redacted before it is presented to the Panel.

I hope this is helpful and look forward to hearing from you.

Yours sincerely

[REDACTED]

Fraser Sampson
Interim CEO to the Police and Crime Commissioner
For North Yorkshire



Date 09 May 2018

Sent via email:

██████████@northyorks.gov.uk

Dear Neil

Complaint from Member of PCC's Staff

I write further to my letter of 27 April 2018.

██
██
██

██
██
██

Yours sincerely

██
██
██

Fraser Sampson
Interim CEO to the Police and Crime Commissioner
For North Yorkshire





Date 10 May 2018

Sent via email:

██████████@northyorks.gov.uk

Dear Neil

Complaint from Member of PCC's Staff

Further to my letter of 9 May I can confirm that ██████████

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██████████

██
██

In light of the circumstances of the complaint I would, as head of paid service for the PCC, invite the Panel to remit this for investigation and resolution as part of our existing ██████████ procedure as expressly provided for with the Regulations referred to in the PCC's notification letter of 12 April 2018.

Yours sincerely

██

Fraser Sampson
Interim CEO to the Police and Crime Commissioner
For North Yorkshire





Date 12.04.18

Barry Khan
Assistant Chief Executive (Legal and Democratic Services) and Monitoring Officer
North Yorkshire County Council
County Hall
Northallerton
North Yorkshire
DL7 8AD

Dear Barry

Notification of Qualifying Complaint

In accordance with my statutory duty arising under regulation 9(4) of the Elected Local Policing Bodies (Complaints and Misconduct) Regulations 2012 (the Regulations) I wish to notify the Police and Crime Panel that a complaint which relates to my own conduct [REDACTED]

[REDACTED]

I have asked my Chief Executive & Monitoring Officer, Fraser Sampson, to provide details of the matters complained of under separate cover. Fraser has advised that this matter does not amount to a 'conduct matter' as defined in the Regulations. I acknowledge that the Panel must make its own determinations in relation to this and each other aspect of the process set out in the Regulations. I would invite the Panel in so doing to consider the specific provisions of regulation 15(3)(a) which clearly envisages matters arising entirely in the course of the employment of the person making a complaint and which goes on to allow for the prompt resolution of complaints made in such circumstances in whatever manner the Panel thinks fit.

[REDACTED] the relevant internal [REDACTED] policy and procedure apply to this case and, in my respectful submission, offer the most efficient and effective route for prompt determination of the relevant matters.

Yours sincerely

Cc Will Naylor Deputy PCC
Fraser Sampson Interim CEO

Summary of Events, Context and Chronology

[REDACTED]

[REDACTED]

[REDACTED]

- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]

[REDACTED]

OFFICIAL-SENSITIVE PERSONNEL
Recipients Only

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

OFFICIAL-SENSITIVE PERSONNEL
Recipients Only

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED] The CEO rehearsed the discussions and processes [REDACTED] and the work that the DPCC and Policy and Scrutiny Manager had been undertaking since then. [REDACTED]

[REDACTED]

[REDACTED] that the morale in the former was lower than that of the latter.

The PCC queried the welfare arrangements in place for the team and pointed out that there were performance issues around the office [REDACTED]

The CEO advised that the role and jurisdiction of the Police & Crime Panel would need to be considered in light of any conduct that was formally raised [REDACTED]. He advised that an initial view from Legal Services' consideration of the statutory guidance was that it probably did not require the Panel to be notified but that the relevant regulations would be applied as and when the detail [REDACTED]. He went on to discuss the welfare and support arrangements available for the PCC via the national APCC.

There was a discussion about the necessary practical arrangements [REDACTED]
[REDACTED] and the challenges for the wider office. [REDACTED]
[REDACTED]

The DPCC queried [REDACTED]
[REDACTED] and the CEO advised that there should be little additional work at this stage [REDACTED]
[REDACTED]
[REDACTED]

[REDACTED]

[REDACTED]
[REDACTED]
[REDACTED].

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

There was a discussion about the appropriate functions within the [REDACTED] procedure, [REDACTED]
[REDACTED] The CEO advised that the
PCC must be notified formally [REDACTED].

[REDACTED]
[REDACTED]

[REDACTED] The CEO advised that he would be looking at the relevant
regulations and the obligations in relation to notifying the Police and Crime Panel and discussing
with others.

During the Easter break [Friday 30 March – Monday 2 April] [REDACTED]
[REDACTED] came back into work on Friday 6 April to deal with the [REDACTED] and ensure that any statutory
matters were dealt with.

On Friday 6 April the CEO held meetings variously with the HR managers, the complainant's line
manager and the Head of Legal Services in order to [REDACTED]
[REDACTED] determine any notification issues and ensure that all relevant actions in relation to
welfare and support of those affected were in place.

At the first meeting (with [REDACTED] and the Head of Legal Services) it was agreed that, while the
national guidance did not appear to cover the circumstances of the [REDACTED] and there was
certainly no 'qualifying conduct' issue, both the CEO and the Head of Legal Services would consult
the relevant regulations (the Elected Local Policing Bodies (Complaints and Misconduct) Regulations
2012 (SI 62/2012)) and speak again later that day. It was noted that regulation 15 made specific
provision for a Panel to deal with matters from a complaint arising solely in the course of the
employment of a member of the PCC's staff and the CEO was of the view that it would be preferable
to notify the Panel officers in any event.

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There were further meetings and discussions that day about welfare, support and the practicalities of the [REDACTED] procedure itself including the identification and appointment of someone sufficiently independent, experienced and qualified to manage the process. [REDACTED] advised by reference to [REDACTED] notes that [REDACTED]

The CEO advised that there was an additional need to consider notifying the Panel of any relevant complaint [REDACTED]

[REDACTED] The CEO raised issues and risks [REDACTED]

Later that day at a resumed meeting the Head of Legal Services and CEO agreed that the detail of the [REDACTED] met the relevant threshold for notifying the Panel under the regulations in respect of [REDACTED] the PCC [REDACTED] and that a duty to notify had arisen. It was agreed that the CEO would advise the PCC accordingly, that it appeared appropriate to invite the Panel to disapply the regulations under the provisions of reg 15 and that [REDACTED] this was a different process to that set out in the [REDACTED] processes were aimed at achieving an informal resolution. It was agreed that the complainant should be notified that the CEO would speak with an officer of the Panel in the first instance and that [REDACTED] so that these might be included in the letter notifying the Panel for them to the views into consideration.

On Monday 9 April the CEO spoke to the PCC and advised her of the detail of the [REDACTED] in relation to [REDACTED] herself [REDACTED]. The CEO advised of the applicability of the Regulations and his/Legal Services' view that the need to notify the Panel had been met. There was a discussion about inviting the Panel to consider remitting the matter to the grievance procedure under reg 15, the need for confidentiality and taking account of the concerns of the complainant but that the Panel needed to be notified promptly (no later than Wednesday).

The PCC expressed her concerns for the complainant and, in particular, [REDACTED] The PCC went on to provide the CEO with recent examples. The CEO advised that [REDACTED], this was ultimately a matter for the Panel and not [REDACTED].

It was agreed that the CEO would speak to the DPCC and continue to liaise [REDACTED], HR and Legal Services. The CEO diaried a telephone call with Barry Khan, the legal advisor to the Panel within the next 48 hours.

[REDACTED] the DPCC was principally concerned with the impact on the wider office and the welfare considerations for the complainant and the PCC.

On 10 April the CEO spoke to a number of stakeholders including [REDACTED]

The CEO had further conversations with the Head of Legal Services [REDACTED]

On 11 April the CEO had various meetings and discussions with the [REDACTED] HR and Legal Services [REDACTED]

The CEO contacted Barry Khan, the legal advisor to the Panel to notify him of the complaints regarding [REDACTED] the PCC [REDACTED], the context and chronology of events, his view of the applicability of the Regulations and the proposed sending of a formal letter of notification to the Panel. It was agreed that the need to notify the Panel had arisen and that it was appropriate for the PCC to do so.

In further meetings/discussions the CEO advised that [REDACTED]

The CEO also emphasised that the matters raised appeared *prima facie* to amount to a protected disclosure for the purposes of the relevant employment legislation and that all appropriate policies, processes and protections should be observed. This view was also put forward by the HR advisor.

On 12 April the PCC wrote formally to the legal advisor to the Police and Crime Panel notifying him of what she believed to be complaints falling under the provisions of the Regulations and undertaking that further detail would be provided under separate cover by the CEO.

Fraser Sampson

Interim CEO and Monitoring Officer

16 April 2018



Barry Khan
Assistant Chief Executive (Legal and Democratic Services) and Monitoring Officer
North Yorkshire County Council
County Hall
Northallerton
North Yorkshire
DL7 8AD

17th April 2018

Dear Barry,

Notification of Complaint – Further and Better Particulars

I write further to the letter of notification from the Police and Crime Commissioner dated 12 April 2018 in relation to a matter arising under the Elected Local Policing Bodies (Complaints and Misconduct) Regulations 2012 (the Regulations).

In accordance with the Commissioner's letter of notification I hereby enclose a summary of the relevant information that led me to believe this matter was notifiable under the Regulations. I have secured the relevant material of which I am aware has been obtained and preserved in line with the Regulations and will be happy to assist the Panel in their determination and resolution of this matter.

As adverted to in the Commissioner's letter, while I believe this to be a qualifying complaint in respect of both relevant officeholders I have not seen any evidence that the complaint meets the definition of a conduct matter in the Police Reform and Social Responsibility Act 2011 (s.31(1)(a)), or by extension for the purposes of the Regulations; this of course is a matter for the Panel to determine.

I note the Commissioner's invitation to the Panel to consider resolution of this matter under regulation 15(3)(a) which was, as you know, specifically enacted to allow police and crime panels considerable latitude in order to resolve matters arising entirely in the course of the employment of the person making a complaint. [REDACTED]

Given that the complainant and others involved are all employees of the Police and Crime Commissioner for whom I am the head of paid service, and as this matter has arisen against a

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[REDACTED], the relevant internal [REDACTED] policy and procedures apply. You will note from the enclosed that the early arrangements to provide welfare support [REDACTED] are already in hand. When taken together with the specific legislative provisions within the Regulations, the circumstances in which these complaints have arisen make them well suited to resolution via our employer's [REDACTED] procedure - which I imagine to be very similar to that of North Yorkshire County Council – efficiently, effectively and promptly but I recognise that this too is entirely a matter for the Panel.

If I can be of any further assistance in relation to this matter please do not hesitate to contact me.

Yours sincerely



Fraser Sampson
Interim CEO to the Police and Crime Commissioner
For North Yorkshire
Enc. Summary of Events, Context and Chronology

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