



Diana Terris, *Chief Executive*

18 Regent Street
Barnsley
South Yorkshire
S70 2HG

www.southyorks.gov.uk

NOTICE OF MEETING

You are hereby summoned to a meeting of South Yorkshire Police and Crime Panel to be held at the Offices of the South Yorkshire Joint Authorities, 18 Regent Street, Barnsley, S70 2HG at 10.00 am on Friday 7 July 2017 for the purpose of transacting the business set out in the agenda.

Car parking for Panel Members will be available at the rear of the building.

A handwritten signature in black ink that reads "Diana Terris".

Diana Terris
Chief Executive

This matter is being dealt with by:

Linda Noble	lnoble@syjs.gov.uk	01226 772931
Andrew Shirt	ashirt@syjs.gov.uk	01226 772207

WEBCASTING NOTICE

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Therefore by entering the meeting room, you are consenting to being filmed and to the possible use of those images and sound recordings for webcasting and/or training purposes.

Membership

The membership of the Police and Crime Panel consists of 10 councillors drawn from each of the local authorities in the South Yorkshire Police Area according to a set allocation of places, and 2 independent co-opted members drawn from the local community.

The current membership is as follows:

Panel Members	Role	Local Authority Represented
Councillor Abdul Khayum	Chair	Sheffield
Councillor Stuart Sansome	Vice-Chair	Rotherham
Councillor Brian Cutts	Member	Rotherham
Councillor David Griffin	Member	Barnsley
Councillor David Hughes	Member	Doncaster
Councillor Robert Johnson	Member	Sheffield
Councillor Helen Mirfin-Boukouris	Member	Sheffield
Councillor Joe Otten	Member	Sheffield
Councillor Ralph Sixsmith MBE	Member	Barnsley
Councillor Sue Wilkinson	Member	Doncaster
Councillor Chris McGuinness	Substitute Member	Doncaster
Mr Alan Carter	Independent Co-opted Member	
Mr Steve Chufungleung	Independent Co-opted Member	

The Police and Crime Panel is a joint body established collectively by each of the local authorities in the county, with Barnsley Metropolitan Borough Council's Joint Authorities Governance Unit acting as the host authority.

The agenda papers for Police and Crime Panel meetings are published 5 working days in advance and can be downloaded from the South Yorkshire Joint Authorities [website](#).

Terms of Reference of South Yorkshire Police and Crime Panel

1. To review the draft police and crime plan, or draft variation, given to the Police and Crime Panel (the Panel) by the Police and Crime Commissioner (the Commissioner). The Panel must make a report or recommendations on the draft plan or variation to the Commissioner.
2. To review the annual report produced in accordance with s12 of the Police Reform and Social Responsibility Act 2011 (the Act) and make a report or recommendations on the report to the Commissioner. The Panel is to arrange a public meeting at which they ask the Commissioner questions, as appropriate, on the annual report.
3. To hold a confirmation hearing and review, make a report and recommendation in respect of proposed senior appointments made by the Commissioner. These appointments are:-
 - (a) the Commissioner's Chief Executive;
 - (b) the Commissioner's Chief Finance Officer;
 - (c) a Deputy Commissioner; and
 - (d) the Chief Constable.

4. To make recommendations to the Police and Crime Commissioner with regard to any proposal by the Commissioner to suspend the Chief Constable.
5. To review and make a report and recommendations (as necessary) on the proposed precept. The Panel has the power to veto the proposed precept.
6. To review or scrutinise decisions made, or other action taken, by the Commissioner in connection with the discharge of the Commissioner's functions.
7. To make reports or recommendations to the Commissioner with respect to the discharge of the Commissioner's functions.
8. To support the effective exercise of the functions of the Commissioner.
9. To fulfil functions in relation to complaints about conduct matters, in accordance with the responsibilities accorded to the Panel by the Act.
10. To appoint an Acting Commissioner if necessary.
11. To suspend the Commissioner if it appears to the Panel that the Commissioner has been charged with a relevant offence (as defined by the Act). Appendix 1 2 Case No: 049244.
12. To exercise any other functions conferred on the Panel under the Act, as required.

Contact Details

For further information please contact:

Linda Noble Principal Policy Officer Barnsley MBC Joint Authorities Governance Unit 18 Regent Street Barnsley South Yorkshire S70 2HG Tel: 01226 772931 lnoble@syjs.gov.uk	Andrew Shirt Senior Democratic Services Officer Barnsley MBC Joint Authorities Governance Unit 18 Regent Street Barnsley South Yorkshire S70 2HG Tel: 01226 772207 ashirt@syjs.gov.uk
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SOUTH YORKSHIRE POLICE AND CRIME PANEL

FRIDAY 7 JULY 2017

**TIME AND VENUE: 10.00 AM AT THE OFFICES OF THE SOUTH YORKSHIRE
JOINT AUTHORITIES, 18 REGENT STREET, BARNSELY, S70 2HG**

(9:30 AM – PANEL PRE-MEETING)

Agenda: Reports attached unless stated otherwise

	Item	Page
1	Apologies for Absence	
2	Announcements	
3	Urgent Items To determine whether there are any additional items of business which by reason of special circumstances the Chair is of the opinion should be considered at the meeting; the reason(s) for such urgency to be stated.	
4	Items to be Considered in the Absence of the Public and Press To identify items where resolutions may be moved to exclude the public and press. (For items marked * the public and press may be excluded from the meeting).	
5	Declarations of interest by individual Members in relation to any item of business on the agenda	
6	PUBLIC QUESTIONS:-	
6a	To the Police and Crime Commissioner If any member of the public wishes to ask a question of the Police and Crime Commissioner at the meeting, they should be submitted in writing at least 7 working days before the meeting and be no more than 50 words in length. Questions should be submitted to Linda Noble, Principal Policy Officer (Host Authority for the Police and Crime Panel) by email: LNoble@syjs.gov.uk	

6b	<p>To the Police and Crime Panel</p> <p>If any member of the public wishes to ask a question of the Police and Crime Panel at the meeting, they should be submitted in writing at least 7 working days before the meeting and be no more than 50 words in length.</p> <p>Questions should be submitted to Linda Noble, Principal Policy Officer (Host Authority for the Police and Crime Panel) by email: LNoble@syjs.gov.uk</p>	
7	Questions from Police and Crime Panel Members to the Police and Crime Commissioner	
8	Minutes of the previous meeting held on 2nd June 2017 and Matters Arising	1 - 12
9	<p>Judicial Review: Outcome</p> <p>Andrew Frosdick, Monitoring Officer David Cutting, PCP Legal Adviser</p>	13 - 62
10	<p>Annual Report - Police and Crime Panel 2016/17</p> <p>Linda Noble, Principal Policy Officer, Joint Authorities Governance Unit</p>	63 - 74
11	<p>Annual Report 2016-17 OPCC</p> <p>Michelle Buttery, Chief Executive and Solicitor, OPCC</p>	75 - 100
12	<p>Holding to Account Arrangements - to include:</p> <ul style="list-style-type: none"> • 999 and 101 Calls • Succession Planning/Age Profiling • Implementation of the Recommendations from the HMIC/PEEL Review • Independent Ethics Panel report on 'Stop and Search' <p>Michelle Buttery, Chief Executive and Solicitor, OPCC</p>	101 - 114
13	<p>Budget Monitoring Report (OPCC)</p> <p>Allan Rainford, Chief Finance and Commissioning Manager</p>	115 - 118

14	Performance against the Police and Crime Plan: Quarterly Update Michelle Buttery, Chief Executive and Solicitor, OPCC	119 - 136
15	Work Programme Linda Noble, Principal Policy Officer, Joint Authorities Governance Unit	137 - 140
16	Date and time of the next meeting - Friday 29th September 2017, 10:00 am at the Offices of the Joint Authorities, 18 Regent Street, Barnsley	

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SOUTH YORKSHIRE POLICE AND CRIME PANEL

**OFFICES OF THE SOUTH YORKSHIRE JOINT AUTHORITIES, 18 REGENT STREET,
BARNSELY, S70 2HG**

2 JUNE 2017

PRESENT: Councillor A Khayum (Chair) (Sheffield)

Councillor S Sansome (Vice-Chair) (Barnsley)

Councillors: B Cutts (Rotherham MBC), D Griffin (Barnsley MBC), D Hughes (Doncaster MBC), B Johnson (Sheffield City Council), J Otten (Sheffield City Council), R Sixsmith MBE (Barnsley MBC) and S Wilkinson (Doncaster MBC)

Independent Co-opted Member: Mr A Carter

Dr A Billings (South Yorkshire Police and Crime Commissioner), M Buttery (Office of the South Yorkshire Police and Crime Commissioner), Samantha Mawson (Office of the South Yorkshire Police and Crime Commissioner) and S Parkin (Office of the South Yorkshire Police and Crime Commissioner)

Officers: D Cutting, M McCarthy, L Noble and A Shirt (Barnsley MBC)

Apologies for absence were received from Councillor H Mirfin-Boukouris (Sheffield), Mr S Chufungleung (Independent member) and A Frosdick

1 APPOINTMENT OF CHAIR

Nominations were sought for the position of Chair of the South Yorkshire Police and Crime Panel for the ensuing year.

It was proposed by Councillor Johnson and seconded by Councillor Hughes that Councillor Khayum be elected as Chair of the Police and Crime Panel for the ensuing year.

It was then proposed by Councillor Otten and seconded by Councillor Cutts that Councillor Sansome be elected Chair of the Police and Crime Panel for the ensuing year.

The recorded vote was as follows:-

For Councillor Khayum – Councillors Johnson, Hughes, Griffin and Wilkinson.

For Councillor Sansome – Councillors Sixsmith MBE, Otten and Cutts.

Mr A Carter abstained from voting.

RESOLVED – That Councillor Khayum be appointed Chair of the South Yorkshire Police and Crime Panel for the 2017/18 municipal year.

2 APPOINTMENT OF VICE-CHAIR

Nominations were sought for the position of Vice-Chair of the South Yorkshire Police and Crime Panel for the ensuing year.

It was proposed by Councillor Wilkinson and seconded by Councillor Sixsmith MBE that Councillor Sansome be elected as Vice-Chair of the Police and Crime Panel for the ensuing year.

RESOLVED – That Councillor Sansome be appointed Vice-Chair of the South Yorkshire Police and Crime Panel for the 2017/18 municipal year.

3 APOLOGIES FOR ABSENCE

Apologies for absence were noted as above.

4 ANNOUNCEMENTS

Councillor Khayum reported that in addition to himself, there were five new Members who had been appointed to the Police and Crime Panel. Councillors Ralph Sixsmith MBE, Helen Mirfin-Boukouris, Bob Johnson, David Hughes and Sue Wilkinson were all welcomed to their first meeting of the Police and Crime Panel.

The Panel gave thanks to the outgoing Chair, Councillor Talib Hussain and to Panel Members, Councillors Mick Rooney, Jackie Drayton, Robert Frost, John Healy and Chris McGuinness. Thanks were also given to Councillor Glyn Jones in his role as substitute Member for Doncaster MBC. Councillor McGuinness had been appointed as a substitute Member for Doncaster MBC on the Panel.

5 URGENT ITEMS

None.

6 ITEMS TO BE CONSIDERED IN THE ABSENCE OF THE PUBLIC AND PRESS

None.

7 DECLARATIONS OF INTEREST BY INDIVIDUAL MEMBERS IN RELATION TO ANY ITEM OF BUSINESS ON THE AGENDA

None.

8 PUBLIC QUESTIONS:-

9 TO THE POLICE AND CRIME COMMISSIONER

No questions were received.

10 TO THE POLICE AND CRIME PANEL

No questions were received.

11 QUESTIONS FROM POLICE AND CRIME PANEL MEMBERS TO THE POLICE AND CRIME COMMISSIONER

In accordance with Procedure Rule 11 (General Questions from Members of the Panel), the following question had been submitted and the response from the Police and Crime Commissioner:-

Question from Alan Carter

"Would the Commissioner be willing to comment on a recent report that police in Durham (our Chief Constable's previous Force) are preparing to go live with an artificial intelligence system designed to help officers decide whether or not a suspect should be kept in custody, drawing upon five years of offending histories data. Might this system be introduced in South Yorkshire?

[NB. A word of caution has been expressed that, although the system may prove operationally useful, it could skew decisions and potentially may infringe a person's human liberties.]"

Response

1. Durham Constabulary are working with Cambridge University to see whether an algorithm can be developed to enable custody sergeants to grade suspects as low, medium or high with respect to the risk of their re-offending. This, it is claimed, would be 'evidence based'.
2. If Durham Constabulary are piloting or pioneering this it would be wise to wait the outcome of what they are doing. Even so, whatever methods are used to assist, custody sergeants in any decisions they might make, in the final analysis the decision is still theirs.

Supplementary Question from Alan Carter

I thank the Commissioner for the response given to my written question.

In reply, I have the following observation and a request to make.

Undoubtedly, Artificial Intelligence (AI) is fast becoming a powerful technology in policing across the world.

It is widely reported that law enforcement agencies across this country are already using it in sophisticated ways for surveillance and crime prevention initiatives. These include using robots to detect and deactivate bombs; using drones for surveillance; scanning social media for illicit activity and for individuals who might be radicalised; and detecting suspects' lies whilst being questioned.

In this context, its potential future use by the Durham Constabulary's custody sergeants is actually very much "the thin end of the wedge" – although one does have a concern about its application when a person taken into custody may be suffering from mental health issues.

However, what cannot be ignored – and must be a real and genuine concern - is the potential for invading the privacy of private citizens, wrongfully targeting individuals for "suspicious" behaviour, or otherwise abusing the power of AI - even if unintentionally.

Going forward, I believe that this is something about which the Commissioner and we, as a Police and Crime Panel, should be increasingly concerned.

In a law enforcement context, perhaps we could call for a much more detailed report at a future meeting so that, as Panel Members, we might be kept abreast of relevant AI developments generally and more specifically of their introduction within the South Yorkshire Police?

From my perspective, the ultimate issue is one of protecting the safety, rights, and lives of both the public and also of the law enforcement officers who are sworn to protect them.

Response

The Commissioner confirmed that he would speak to the Force regarding the use of AI in South Yorkshire, and report back to a future Panel meeting.

A Carter thanked the Commissioner for his response.

Question 1 from Councillor Sansome

Councillor Sansome asked if there was any further information available which could be shared with Panel Members regarding the number of prosecutions which had led from the Stop and Search initiative and any background information concerning the number of people stopped and searched per local authority and any background to those numbers.

Response

The Commissioner acknowledged the request; he stated that he would look to provide this information in a future report to the Panel.

Generally, the number of Stop and Searches carried out had decreased, however, the number of successful prosecutions from carrying out Stop and Search had increased.

Question 2 from Councillor Sansome

Councillor Sansome asked if there was any information available, which could be fed-back to the Panel regarding how the Commissioner was holding the Chief Constable to account in relation to individuals prosecuted for using a mobile phone whilst driving a vehicle.

Furthermore, did the Commissioner set the Chief Constable any performance measures in this area?

Response

The Commissioner reported that, following the change in legislation, he had accompanied the Roads Traffic Policing Team to witness first-hand the work carried out by the Force in dealing with individuals driving whilst using mobile phones.

The Commissioner acknowledged Councillor Sansome's request for further information; he stated that he would look to provide this information at a future Panel meeting.

Question 3 from Councillor Sansome

Councillor Sansome asked the Commissioner for his comments in respect of the results of a survey conducted by the PCC which had revealed that nearly half the population in South Yorkshire lacked confidence in South Yorkshire Police.

Councillor Sansome asked the Commissioner to provide details of how he was holding the Chief Constable to account in relation to this matter; additionally, could the Commissioner provide Panel Members with details regarding any measures set by the Commissioner to see public trust and confidence increase.

Response

The Commissioner commented that he understood there were historic public trust and confidence issues in South Yorkshire Police and also following recent events.

In order to improve public trust and confidence, one of the main priorities he had set the new Chief Constable was to address public trust and confidence in South Yorkshire Police.

The Commissioner stated that this area would be picked-up at agenda item 13 later in today's meeting.

The Commissioner commented that, following the recent horrific terrorist attack at the Manchester Arena on 22 May 2017; there had been high visibility policing across South Yorkshire, including the presence of armed officers at a number of locations across South Yorkshire. Additionally, there had been intensive policing

on the streets of South Yorkshire, which had been very well received by members of the public.

Members of the public had felt they were being protected and had felt secure during this very difficult period. The Commissioner commented that this had helped South Yorkshire Police enormously with their relationship with the public of South Yorkshire.

Question 4 from Councillor Sansome

Councillor Sansome referred to the recent terrorist attack in Manchester; he asked the Commissioner if the Panel could be informed how he was holding the Chief Constable to account regarding the sharing of intelligence with colleagues across the UK and details of any individuals who may wish to cause harm to the people of South Yorkshire.

Response

The Commissioner explained that, following the terrorist attack in Manchester, there had been several Gold Group meetings held in South Yorkshire, (which the Commissioner had attended) to discuss planning etc.

The Commissioner commented that he had been very impressed by the way South Yorkshire Police had reacted in light of the attack. The Commissioner had also visited the Counter Terrorism Regional Headquarters to observe their operations.

The Commissioner confirmed that he would be talking to the Chief Constable on a regular basis regarding terrorist attacks. Over the last few days there had been arrests made by Counter Terrorism Officers in Sheffield (not related to the Manchester attack) and a further arrest had been made earlier that morning.

To reassure the Panel, the Commissioner confirmed that Counter Terrorism operations occurred all the time; he was sighted on the work that they carry out and had reassurances from them.

A press release from South Yorkshire Police regarding the Counter Terrorism Operation in Sheffield was circulated for Panel Members' information.

12 MINUTES OF THE PREVIOUS MEETING HELD ON 28 APRIL 2017

Councillor Otten queried why the start time of Panel meetings had changed from 11:00 am to 10:00 am.

Councillor Khayum explained that this change was at his request; this had been consulted on with the Vice-Chair and the Police and Crime Commissioner, who were both in agreement with this change.

Following discussion with Members, it was agreed that future Panel meetings commence at 10:00 am with a pre-meeting being held at 9:30 am.

A Carter commented that he had received information from the Office of the Police and Crime Commissioner setting out details of those organisations which had been unsuccessful in their bids or requests for funding from the Commissioner's Community Grants Scheme. He requested that this information also be shared with all Panel Members.

It was confirmed that notice of today's meeting had been displayed in all of the district council offices, following a request made by A Carter at the April Panel meeting.

RESOLVED –

- i) That the minutes of the Police and Crime Panel held on 28 April 2017 be agreed and signed by the Chair as a correct record.
- ii) That future Panel meetings commence at 10:00 am with a pre-meet being held at 9:30 am.
- iii) That the grants information be circulated to other Members of the Panel by officers to the Panel.

13 GOVERNANCE ARRANGEMENTS OF THE POLICE AND CRIME COMMISSIONER

M Buttery provided the Panel with a talk about the Police and Crime Commissioner's new governance arrangements and a schematic of the new Governance Meetings structure.

Members were reminded that the role of Panel Members was to scrutinise the actions of the Police and Crime Commissioner and the role of the Police and Crime Commissioner was to hold the Chief Constable and Force to account.

A review of the PCC's holding to account arrangements had commenced last spring, regarding how the PCC held the Chief Constable and Force to account.

A number of formal and informal Boards and Groups were contained within the Commissioner's Governance Arrangements, centred around the PCC's monthly Public Accountability Board (PAB), where discussion takes places around four key areas: 1) Operational performance of South Yorkshire Police; 2) Partnership working and collaboration by South Yorkshire Police ; 3) The Chief Constable's arrangements for engaging with local people and communities; and 4) The efficient and effective running of South Yorkshire Police.

In respect of the arrangements to hold the Chief Constable to account, the Commissioner did so via a range of formal arrangements and informal and formal meetings and discussions. There were also external levels of scrutiny from HMIC and the PCC's and Chief Constable's assurance groups.

Councillor Griffin commented that he was pleased to note the formal arrangements included a new Trust and Confidence Steering Group; he asked how the Panel

would obtain information regarding how the Commissioner was performing in this area.

The Commissioner suggested that Panel Members could ask at future meetings how the Trust and Confidence Steering Group was progressing and the issues being discussed.

Councillor Sansome expressed his concerns regarding the individuals and Chairs appointed to the Commissioner's Committees, Boards and Panels, as they are not accountable to the people of South Yorkshire.

The Commissioner confirmed that the Chair of the Joint Independent Audit Committee was an Independent person, selected via a recruitment and selection process and remunerated for carrying out this role. It was agreed that a copy of the job description for the Chair of the Joint Independent Audit Committee be circulated to Panel Members for their information.

To assist Panel Members' understanding of the Commissioner's Governance Arrangements, it was agreed that a copy of the finalised document explaining these arrangements and the Terms of Reference of each of the Commissioner's Assurance Groups be provided to Members of the Panel.

If new Members wished to observe meetings of the PAB and Joint Independent Audit Committee arrangements could be facilitated.

It was further agreed that Panel Members would receive copies of the reports considered and discussed at the Commissioner's Public Accountability Board.

RESOLVED –

- i) That the Police and Crime Commissioner's Governance Arrangements be noted.
- ii) That Panel Members be provided with the final document explaining the arrangements and the Terms of Reference of the Commissioner's Assurance Groups.
- iii) That Panel Members be provided with a copy of the job description for the role as Chair of the Joint Independent Audit Committee.
- iv) That Panel Members receive copies of the reports considered and discussed at the Commissioner's Public Accountability Board.

14 CSE - PCC UPDATE

A report was presented to provide Members of the Panel with information regarding how the Police and Crime Commissioner holds the Chief Constable to account for the on-going South Yorkshire operations in relation to Child Sexual Exploitation (CSE).

The report provided the Panel with background information informing Members that, originally, there had been two overarching operations in South Yorkshire, namely, 'Operation Stovewood', the independent investigation conducted by the National Crime Agency and 'Operational Marshall', the South Yorkshire Police (SYP) internal group which reviews all on-going Child Sexual Exploitation investigations.

The Panel were reminded that the Commissioner had commissioned an independent review of South Yorkshire Police's response to Child Sexual Exploitation across South Yorkshire in September 2015. Professor John Drew was identified to carry out the independent review and he sought to answer three key questions as set out within the report.

It was noted that inspections / investigations and reviews by the NCA, Independent Police Complaints Commissions (IPCC) and Her Majesty's Inspectorate of Constabulary (HMIC) also took place. These, along with Drew Review gave rise to a total of 220 individual recommendations for SYP. Progress of their delivery has been managed and monitored through SYP's safeguarding processes led by the Head of Crime.

Councillor Johnson referred to the 220 recommendations; he asked how many of the recommendations had been dealt with, and additionally, how many were still work in-progress.

The Commissioner stated that he would obtain this information and update Panel Members accordingly.

The Commissioner explained that there may need to be a revisit by Professor Drew to examine if the Force had captured everything Professor Drew had alerted the Commissioner to.

The Panel were informed that the Commissioner received regular update reports to the Public Accountability Board on both Operation Stovewood (operational and financial) and on-going Child Sexual Exploitation investigations.

Additionally, the Commissioner had regular meetings with the NCA, SYP and calls upon the consultation with groups of victims, survivors and their families from time to time to ensure victims are receiving the best police response and other support.

RESOLVED –

- i) That Members noted the report.
- ii) That the Commissioner provides Panel Members with a progress update regarding how many of the 220 recommendations contained in the Drew Review have been dealt with and information regarding how many recommendations are still work in-progress.

15 COMPLAINTS PROCEDURE

A report was submitted which provided Members of the Panel with a revised Complaints Procedure, flowchart and Terms of Reference for the Complaints Panel.

Appendix A to the report set out a revised Complaints Procedure for the Panel's consideration.

Panel Members agreed that any anonymous complaints would not be considered.

Members noted that a Complaints Panel had been established comprising of the Vice-Chair and the Panel's two independent members, thus allowing the Chair to review a decision without any previous involvement, and avoiding any appearance of bias or pre-judgment. The Complaints Panel would meet to discuss complaints when received, and to consider the Commissioner's response. Appendix C to the report provided Members with the Panel's Terms of Reference.

Councillor Khayum suggested that the membership of the Complaints Panel be amended to include either the Chair or Vice-Chair of the Panel. Whomever sits on the Complaints Panel for a particular complaint could then sit in on any appeal.

If the Chair of the Panel attends the Complaints Panel in place of the Vice-Chair it would not be appropriate for the Chair of the Panel to deal with any subsequent appeals which may follow on from the Complaints Panel's decision. In this case, the Vice-Chair would deal with any Appeals.

A Carter commented that he appreciated the consultation which had gone into producing the draft Complaints Procedure; he thanked D Cutting for all the work, which had been put into producing the Procedure, which he fully supported.

RESOLVED – That Members:-

- i) Considered and approved the Complaints Procedure and flowchart.
- ii) Considered and approved the Complaints Panel's Terms of Reference.
- iii) Agreed that the Complaints Panel's membership be expanded to include the Chair of the Police and Crime Panel (in the event the Vice-Chair was unavailable).

16 UPDATE ON COMPLAINT

D Cutting, Solicitor and Legal Advisor to the Panel provided Members with an update in relation to the Shaun Wright complaint received by the Panel in December 2015.

Members were provided with a brief narrative and sequences of the chronology of events.

The Independent Police Complaints Commission (IPCC) had apologised for the amount of time which had elapsed since the complaint was first referred to the IPCC. The IPCC had confirmed that they were now going to expedite the complaint and had stated that they would now move quickly on this complaint.

It was explained, that if the IPCC now treated the complaint as a criminal matter, it would leave the responsibility of the Panel.

RESOLVED – That Members noted the position.

17 LEARNING AND DEVELOPMENT STRATEGY

A report was submitted providing Panel Members with a Learning and Development Strategy for consideration. The Strategy provided a framework to evaluate and review the effectiveness of the annual Learning and Development delivered and supported the wider Learning and Development process; Induction, Development Discussions and Learning and Development Schedule.

Within the framework of ongoing learning and development, Members of the Police and Crime Panel would be offered an annual Development Discussion to identify any knowledge, skills or other awareness required in order to fulfil their role.

Members were reminded that a Frontline Consulting Event would be held on 28 June 2017 to look at the Panel's role and responsibilities, overview and scrutiny.

RESOLVED – That Panel Members:-

- i) Considered and accepted the Learning and Development Strategy.
- ii) Agreed to review the Strategy on an annual basis.

18 WORK PROGRAMME

The Panel considered its Work Programme to 15 December 2017.

RESOLVED – That Panel Members noted the Work Programme.

19 NEW PCP WEBSITE - BRIEF DEMONSTRATION

Panel Members were provided with a brief demonstration of the new Police and Crime Panel's website

<http://www.southyorks.gov.uk/webcomponents/jsecSYPCP.aspx>, hosted by Barnsley MBC's Joint Authorities Governance Unit.

A Carter thanked the Panel's Support Officers for their hard work in creating a website for the Panel.

Councillor Wilkinson asked if a list of common acronyms could be added to the website.

L Noble thanked Councillor Wilkinson for this suggestion; adding that a list of common acronyms was included within the new Members' Induction pack and would be added to the website library.

RESOLVED – That Panel Members noted the contents of the new Police and Crime Panel's website.

20 DATE AND TIME OF THE NEXT MEETING

RESOLVED – That the next meeting of the Police and Crime Panel be held at 10:00 am on Friday 7 July 2017 at the Offices of the South Yorkshire Joint Authorities, 18 Regent Street, Barnsley.

CHAIR



Meeting Date	7th July 2016
Report of	Solicitor / Legal Adviser
Subject	The Queen on the Application of David Crompton v Police Crime Commissioner for South Yorkshire - Judicial Review

EXECUTIVE SUMMARY

- a) This report draws to the Police and Crime Panel's (PCP) attention the outcome of the Judicial Review (JR) brought by ex Chief Constable David Crompton against the South Yorkshire Police and Crime Commissioner (PCC).
- b) On the 9th June 2017 the High Court of Justice Queens Bench Division quashed the four decisions of the PCC leading to David Crompton being required to resign thereby upholding the ex Chief Constable's application to have the PCC's actions Judicially Reviewed describing them as 'irrational', 'perverse' and 'wholly disproportionate'.
- c) The PCP were a statutory consultee in the PCC's actions under s.38 of the Police Reform and Social Responsibility Act 2011 and were therefore cited as an Interested Party to the JR.

RECOMMENDATION(S)

Members of the Police and Crime Panel are recommended to:-

- a) Note the contents of the report and the judgment of the High Court.
- b) Consider any implications of the judgment for the Panel.

CONTENTS

Main Report
Appendices

BACKGROUND

1. The Panel will be aware that Judicial Review is open to any person with appropriate standing affected by a decision made by a public body. That decision can be found to be illegal, irrational or unfair and quashed by the court.
2. The background to the ex Chief Constable's application for JR is helpfully captured in the High Court's press statement attached at **Appendix A** which gives a timeline and narrative to this matter. Panel Members have attached for their ease of reference the full transcript of the Judgment which is attached at **Appendix B** and is publically available.
3. The following are some key points which the Panel should have regard to in further consideration of the matter:
 - South Yorkshire Police and Crime Panel (the PCP) has been an "interested party" in the court case, not a defendant, as its involvement in the statutory process leading to Mr Crompton's resignation was secondary.
 - There is no criticism of the procedure followed by the PCP. Paragraphs 4, 74, 146 & 147 of the judgment acknowledge that the statutory procedure was correctly followed.
 - There is no declaration that the PCP acted unlawfully.
 - The PCP was required by law to make a recommendation, which it did. Whilst there is passing judicial criticism of the recommendation that the PCP made, there is no declaration that the recommendation the PCP made was one that it was not lawfully open to it to make.
 - There has been no application for costs made against the PCP.
4. Within the transcript of the judgement the Panel should note the criticisms of the Panel's role specifically at paragraphs 166-167 which bear including in this report:

166. It is right to observe that the Second Interested Party, the PCP, had recommended that the PCC should call upon the Chief Constable to resign or retire. However the PCP's reasoning was thin and unconvincing. The PCP described the second statement as "a catastrophic error of judgment". They gave two reasons for that assertion. First, because of the "inevitable risk that it would be perceived as rowing back on the previous apology". Second, because of the need for confidence in the police.

167. In our judgment, the first of those reasons proceeds on the same flawed interpretation of the second statement as did those relied on by the PCC, which we have addressed above. As to the second, for the reasons given above, this background material cannot justify a conclusion that the requirement to resign or retire was warranted.

CURRENT POSITION

5. There is no further action which legislation now requires the Panel to undertake following the Judgment. However the Judgment is clearly of interest to the Panel

given its earlier statutory involvement and the Panel is clearly competent within the scope of its broader statutory role to reflect on the Judgment.

6. Given that the High Court has ruled on this matter and in view of the fact that the PCC has issued a statement on 16th June stating that he would not be seeking to appeal the ruling means that the legal process has reached its conclusion. Therefore, there is now no scope for further legal recourse nor retrying of the matter.
7. Whilst the legal action is now at an end, nonetheless the Panel may wish to reflect upon any issues arising about which it can learn in respect of the discharge of its functions and which may assist its future decision making. The High Court did not find that the Panel had failed in observing the s.38 process nor that it acted unlawfully, but rather that its findings were 'thin and unconvincing'.
8. Therefore how best to ensure any conclusions arrived at by the Panel in the discharge of its statutory functions are robust in the light of the potential for judicial scrutiny would benefit from consideration in light of the findings in the judgment. The Judgment highlights the public law principle that for decision making to be robust it must be supported by sound and evidenced based reasoning.
9. The Panel's attention is drawn for example to para 159 of the Judgment where the Court stated that there had been a failure by the PCC "*to engage with the substance of much of [Her Majesty's Inspector of Constabulary] Sir Thomas' observations and failed to provide cogent reasons for taking a different view*" This Panel had likewise failed to do so.

FINANCIAL IMPLICATIONS

10. There are no additional financial implications directly arising from this specific report. As identified above the Panel was not required to make any contribution to the legal costs of either the ex Chief Constable or the PCC. The costs of representation of the Panel as an interested party to the proceedings were contained within the overall expenditure budget of the Panel.

LEGAL IMPLICATIONS

11. The substantive legal implications are dealt with within the body of this report.

HEALTH AND SAFETY IMPLICATIONS

12. There are no known Health and Safety implications arising from this report.

EQUALITY & DIVERSITY IMPLICATIONS

13. This report is believed to be neutral with regard to Equality and Diversity issues.

List of background documents		
High Court Transcripts and Press Release		
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LAW REPORT

June 27 2017, 12:01am, The Times

Decision to suspend chief constable was perverse

Queen's Bench Division

Regina (Crompton) v Police and Crime Commissioner for South Yorkshire

Before Lord Justice Sharp and Mr Justice Garnham

[2017] EWHC 1349 (Admin)

Judgment June 9, 2017

The proper test to be applied by a police and crime commissioner, when considering whether to suspend a chief constable or ask him to resign, was to ask whether the chief constable had acted outside the range of reasonable responses available to a chief constable.

The divisional court of the Queen's Bench Division so held when allowing a claim for judicial review by the claimant, David Crompton, who had been chief constable of South Yorkshire, of the decision of the defendant, Alan Billings, police and crime commissioner for South Yorkshire, to suspend the claimant and subsequently to require him to resign, pursuant to section 38 of the Police and Social Responsibility Act 2011, after a statement the chief constable made after the inquest verdicts into the deaths of 96 people killed in the Hillsborough Stadium disaster had been returned.

Mr Hugh Davies, QC, and **Ms Jessica Boyd** for the chief constable; **Mr Jonathan Swift, QC**, and **Ms Joanne Clement** for the commissioner; **Mr Clive Sheldon, QC**, and **Mr Christopher Knight** for the Chief Inspector of Constabulary, as first interested party; **Mr Adrian Phillips**, solicitor, for the South Yorkshire Police and Crime Panel, as second interested party.

Mr Justice Garnham, giving the judgment of the court, said that the 2011 act sought to achieve two, sometimes conflicting, objectives: (i) proper operational independence for chief constables; and (ii) proper democratic oversight of the conduct of chief constables, for which purpose the electoral mandate of police and crime commissioners to hold the police to account was given statutory expression.

There would inevitably be tension between those two imperatives in practice, but the Policing Protocol, as scheduled to the Policing Protocol Order 2011 (SI 2011 No 2744), provided a mechanism by which those tensions were to be managed.

The commissioner and the chief constable were obliged to conduct their relationship with each other in accordance with the principles of goodwill, professionalism, openness and trust. Accordingly, it was necessary to test the actions of the parties against those requirements.

The terms of the protocol served to qualify the powers of the commissioner, and it was necessary always for a commissioner to accord a chief constable a margin of appreciation. The fact that the commissioner's powers to call the chief constable to account extended to operational matters did not mean that operational independence was of no significance. There was an important difference between scrutiny of the chief constable's action and control of his actions.

That analysis applied whatever the nature of the decision taken by the chief constable. Relations with the media was an important part of modern police leadership and the need for a chief constable to be permitted a margin of discretion there was as real as in areas more commonly regarded as subject to operational independence.

The chief constable was not the commissioner's employee. He occupied an office of considerable constitutional significance. The stability or fragility of a police force depended to a significant degree on the way in which a chief constable was treated. If chief constables could too readily be removed, there was a serious risk of the stability of the force being undermined. It could not be reasonable for a commissioner to suspend a chief constable for taking a decision that was itself reasonable.

The proper test to be applied by the commissioner to the actions of a chief constable was to ask whether those actions were outside the range of reasonable responses available to a chief constable. The test for the court to apply to the commissioner's decision-making was to ask whether that decision-making met

the requirements of public law, namely whether it was lawful, procedurally proper and rational.

The commissioner asserted that the decision to suspend the chief constable and then to require his resignation was justified because the “decision to issue the . . . statement was a very serious misjudgment that seriously damaged public confidence in the claimant and consequently South Yorkshire Police”.

The evidence of any significant public reaction to the chief constable’s statement between the time it was made and the time when the commissioner made the section 38 decision to suspend, two and a half hours later, was very limited.

It was suggested during the course of argument that the commissioner had made the decision to suspend by the time that the statement was read out. Even if that was not the case, there was nothing in the statement, or in the reaction to it, that justified a decision to suspend. Given that the commissioner asserted that it was the reaction to the statement that led him to make the decision to suspend, that decision was perverse.

**Solicitors: Kingsley Napley LLP; Bevan Brittan LLP; Her Majesty’s
Inspectorate of Constabulary; Rotherham Metropolitan Borough Council.**

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**The Queen on the Application of David Crompton
(Claimant)**

–v–

**Police Crime Commissioner for South Yorkshire
(Defendant)**

And

(1) Her Majesty’s Chief Inspector of Constabulary

**(2) South Yorkshire Police and Crime Panel
(Interested Parties)**

PRESS SUMMARY

BACKGROUND TO THE CASE

Between January 2012 and September 2016, the applicant, David Crompton, was the Chief Constable of the South Yorkshire Constabulary. The Defendant, Dr Alan Billings, was, and remains, the Police and Crime Commissioner (the Commissioner) for South Yorkshire [12-13].

At about 11 am on 26 April 2016 the jury in the Inquest into the deaths of 96 football supporters at the Hillsborough stadium in Sheffield in 1989 returned their verdicts (or more accurately their determination) [17]. At about noon, the shadow Home Secretary, Andy Burnham MP, released a statement saying that the current leadership of South Yorkshire Police needed to explain why, during the inquests, it went back on an apology made in 2012 [24]. At about 2pm the applicant made a statement to the press “unequivocally” accepting “the verdict of unlawful killing” and apologising “unreservedly” to the families [25]. There followed discussion between the Chief Constable and the Commissioner as to whether a second statement should be made by the Chief Constable responding to the remarks of Mr Burnham [27-31]. The Chief Constable considered a second statement should be made. The Commissioner did not agree [28-31].

At 12.20 on 27 April 2017, the Chief Constable released a second statement to the press [32]. In it he referred to the 2012 apology and repeated the apology given the previous day. He referred to a ruling by the Coroner that the 2012 apology was not admissible in evidence at the inquests. He went on:

“It is important to remember that Inquests are not about guilt, liability or blame, but about establishing the facts. The intention throughout these proceedings has been to assist the jury understand the facts. We have never sought, at any stage, to defend the failures of SYP or its officers. Nevertheless, these failures had to be put into the context of other contributory factors. In other words, where do the failings of SYP stand in the overall picture?”

Fifteen minutes later, the then Home Secretary, Mrs Theresa May, made a statement about the inquests in the House of Commons. A number of Members of Parliament also spoke, including Mr Burnham [33-37]. At about 2pm the Commissioner spoke to

the Chief Constable suggesting he should resign and giving him one hour to consider his position [40]. Shortly before 3pm the Chief Constable returned to the Commissioner's office to say he thought the 3pm deadline was unreasonable. The Commissioner then suspended him pursuant to the provisions of section 38 of the Police Reform and Social Responsibility Act 2011 [41]. That suspension was reported widely in the press the following day [42].

Over the following 5 months, the Commissioner followed the procedure laid down in the 2011 Act by which a Police and Crime Commissioner can require a Chief Constable's retirement or resignation [44-56]. That procedure included the Commissioner providing Her Majesty's Chief Inspector of Constabulary (HMCIC) with a detailed explanation of his reasons for invoking the section 38 procedure [46]. On 15 June 2016 HMCIC (Sir Tom Winsor) provided the Commissioner with a detailed response, setting out his view on the proposal to require the Chief Constable to resign or retire [47]. HMCIC made it clear he thought that the proposal was unjustified [143].

By letter dated 29 September 2016, the Commissioner informed the Chief Constable that he was calling on him to resign from his post. The Chief Constable did so later that day [56].

By these proceedings the Chief Constable challenges the lawfulness of the decision to suspend him (the first decision); the decision to continue with the section 38 process despite the views of HMCIC (the second decision); the decision to continue despite the observations of the Chief Constable himself (the third decision); and his final decision of 29 September to require the Chief Constable's resignation (the fourth decision) [6-9].

JUDGMENT

The Divisional Court (Sharp LJ and Garnham J) found that the application for judicial review must succeed. All four decisions will be quashed [178].

REASONS FOR THE JUDGMENT

Generally

The Policing Protocol is guidance to which those involved in policing are required to have regard. It seeks to achieve two, sometimes conflicting, objectives. It seeks to maintain proper operational independence for Chief Constables. It also seeks to achieve proper democratic oversight of the conduct of Chief Constables [66]. The Protocol requires the establishment and maintenance of effective working relationships by, amongst others, Chief Constables and Police and Crime Commissioners. It says that the principles of goodwill, professionalism, openness and trust will underpin the relationship between them. It requires the parties to work together [73].

Nothing in the Act limits the wide obligations of Police and Crime Commissioners to hold the Chief Constable to account for the exercise of any of the latter's functions [76], including those which are regarded as characteristic of operational independence [78].

However, the terms of the Protocol serve to qualify the powers of Police and Crime Commissioners. "Goodwill, professionalism, openness and trust" between Chief Constable and the Police and Crime Commissioner mean it is necessary for a Police and Crime Commissioner to accord a Chief Constable a margin of appreciation in the decisions he takes.

The obligation on the Police and Crime Commissioner and Chief Constable to “work together to safeguard the principle of operational independence” requires the Police and Crime Commissioner to recognise and respect the professional judgment of the Chief Constable and to work with him to maintain that independence [90].

It follows that a decision by the Police and Crime Commissioner to invoke the section 38 procedure based on a simple disagreement with a decision of the Chief Constable would be inconsistent with those obligations [90]. The proper test to be applied by the Police and Crime Commissioner to the actions of a Chief Constable when considering whether to suspend or require the resignation of a Chief Constable is whether those actions are outside the range of reasonable responses available to a Chief Constable [94].

Preliminary matters

The Chief Constable’s suspension on 27 April 2016 engaged his article 8 rights because the suspension, and the consequent publicity, amounted to an interference with his private life and severely damaged his reputation [95-97].

There are good reasons to extend time to challenge the first two decisions: each of the decisions was a step along the path required by statute when a direction under section 38 is being contemplated by a Police and Crime Commissioner, and the argument of the Chief Constable was that a flawed approach by the Police and Crime Commissioner underpinned all the decisions that were made. In any event, had the first two decisions been challenged earlier, this may well have resulted in a claim they were made prematurely. Time is therefore extended for the challenge to the first two decisions [107-109].

The first decision

The conclusion that it was appropriate to issue a second statement was one that was properly open to the Chief Constable on the facts, in the light of the criticism of South Yorkshire Police (adopted by the Commissioner in one of his letters to HMCIC) that “no-one at the top ever took responsibility for anything and their reaction to any issue was to hide themselves away and hope everything would blow over” [117-118].

The Commissioner’s failure to advise the Chief Constable on the contents of the second statement, when he contended it would cause the force real damage, was a serious error and was inconsistent with the collaborative approach required by the Protocol [120-121].

The Commissioner was entitled to have regard to the state of public confidence and the extent of public feeling in South Yorkshire in making his decisions. However, these matters were only relevant if the second statement could fairly be said to have caused further damage to public confidence [127-128].

In the second statement the Chief Constable repeated his apology and unequivocally accepted the jury’s conclusion that the Liverpool supporters were blameless. No fair-minded observer could have concluded that the Chief Constable was implicitly criticising Liverpool supporters, or that “other contributory factors” referred to the conduct of Liverpool football supporters. The contrary interpretation could only be based on a pre-existing assumption about the attitude of the Chief Constable, or a failure to distinguish between the position at the inquests of the South Yorkshire Police and the retired officers [134-135].

None of the evidence justified a conclusion that there had been a significant adverse public reaction to the second statement from the Chief Constable in the period of two and half hours between the making of that statement and the starting of the section 38 procedure [139-140].

The Chief Constable's statement was within the range of reasonable responses to the jury's verdict and to the call by the Shadow Home Secretary for a further statement from South Yorkshire Police. Given the margin of appreciation which the Commissioner should have allowed the Chief Constable, the Commissioner's decision to exercise his section 38 powers was irrational [144].

The second decision

HMCIC's independence, statutory function and experience make him especially well equipped to provide a view on a proposal to call on a Chief Constable to retire or resign.

It would be irrational of a Police and Crime Commissioner to fail to give real weight to the views of HMCIC, particularly where the expression of those views is as detailed, thorough and closely reasoned as they were in this case [154].

The observations provided by HMCIC were therefore much more than mere advice which the Commissioner was free to follow or not. It was guidance which any Police and Crime Commissioner should have considered with care, and from which he should have departed only if he had cogent reasons for doing so [156].

Legitimate criticisms of the Commissioner's decision to suspend were set out in the letter from HMCIC of 15 June 2016 [157]. The Commissioner's response failed to engage with the substance of those legitimate criticisms and failed to provide cogent reasons for taking a different view [159].

The third decision

In the light of the conclusions on the first decision, the third decision cannot stand [161-164].

The fourth decision

The PCC's first decision was irrational and he failed to recognise its flawed nature in his final decision despite the powerful criticisms made of it by both the Chief Constable and HMCIC [165-169]. 5

NOTE: This summary is provided to assist in understanding the Court's decision. It does not form part of the reasons for the decision. The full judgment of the Court is the only authoritative document.



Neutral Citation Number: [2017] EWHC 1349 (Admin)

Case No: CO/5079/2016

IN THE HIGH COURT OF JUSTICE
QUEEN'S BENCH DIVISION
DIVISIONAL COURT

Royal Courts of Justice
Strand, London, WC2A 2LL

Date: 09/06/2017

Before:

LADY JUSTICE SHARP

and

MR JUSTICE GARNHAM

Between:

The Queen

on the Application of

David Crompton

Claimant

- and -

Police and Crime Commissioner for South Yorkshire

Defendant

- and -

HM Chief Inspector of Constabulary

First Interested Party

- and -

South Yorkshire Police and Crime Panel

Second Interested Party

Hugh Davies QC and Jessica Boyd (instructed by Kingsley Napley LLP) for the Claimant
Jonathan Swift QC and Joanne Clement (instructed by Bevan Brittan LLP) for the Defendant
Clive Sheldon QC and Christopher Knight (instructed by HMIC) for the First Interested Party
Mr Adrian Phillips (solicitor) for the Second Interested Party

Hearing dates: 28th & 29th March 2017

Approved Judgment

Mr Justice Garnham

Introduction

1. This is the judgment of the Court.
2. On the 15 April 1989, 96 people were killed in the disaster at Hillsborough Stadium in Sheffield during the course of the FA Cup semi-final game between Liverpool and Nottingham Forest.
3. On the morning of 26 April 2016, the jury hearing the inquests into the deaths of the 96 returned their verdicts (or, more accurately, their determination). Later that day the Chief Constable of South Yorkshire (hereafter “the Chief Constable”) issued a full apology on behalf of the force.
4. At 12.20pm the following day, 27 April 2016, the Chief Constable issued a second statement. At 2.50pm the Police and Crime Commissioner for South Yorkshire (“the Commissioner” or “the PCC”) suspended the Chief Constable from his office. On 29 September 2016, following the application of the appropriate statutory procedure over the intervening months, the Commissioner formally called upon the Chief Constable to resign and he did so.
5. This case concerns the lawfulness of the Commissioner’s conduct.

The Challenges

6. The Chief Constable seeks to judicially review the decision making of the Commissioner. The Chief Constable argues that the PCC’s decision on the 27 April 2016 to suspend him, the decision of 4 July to maintain that decision following receipt of the views of Her Majesty’s Chief Inspector of Constabulary (“HMCIC”), his decision on the 15 August to continue the process despite receipt of representations submitted on behalf of the Chief Constable, and his decision of the 29 September 2016 to call on the Chief Constable to resign with immediate effect, were all flawed. The Chief Constable argues that each of those decisions was irrational, disproportionate, took account of irrelevant considerations and breached his rights under Art. 8 of the European Convention on Human Rights (ECHR).
7. The Chief Constable is supported in his arguments by HMCIC.
8. The PCC resists each of the challenges, maintaining that he was entitled to take each of the decisions under challenge. The South Yorkshire Police and Crime Panel (the “PCP”) is, in essence, neutral on the issues of substance but argues it is unnecessary for the Court to scrutinise its action given the part it played in the process.
9. The Chief Constable needs permission to bring these proceedings. Mrs Justice Lang adjourned his application for permission and directed that the case be listed as a “rolled up” hearing at which the grant of permission would be considered and the substantive hearing would follow if permission was granted. Her ruling made clear that, in her view, the Chief Constable had raised arguable grounds of challenge but that the grant of permission should await this court’s ruling on the PCC’s argument that the challenges to the decisions of the 27 April and 4 July were out of time.
10. We received detailed and helpful skeleton arguments from Mr Hugh Davies QC and Ms Jessica Boyd on behalf of the Chief Constable, Mr Jonathan Swift QC and Ms

Joanne Clement on behalf of the PCC, Mr Clive Sheldon QC and Mr Christopher Knight on behalf of the First Interested Party, HMCIC, and from Mr Adrian Phillips on behalf of the Second Interested Party, the South Yorkshire Police and Crime Panel. We heard careful and well-argued submissions from all concerned at a hearing on the 28 and 29 March 2017. We record here our gratitude to all counsel and solicitors involved.

The History

11. A proper understanding of the detail of the history of these events is essential to a fair adjudication of this challenge. We therefore set out that history at a little length.

The Parties

12. The Claimant, David Crompton, was appointed Chief Constable of South Yorkshire on 24 January 2012. Prior to the conclusion of the Hillsborough Inquest, Mr Crompton had indicated an intention to retire from the post of Chief Constable in November 2016. He had had no involvement in South Yorkshire Police at the time of the Hillsborough disaster.
13. The Defendant, Alan Billings, was elected Police and Crime Commissioner for South Yorkshire on 3 November 2014. He was re-elected as PCC on 5 May 2016.
14. Sir Thomas Winsor was appointed as HMCIC on 1 October 2012.

The Hillsborough Inquests

15. In December 2012 the High Court quashed the verdict in the original inquest into the deaths at the Hillsborough Stadium and ordered fresh inquests to be held. Sir John Goldring was appointed Assistant Coroner for South Yorkshire (East) and West Yorkshire (West) to conduct those inquests. They commenced on 31 March 2014 in Warrington.
16. Seven months into those lengthy proceedings, on 31 October 2014, the Coroner refused an application made by the families of the deceased to admit into evidence South Yorkshire Police's previous apologies. Sir John Goldring concluded:

“I have come to the clear conclusion that for a number of different (and independent) reasons it would be wrong to admit this evidence. It would have no or little probative value. It would be highly prejudicial. It would divert the jury into complex avenues which would be collateral to the real issues. It would for no good reason further prolong the inquests. Moreover, I do not think that Ms Barton's conduct of the chief constable's case would justify the admission of such evidence. Her criticisms ... were not necessarily inconsistent with the admissions made by the chief constable. While her questioning regarding the perimeter gates might not have been wise, it does not begin to justify the admission of this evidence.”
17. The inquest jury returned their verdict at approximately 11am on 26 April. The jury's findings included the following:

- i) By a majority of 7 to 2, the jury indicated that they were satisfied, so that they were sure, that those who died in the disaster were unlawfully killed.
- ii) They determined that there was no behaviour on the part of football supporters which caused or contributed to the dangerous situation at the Leppings Lane turnstiles at Hillsborough.
- iii) They determined that there had been a number of errors and omissions by South Yorkshire Police that had caused or contributed to the deaths.
- iv) They found in particular, that there were errors or omissions by the police after the crush in the West Terrace at the ground which caused or contributed to the loss of lives.
- v) They concluded that, after the crush in the West Terrace had begun to develop, there were errors or omissions by the ambulance service which caused or contributed to the loss of life.
- vi) They concluded there were features of the design, construction and layout of the stadium which were dangerous or defective and which caused or contributed to the disaster.
- vii) They concluded that there were errors or omissions in the safety certification and oversight of the stadium that caused or contributed to the disaster.
- viii) They found that there were errors or omissions by Sheffield Wednesday Football Club in the management of the stadium and preparation for the match which caused or contributed to the dangerous situation which developed on the day of the match.
- ix) They concluded that there were errors or omissions by Sheffield Wednesday Football Club on 15 April 1989 which may have caused or contributed to the dangerous situation that developed at the Leppings Lane turnstiles and in the West Terrace.
- x) They found that Eastwood and Partners should have done more to detect and advise on any unsafe or unsatisfactory features of the Hillsborough Stadium which caused or contributed to the disaster.

Reaction to the Inquest

- 18. On 25 April 2016 it was widely reported that the inquest's findings would be delivered the following day. A meeting was held that same day, involving the Chief Constable and other senior officers at South Yorkshire Police, and the PCC and his staff, at which the appropriate response from South Yorkshire Police was discussed. It was agreed that the Chief Constable would issue a clear and unequivocal statement of apology on behalf of South Yorkshire Police after the findings were delivered.
- 19. In the days leading up to the verdict, the PCC asserts, he had telephone conversations with a number of local MPs who expressed:
 - “...their views on how perilous the situation could be for South Yorkshire Police particularly in light of various other historical matters that had already undermined public confidence in South Yorkshire Police. This included the recent failures in respect of child sexual exploitation in Rotherham and the call for a public inquiry into South Yorkshire Police's conduct at Orgreave during the 1984/85 miners' strike”.
- 20. On 22 April 2016 the PCC invited South Yorkshire MPs to a briefing to discuss the implication of the forthcoming verdicts. According to the PCC:

“The question was how much more damage to its reputation could the force could sustain before there was an intervention resulting in possibly disbanding the force, a forced merger or imposing a new leadership team. I shared those concerns.”

21. On the evening of 25 April 2016 the PCC spoke with Jack Dromey MP who was a member of the shadow home affairs team. He told him that the Shadow Home Secretary, Andy Burnham MP, was intending to make a statement in the House of Commons on 27 April 2016 and “that he intended to call on the Chief Constable to resign.” The PCC says that Mr Dromey told him that:

“this was because of the way in which South Yorkshire Police’s legal team had conducted the Inquests, and because of increasing media reporting of the Hillsborough families’ position that the conduct of South Yorkshire Police’s legal team at the Inquests had undermined the apology given on behalf of the Force in 2012.”

22. The reference to an apology in 2012 was a reference to a televised public statement made by the Chief Constable in September 2012, in which he made a fulsome apology in respect of both the disaster and the amendment of witness statements by police officers.
23. Sometime between 7.30am and 7.45am on 26 April 2016 the PCC went to see the Chief Constable in his office. He reported the conversation he had had the night before with Mr Dromey. According to the PCC he “discussed with the Chief Constable the possibility of issuing the planned apology and then resigning”. The Chief Constable declined to offer his resignation.
24. At 11.59am on 26 April the PCC received an email from Mr Bernie Keavy, a Labour Party official, which read “Alan, See Andy’s initial statement. The third paragraph is the one with most implications.” The attached statement came from the Labour Party press office and it set out the following statement from Mr Burnham:

“This has been the greatest miscarriage of justice of our times. But, finally, it is over. After 27 long years this is real justice for the 96, their families and all Liverpool supporters. The survivors of this tragedy can finally be remembered for what they were on that day - the heroes of Hillsborough who tried to help their fellow fans.

The Hillsborough Independent Panel gave us the truth. This Inquest has delivered justice. Next must come accountability. For 27 years, this police force has been consistently put protecting itself above protecting those hurt by the horror of Hillsborough. People must be held to account for their actions and prosecutions must now follow.

Disgracefully, the lawyers of retired police have attempted to continue the cover-up in this courtroom. They made it an adversarial battle in defiance of the Lord Chief Justice’s ruling. This has been brutal on the Hillsborough families and put them through hell once again. The current leadership of South

Yorkshire Police needs to explain why it went back on its 2012 apology at the Inquest prolonging the agony for the families.

The sense of relief that we feel is tempered by the knowledge that this day has taken far too long in coming. The struggle for justice has taken too great a toll on too many. But the Hillsborough families have at long last prevailed and finally their loved ones can rest in peace.”

25. At about 2pm, the Chief Constable released a press statement on behalf of South Yorkshire Police as had been agreed with the PCC. A video recording of the Chief Constable reading the statement was uploaded onto the South Yorkshire Police’s website. The statement included the following:

“I want to make it absolutely clear that we unequivocally accept the verdict of unlawful killing and the wider findings reached by the jury in the Hillsborough Inquests.

On 15 April 1989 South Yorkshire Police got the policing of the FA cup semi-final at Hillsborough catastrophically wrong. It was and still is the biggest disaster in British sporting history. That day 96 people died and the lives of many others were changed forever. The force failed the victims and their families.

Today, as I have said before, I want to apologise unreservedly to the families and all those affected.....

We will now take time to carefully reflect on the implications of the verdicts. We recognise that this is an important day for the families of those who died at the Hillsborough disaster and for everyone affected by what happened. They have waited 27 years for this outcome. Our thoughts are with them.”

26. According to the PCC, criticism of South Yorkshire Police began immediately after the release of the press statement. He says that the criticism “was also directed personally against the Chief Constable because of the way his legal team had asked questions at the inquests”. He says he received a number of emails from members of the public calling for the Chief Constable’s resignation. He says that the “victims’ families began to call for the Chief Constable to resign and this was reported on a regional BBC Look North programme”.
27. It had been agreed between the Chief Constable and the PCC and others in the weeks prior to the conclusion of the inquest that the Chief Constable would issue an apology on the day the inquest concluded and then avoid saying anything further. The Chief Constable says that after the statement by Mr Burnham he felt a further response was necessary. Later that afternoon the Chief Constable drafted a second statement. At approximately 18.05pm he emailed a draft of it to Ms Michelle Buttery, the Chief Executive and Solicitor to the Police and Crime Commissioner.
28. The proposed second statement was the subject of discussion between the Deputy Chief Constable, Dawn Copley, and Ms Buttery. Ms Buttery says she told Ms Copley that the Commissioner had real concerns about the proposed statement. She says she

told her that parts of the statement could be perceived as an inference that South Yorkshire Police were still blaming fan behaviour.

29. At about 9.30pm on 27 April there was a meeting between the Chief Constable, Ms Copley and Ms Buttery. A revised second statement was provided to Ms Buttery in which the references to Gate C and the perimeter gates, the matters to which Ms Buttery had indicated that particular exception was taken, were removed. Ms Buttery indicated that she would take a revised second statement to the PCC for his consideration.
30. Ms Buttery said that it was clear from her discussion with the Chief Constable that he was “insistent on a further statement being issued”. She says it was agreed between the Commissioner and his advisors that it was not his “role to assist in writing such a statement.”
31. At about 10am on 27 April a meeting took place between the Chief Constable and the Commissioner in the Commissioner’s office. The PCC told the Chief Constable that he could not advise him on the wording of any further statement. The PCC says:

“by this time I felt that I had made it abundantly clear that I thought a further statement should not be issued at all; it was equally clear to me that the Chief Constable did not agree with me. I did not consider that I could advise him on the detailed content of any further statement. I said this to the Chief Constable. My role as Commissioner is to hold the Chief Constable to account; not to direct him as to the content of statements he makes, on behalf of South Yorkshire Police to the media” (Emphasis added.)

32. At about 12.20pm that day the further statement was posted on the South Yorkshire Police website. It is necessary to set out that statement in its entirety:

“In 2012, the Chief Constable made a full apology for the failures of South Yorkshire Police (SYP) and the force has stood by that ever since. In the aftermath of the verdicts, the Chief Constable apologised again and unequivocally accepted the jury’s conclusions.

We have been asked about our conduct at the Inquests. The Coroner himself gave a clear ruling that specifically addresses the relationship between apologies and evidence at the Inquests. He ruled that to admit the previous 2012 apology by the Chief Constable into proceedings would be ‘wrong’ and ‘highly prejudicial’. He also ruled that the conduct of SYP during the Inquests was not inconsistent with this earlier apology. The force has taken careful note of the Coroner’s comments during the Inquests and has sought to be open and transparent at all stages.

It is important to remember that Inquests are not about guilt, liability or blame, but about establishing the facts. The intention throughout these proceedings has been to assist the jury understand the facts. We have never sought, at any stage, to defend the failures of SYP or its officers. Nevertheless,

these failures had to be put into the context of other contributory factors. In other words, where do the failings of SYP stand in the overall picture?

We are sorry if our approach has been perceived as at odds with our earlier apology, this was certainly not our intention.”

33. Fifteen minutes after that statement was issued, the then Home Secretary, Mrs Theresa May, made a statement to the House of Commons. She paid tribute to Mr Burnham who, she said, had “campaigns so tirelessly over the years on the families’ behalf”.

34. At 12.55pm Mr Burnham responded. His remarks included the following:

“The much bigger question for South Yorkshire Police to answer today is this: why at this inquest did they go back on their 2012 public apology? When the Lord Chief Justice quashed the original inquest he requested that the new one not degenerate into an “adversarial battle”. Sadly that is exactly what happened. Shamefully, the cover-up continued in that Warrington courtroom. Millions of pounds of public money was spent retelling discredited lies against Liverpool supporters. Lawyers for retired officers threw disgusting slurs around; those from today’s force tried to establish that others were responsible for opening of the gate. If the police had chosen to maintain their apology, this inquest would have been much shorter. But they did not and they put the families through hell once again. It pains me to say it, but the NHS through the Yorkshire Ambulance Service, was guilty of the same. Does the Home Secretary agree that because of his handling of this inquest, the position of the South Yorkshire Chief Constable is now untenable?.....”

35. Thereafter some ten Members of Parliament asked the Home Secretary further questions. The last of those was Mr Chris Heaton-Harris Conservative Member for Daventry. He expressed concern:

“about the culture that still exists in South Yorkshire Police. From statements on its website and statements it has made I fear it still has not learned all the lessons of that tragedy all that time ago. Will the Home Secretary be commenting on what is going on in South Yorkshire Police Force?”

36. The Home Secretary replied:

“I think everybody will be disappointed and, indeed, concerned by some of the remarks that have been made by South Yorkshire Police today. There was a very clear verdict yesterday in relation to the decisions that were taken by police officers and the action of police officers on 15 April 1989, and I urge South Yorkshire Police Force to recognise the verdict of the jury. Yes it must get on with the day to day job of policing in its force area but it needs to look at what happened-at what

the verdicts have shown-recognise the truth and be willing to accept that.”

37. There was criticism of South Yorkshire Police in statements of Members of Parliament that followed.
38. At approximately 1.45pm, the PCC says, he received a telephone call from Clive Betts MP who said that the Chief Constable’s statement had been very badly received by a large number of MPs “who thought the statement was defensive, self-justifying and showed that South Yorkshire Police was failing to acknowledge its own responsibilities.”
39. At 1.50pm, the PCC says, he received a telephone call from a member of one of the Hillsborough families who suggested that the Chief Constable should resign.
40. At about 2.00pm the PCC saw the Chief Constable and told him that he thought his options “were either to resign and make a dignified statement that he accepted responsibility for South Yorkshire Police’s action (which I would acknowledge) or that I would have to suspend him and would invoke the section 38 / Schedule 8 process”. The Chief Constable asked “how long I had to consider the options and the Commissioner said the deadline was 15.00 hours”. The Chief Constable asked for time to consider it overnight so that he could discuss the position with his wife. The PCC refused.
41. Shortly before 3.00pm the Chief Constable went to the PCC’s office and said he thought the 15.00 hours deadline was unreasonable. The PCC then said he would suspend him. On returning to his office the Chief Constable found an email from the PCC timed at 14.50pm. That email read:

“David,

It is with great regret that I have no choice other than to suspend you from duties as Chief Constable.

I have reached this decision with a heavy heart, following discussions we have had both in the run up to, and following, the delivery of the Hillsborough verdicts. My decision is based on the erosion of public trust and confidence referenced in statements and comments in the House of Commons this lunchtime, particularly the Home Secretary’s comments on the statement you released today. There have also been public calls for your resignation over the last 24 hours from a number of quarters, including local MPs and during a telephone call I received personally from one of the Hillsborough families today.

I am sorry you didn’t feel able to resign but I cannot ignore the weight of public opinion and the need I feel to restrict any further damage to the Force and its current workforce.

I am proposing to call for your retirement or resignation under Section 38 of the Police Reform and Social Responsibility Act 2011. You have the opportunity to make written representations about my proposal and I would be grateful if

you could indicate as soon as possible whether you intend to do so.

Yours sincerely,

Alan”

42. The following day the Chief Constable’s suspension was widely reported in the press. The front page of the Times newspaper contained an article referring to the Chief Constable and headed “Disgraced Police Chief may never face action”. The front page of the Metro newspaper carried a headline “Top cop is forced to step down”.
43. Later in the afternoon of 27 April the PCC took part in hustings for the forthcoming PCC election.

The Section 38 process and decisions

44. The PCC’s decision to suspend the Chief Constable was recorded in a PCC decision record dated 27 April 2016. The rationale for the decision is in the same terms as the email referred to above.
45. On 3 May 2016 the PCC’s solicitors wrote to the Chief Constable’s solicitor, explaining the reason for the PCC’s decision which was summarised in the email of 27 April 2016. The letter went on:

“The Commissioner believes that the consequence of [the second press statement] is that the public confidence in the Force has been further and significantly harmed, above and beyond the severe damage that has been done to the Force by the verdicts themselves. More importantly he believes that the statement has affected public confidence in your client’s ability to act as Chief Constable of the Force.”

46. On 17 May 2016 the PCC sent a letter to Sir Thomas Winsor, HMCIC, providing a detailed explanation of his reasons for invoking the section 38 procedure and seeking his views. Included in the letter were some 330 pages of supporting material. He confirmed that “the immediate cause for my decision and the reasons for it” were the Chief Constable’s decision to issue the second statement and what followed.
47. On 15 June 2016 HMCIC provided the PCC with a detailed response setting out his view on the proposal to require the Chief Constable to resign or retire. We summarise the contents of that letter at paragraph 157 below.
48. In June 2016, a report commissioned by the PCC and the-then acting Chief Constable and called the “Peer Review”, was published. It was produced by Deputy Chief Constable Andy Rhodes of Lancashire Constabulary in his role as The College of Policing Professional Community Chair for Organisational Development. It was said to be:

“a way of helping the new Chief Constable of South Yorkshire understand more clearly and quickly some of the key challenges and opportunities that will face him as he takes up his post.”

49. On 4 July 2016 the PCC provided the Chief Constable with his letter to Sir Thomas Winsor and the accompanying material, and a further document setting out the PCC's response to Sir Thomas' views. That letter indicated that the PCC maintained his decision of 27 April; it is the second decision under challenge in these proceedings.
50. On 22 July 2016 the Chief Constable provided his written response to the PCC.
51. On 15 August 2016 the PCC notified the Chief Constable that having considered the representations from him and HMCIC, he was still proposing to call upon the Chief Constable to resign or retire and accordingly would be inviting the PCP to make a recommendation pursuant to paragraph 15 of Schedule 8 to the 2011 Act. That is the third decision under challenge.
52. On 17 August 2016, the Chief Constable's solicitors sent a letter before action to the PCC. The PCC's solicitors responded on 2 September 2016. Further correspondence between solicitors followed.
53. The Second Interested Party, the PCP, sought the view of HMCIC on the PCC's response to his letter of 15 June 2016 and asked three further questions of HMCIC. HMCIC responded to the first of those requests on 12 September with further detailed observations in which he indicated that he remained of the view that the proposed removal would be unlawful. On 15 September he answered the PCP's three questions.
54. On 16 September 2016, the PCP held a scrutiny hearing under paragraph 15 of Schedule 8. Following that hearing on 21 September 2016, the PCP published its recommendation which was that the PCC should call on the Chief Constable to resign or retire.
55. By letter dated 29 September 2016 the PCC informed the Chief Constable that he had accepted the PCP's recommendation and was calling on him to resign from his post as Chief Constable. The letter concluded:

“The reasons for my decision are those I have set out in the course of the section 38/Schedule 8 process. Put very shortly, I remain of the opinion that the Chief Constable's resignation is necessary to ensure public confidence in the South Yorkshire Police Force.”
56. That was the fourth decision under challenge. The Chief Constable resigned later the same day.

The Statutory Scheme

57. Section 1 of the Police Reform and Social Responsibility Act 2011 abolished Police Authorities and established Police and Crime Commissioners. Section 1 provides as follows:

“1 Police and crime commissioners

(1) There is to be a police and crime commissioner for each police area listed in Schedule 1 to the Police Act 1996 (police areas outside London).

(2) A police and crime commissioner is a corporation sole.

...

(4) The police and crime commissioner for a police area is to be elected, and hold office, in accordance with Chapter 6.

(5) A police and crime commissioner has—

- (a) the functions conferred by this section,
- (b) the functions relating to community safety and crime prevention conferred by Chapter 3, and
- (c) the other functions conferred by this Act and other enactments.

(6) The police and crime commissioner for a police area must—

- (a) secure the maintenance of the police force for that area, and
- (b) secure that the police force is efficient and effective.

(7) The police and crime commissioner for a police area must hold the relevant chief constable to account for the exercise of—

- (a) the functions of the chief constable, and
- (b) the functions of persons under the direction and control of the chief constable.

(8) The police and crime commissioner must, in particular, hold the chief constable to account for—

- (a) the exercise of the duty under section 8(2) (duty to have regard to police and crime plan);
- (b) the exercise of the duty under section 37A(2) of the Police Act 1996 (duty to have regard to strategic policing requirement);
- (c) the exercise of the duty under section 39A(7) of the Police Act 1996 (duty to have regard to codes of practice issued by Secretary of State);
- (d) the effectiveness and efficiency of the chief constable's arrangements for co-operating with other persons in the exercise of the chief constable's functions (whether under section 22A of the Police Act 1996 or otherwise);
- (e) the effectiveness and efficiency of the chief constable's arrangements under section 34 (engagement with local people);
- (f) the extent to which the chief constable has complied with section 35 (value for money);
- (g) the exercise of duties relating to equality and diversity that are imposed on the chief constable by any enactment;
- (h) the exercise of duties in relation to the safeguarding of children and the promotion of child welfare that are imposed on the chief constable by sections 10 and 11 of the Children Act 2004.”

58. Section 2 of the Act makes provision in respect of Chief Constables. Section 2 provides as is material as follows:

“2 Chief constables

- (1) Each police force is to have a chief constable.
- (2) The chief constable of a police force is to be appointed, and hold office, in accordance with—
 - (a) section 38, and
 - (b) the terms and conditions of the appointment.
- (3) A police force, and the civilian staff of a police force, are under the direction and control of the chief constable of the force.
- (4) A chief constable has the other functions conferred by this Act and by other enactments.
- (5) A chief constable must exercise the power of direction and control conferred by subsection (3) in such a way as is reasonable to assist the relevant police and crime commissioner to exercise the commissioner's functions...”

59. Section 28 establishes Police and Crime Panels in each area. Section 28 provides as is material as follows:

“28 Police and crime panels outside London

- (1) Each police area, other than the metropolitan police district, is to have a police and crime panel established and maintained in accordance with Schedule 6 (police and crime panels)...
- (2) The functions of the police and crime panel for a police area must be exercised with a view to supporting the effective exercise of the functions of the police and crime commissioner for that police area.
- (3) A police and crime panel must—
 - (a) review the draft police and crime plan, or draft variation, given to the panel by the relevant police and crime commissioner in accordance with section 5(6)(c), and
 - (b) make a report or recommendations on the draft plan or variation to the commissioner.
- (4) A police and crime panel must—
 - (a) arrange for a public meeting of the panel to be held as soon as practicable after the panel is sent an annual report under section 12,
 - (b) ask the police and crime commissioner, at that meeting, such questions about the annual report as the members of the panel think appropriate,

- (c) review the annual report, and
- (d) make a report or recommendations on the annual report to the commissioner.

(5) A police and crime panel has the functions conferred by Schedules 1 (procedure for appointments of senior staff), 5 (issuing precepts) and 8 (procedure for appointments by police and crime commissioners).

- (6) A police and crime panel must—
- (a) review or scrutinise decisions made, or other action taken, by the relevant police and crime commissioner in connection with the discharge of the commissioner's functions; and
 - (b) make reports or recommendations to the relevant police and crime commissioner with respect to the discharge of the commissioner's functions, insofar as the panel is not otherwise required to do so by subsection (3) or (4) or by Schedule 1, 5 or 8...”

60. The critical statutory provision in this case is section 38 of the Act. That provides:

“38 Appointment, suspension and removal of chief constables

(1) The police and crime commissioner for a police area is to appoint the chief constable of the police force for that area.

(2) The police and crime commissioner for a police area may suspend from duty the chief constable of the police force for that area.

(3) The police and crime commissioner for a police area may call upon the chief constable of the police force for that area to resign or retire.

(4) The chief constable must retire or resign if called upon to do so by the relevant police and crime commissioner in accordance with subsection (3).

(5) Schedule 8 (appointment, suspension and removal of senior police officers) has effect.

(6) This section is subject to Parts 1 and 2 of Schedule 8.

(7) This section and Schedule 8 are subject to regulations under section 50 of the Police Act 1996.”

61. By section 79 the Secretary of State must issue a “Policing Protocol”. Police and Crime Commissioners, Chief Constables and Police and Crime Panels are required to have regard to the Policing Protocol in exercising their powers. That Protocol is contained in the Schedule to The Policing Protocol Order, SI 2011/2744. Much of that

Protocol is relevant to this case; we set out here just those provisions relied upon by the parties. We refer to further paragraphs below:

“9. This Protocol does not supersede or vary the legal duties and requirements of the office of constable. Chief Constables remain operationally independent...

11. The 2011 Act establishes PCCs within each force area in England and Wales with the exception of the City of London. The 2011 Act gives these PCCs responsibility for the totality of policing within their force area. It further requires them to hold the force Chief Constable to account for the operational delivery of policing including in relation to the Strategic Policing Requirement published by the Home Secretary.

12. The 2011 Act does not impinge on the common law legal authority of the office of constable, or the duty of constables to maintain the Queen's Peace without fear or favour. It is the will of Parliament and Government that the office of constable shall not be open to improper political interference...

15. The PCC within each force area has a statutory duty and electoral mandate to hold the police to account on behalf of the public...

17. The PCC has the legal power and duty to—

...

(b) scrutinise, support and challenge the overall performance of the force including against the priorities agreed within the Plan;

(c) hold the Chief Constable to account for the performance of the force's officers and staff;

...

(f) remove the Chief Constable subject to following the process set out in Part 2 of Schedule 8 to the 2011 Act and regulations made under section 50 of the Police Act 1996;

(g) maintain an efficient and effective police force for the police area;

...

(i) provide the local link between the police and communities, working to translate the legitimate desires and aspirations of the public into action...

18. In addition, the PCC must not fetter the operational independence of the police force and the Chief Constable who leads it...

22. The Chief Constable is accountable to the law for the exercise of police powers, and to the PCC for the delivery of efficient and effective policing, management of resources and expenditure by the police force. At all times the Chief Constable, their constables and staff, remain operationally independent in the service of the communities that they serve.

23. The Chief Constable is responsible to the public and accountable to the PCC for—

- (a) leading the force in a way that is consistent with the attestation made by all constables on appointment and ensuring that it acts with impartiality;...
- (h) being the operational voice of policing in the force area and regularly explaining to the public the operational actions of officers and staff under their command;...
- (j) remaining politically independent of their PCC;..
- (l) exercising the power of direction and control in such a way as is reasonable to enable their PCC to have access to all necessary information and staff within the force;...

26. The Chief Constable retains responsibility for operational matters...

30. The operational independence of the police is a fundamental principle of British policing. It is expected by the Home Secretary that the professional discretion of the police service and oath of office give surety to the public that this shall not be compromised...”

- 62. The powers in section 38 are exercisable subject to the provisions of Schedule 8 and regulation 11a of the Police Regulations 2003. The effect of those provisions is common ground. The PCC must give the Chief Constable a written explanation of the reasons why he is proposing to call for his retirement or resignation (paragraph 13(2)). He must notify the relevant PCP he is proposing to call on the Chief Constable to retire or resign and must provide it with a copy of the reasons given to the Chief Constable for proposing so to do (paragraph 13(3)). He must obtain the views of HMCIC in writing and must have regard to those views (regulation 11A of the 2003 Regulations). He must give the Chief Constable the opportunity to make representations about the proposal (paragraph 13(4)). He must consider those representations and provide them to the PCP (paragraph 13(5)).
- 63. If he still proposes to require the Chief Constable to retire or resign after so doing, he must notify the Chief Constable and the PCP that this remains his intention (paragraph 14). The PCP so notified must within six weeks make a recommendation to the PCC as to whether or not he should call for the retirement or resignation (paragraph 15(2) and (3)). Before doing so it may consult HMCIC and must hold a “scrutiny hearing” at which the PCC and the Chief Constable may make representations (paragraph 15(4) and (9)). Having considered again the PCP’s recommendation, the PCC may accept or reject it and must notify the PCP of his decision (paragraph 16).
- 64. By section 38(4) a Chief Constable called on to resign or retire at the end of this process “must” do so.

Preliminary Issues

65. We come later in this judgment to address individually the challenges to each of the four decisions. Three preliminary issues arise, which are relevant to more than one of the decisions under challenge, and it is convenient to deal with them now. They are:
- i) The Policing Protocol and the duty of co-operation;
 - ii) The test to be applied to the PCC's decisions and the margin of appreciation, if any, due to the Chief Constable; and
 - iii) The application of Art 8.

The Policing Protocol

66. The 2011 Act seeks to achieve two, sometimes conflicting, objectives. First, it seeks to maintain proper operational independence for Chief Constables. Second it seeks to achieve proper democratic oversight of the conduct of Chief Constables, for which purpose the electoral mandate of PCCs to hold the police to account is given statutory expression.
67. There will inevitably be tension between these two imperatives in practice. But the Protocol provides a mechanism by which these tensions are to be managed. The Protocol is contained in a schedule to a statutory instrument and all those involved in policing are required, as a matter of law, to have regard to the Protocol in exercising their functions.
68. Paragraph 8 of the Protocol provides:
- “The establishment and maintenance of effective working relationships by these parties is fundamental. It is expected that the principles of goodwill, professionalism, openness and trust will underpin the relationship between them and all parties will do their utmost to make the relationship work....” (Emphasis added.)
69. Paragraph 35 provides:
- “The PCC and Chief Constable must work together to safeguard the principle of operational independence, while ensuring that the PCC is not fettered in fulfilling their statutory role. The concept of operational independence is not defined in statute, and as HMIC has stated, by its nature, is fluid and context-driven...” (Emphasis added.)
70. Paragraph 42 provides:
- “The PCC is a publicly accountable individual who together with their Chief Constable will need to establish effective working relationships in order to deliver policing within England and Wales. Where differences occur they should be resolved where possible locally between the PCC and Chief Constable. Professional advice may be offered by HMIC.”(Emphasis added.)

71. These are unusual provisions to find in a schedule to a statutory instrument but, in our judgment, they are critical to the proper functioning of the new arrangements for which the 2011 Act makes provision.
72. It follows that in their approach to the verdicts of the jury in the Hillsborough Inquest, the Commissioner and the Chief Constable were obliged to conduct their relationship with each other in accordance with the principles to which we have just referred. An absence of goodwill, professionalism, openness and trust, or of efforts to work together, is likely to destroy the proper working relationship between Commissioner and Chief Constable. It is also likely to undermine attempts to secure that the police force is efficient and effective, an obligation placed on the Commissioner by s.1(6), and to undermine the proper exercise of the powers of the Chief Constable to assist the Commissioner under s.2(5).
73. Accordingly it is necessary to test the actions of parties to these proceedings against those requirements. The respect accorded to that obligation will provide a critical metric for determining the rationality of decisions taken by the parties.

The test to be applied to the PCC's decisions and the margin of appreciation to be accorded to the Chief Constable

74. It is common ground between the parties that the effect of s.38 and Part 2 of Schedule 8 to the 2011 Act and regulation 11A of the Police Regulations 2003 is to give the PCC a power to suspend the Chief Constable. These provisions require the Commissioner to follow the procedure summarised above when contemplating calling upon the Chief Constable to resign or retire. It is also common ground that that procedure was followed here. However the parties took starkly conflicting positions as to the breadth of the powers given to the PCC and the test to be applied by the court to determine the lawfulness of his decision. Closely related to that latter decision is the margin of discretion, if any, to be allowed to the Chief Constable in the decisions he takes.
75. It was argued by Mr Davies for the Chief Constable, and by Mr Sheldon on behalf of HMCIC, that s.38 should be construed as permitting the PCC to require the Chief Constable to resign or retire only for matters within the PCC's "primary duty" under s.1(6), as interpreted by reference to the Policing Protocol. We reject that submission.
76. In our judgment the words of s.1 are plain. The PCC is not just entitled, but obliged, to hold the relevant Chief Constable to account in respect of all the functions of the Chief Constable and for all the functions of those acting under his direction and control. Nothing in the Act limits the wide obligations of the PCC under s.1(7) which requires him to hold the Chief Constable to account for the exercise of any of the Chief Constable's functions.
77. It is said that exercise of the s.38 powers cannot interfere with the operational independence of a Chief Constable. That point goes both to the breadth of the PCC's power and the margin of appreciation to be allowed to the Chief Constable.
78. It is right to observe, as Mr Davies points out, that the operational independence of the Chief Constable is repeatedly recognised in the Policing Protocol. However, the PCC is obliged to hold the Chief Constable to account for every function he performs. In our judgment, matters relevant to operational independence are not excluded from the scope of the PCC's powers of scrutiny. The operational independence at common law (see notably *R v Commissioner of Police of the Metropolis ex parte Blackburn*

[1968] 2 QB 118 at 135) must give way, if so required, by the terms of the 2011 Act and, in our judgment, the Act qualifies that common law rule.

79. The Act adopts a more nuanced approach than the common law in this regard, recognising in the Protocol it introduces both the importance of operational independence and an important competing imperative, namely democratic oversight of the police. It is, in our judgment, impossible to see operational independence as being beyond the supervision of the PCC.
80. Next it was said by Mr Davies that s.38(3) is what he calls a “sanctioning power”, which, he says, can only be exercised on the basis of cogent reason and thorough enquiry.
81. The power under s.38 can fairly be described as a “sanctioning power”. But there is no principle that such a characterisation mandates the reading down of the clear words of the statute. The consequences of the exercise of the power are relevant to issues of rationality and proportionality, where that is in issue, but no more.
82. Mr Swift argues that in exercising the power under s.38(2) the Commissioner was obliged to have regard to matters specified in the 2011 Act, namely the Police and Crime Plan issued by the Commissioner (under s.8) and the views of the people in the area about policing in the area (s.17(1)). He says that the powers are to be exercised in the light of the Commissioner’s duties under s.1 of the Act, including the duty under s.1(6)(b) to secure that the police force is efficient and effective.
83. Mr Swift says that, other than the procedural regime imposed by the Act and the rules and the constraints of public law, there was no restriction on the circumstances which might prompt the PCC to suspend the Chief Constable or to call for his resignation or retirement. He observes that s.38(2) and (3) provide simply that the PCC “may” suspend or call upon the Chief Constable to resign or retire. He argues that neither the Act nor the rules require the PCC to allow any margin of appreciation to the Chief Constable at all.
84. In other words, says Mr Swift, it is open to the PCC simply to disagree with the Chief Constable about a decision he has taken and, provided the statutory procedure is followed, to call upon him to retire or to resign in consequence. That, says Mr Swift, is the statutory consequence of the obligation on the PCC to hold the Chief Constable to account. The breadth of that submission was illustrated during argument. Mr Swift maintained that it would have been as open to the PCC to require the Chief Constable’s resignation if he had failed to make a second statement on the 27 April 2016 as it was because he made one in the terms he did.
85. According to Mr Swift, the Court’s powers of review of his client’s decision were limited to the familiar challenges of illegality, procedural impropriety and irrationality. Of those, only the last was in play here.
86. Mr Sheldon argued that, regardless of whether a Convention right was engaged, the potential impact of a decision would justify the court subjecting the decision to strict scrutiny as a matter of common law, in a manner which mirrored a proportionality test. We were taken to the Supreme Court’s decisions in *Kennedy v Information Comr (Secretary of State for Justice intervening)* [2015] AC 455 where at paragraph 51 Lord Mance said

“the common law no longer insists on the uniform application of the rigid test of irrationality once thought applicable under the so-called Wednesbury principle. The nature of judicial review in every case depends upon the context. The change in this respect was heralded by what Lord Bridge of Harwich said in *R v Secretary of State for the Home Department, Ex p Bugdaycay* [1987] AC 514, 531 where he indicated that, subject to the weight to be given to a primary decision-maker's findings of fact and exercise of discretion, “the court must ... be entitled to subject an administrative decision to the more rigorous examination, to ensure that it is in no way flawed, according to the gravity of the issue which the decision determines”.

87. At paragraph 54 Lord Mance continued:

“As Professor Paul Craig has shown (see e.g. “The Nature of Reasonableness” (2013) 66 CLP 131), both reasonableness review and proportionality involve considerations of weight and balance, with the intensity of the scrutiny and the weight to be given to any primary decision maker's view depending on the context.”

88. In *Pham v Secretary of State for the Home Department* [2015] 1 WLR 1591, Lord Carnworth (with whom the other members of the court agreed) cited the judgment of Lord Mance in *Kennedy* with approval.

89. We consider whether proportionality in the context of Art 8 is relevant in the present case in the following section of the judgment. For the present, it suffices for us to indicate that we accept Mr Swift's submissions that these two decisions do not mean proportionality has been incorporated into English domestic law where neither EU law nor the ECHR is engaged. But in our judgment they do make good the submission, if it were ever open to doubt, that the intensity of review of a decision subject to judicial review will vary according to context. And here, in our judgment, the critical context is provided by the Protocol.

90. In our view, the terms of the Protocol serve to qualify the powers of the PCC. The duty of co-operation which we have described above proceeds on the basis of “goodwill, professionalism, openness and trust” between Chief Constable and the PCC. Given those considerations, in our judgment, it is necessary always for a PCC to accord a Chief Constable a margin of appreciation in the decisions he takes. The obligation on PCC and Chief Constable to “work together to safeguard the principle of operational independence” requires the PCC to recognise and respect the professional judgment of the Chief Constable and to work with him to maintain that independence. Action by the PCC based on the basis of simple disagreement with a decision of the Chief Constable would be inconsistent with those obligations.

91. As the Protocol makes clear “The operational independence of the police is a fundamental principle of British policing”. The fact that the PCC's powers to call the Chief Constable to account extend to operational matters does not mean that operational independence is of no significance. There is an important difference between scrutiny of the Chief Constable's action and control of his actions.

92. The analysis set out above applies whatever the nature of the decision taken by the Chief Constable. It is particularly important where operational independence is concerned but we accept Mr Sheldon's submission that this case does not directly involve operational independence. HMCIC says in his report to the PCC, and we accept, that relations with the media is, nonetheless, an important part of modern police leadership and the need for a Chief Constable to be permitted a margin of discretion here is as real as in areas more commonly regarded as subject to operational independence.
93. The Chief Constable is not the PCC's employee. He leads, and is responsible for, his force. He occupies an office of considerable constitutional significance. As Mr Sheldon submitted, the stability or fragility of a police force depends to a significant degree on the way in which a Chief Constable is treated. If Chief Constables can too readily be removed, there is a serious risk of the stability of the force being undermined. It follows that we prefer the argument with which Mr Davies concluded his submissions on this issue; it cannot be reasonable for a PCC to suspend the Chief Constable for taking a decision which was itself reasonable.
94. In our judgment therefore, the proper test to be applied by the PCC to the actions of a Chief Constable is to ask whether those actions are outside the range of reasonable responses available to a Chief Constable. The test for the court to apply to the PCC's decision-making is to ask whether that decision making meets the requirements of public law, namely whether it is lawful, procedurally proper and rational. Since the lawfulness and procedural propriety of the PCC's actions are not in issue here, the question resolves to this: could the PCC rationally conclude that the Chief Constable's actions were outside the range of reasonable responses?

Art 8 ECHR

95. The Chief Constable maintains that there is a further element to the test; he says that the PCC's decision is also vulnerable to challenge if it was disproportionate. There was a debate between the parties as to whether our contemporary common law imports into public law a requirement of proportionality. But we do not need to determine that issue. It was agreed that if Art 8 ECHR was engaged, proportionality was an element of the test.
96. We reject Mr Swift's submission that Art 8 is not engaged. In our judgment, it is plain that the exercise of the s.38 powers had the capacity significantly to affect the reputation of the Chief Constable concerned. Certainly on the facts here, the Chief Constable's suspension on 27 April 2016 severely damaged his reputation. We have seen some of the press coverage of the decision to suspend and it was plainly devastating of that reputation. We have no hesitation in rejecting Mr Swift's submission that the interference in the Chief Constable's private life occasioned by the suspension and its consequent publicity was insufficiently grave to engage Art 8. We admit into evidence the Chief Constable's additional witness statement which describes how he regarded the effect of his suspension on his private life. But in our judgment that late evidence was not necessary; the public suspension of the Claimant from his role of Chief Constable inevitably impacted on his private life.
97. Mr Swift argued, relying on *Turner v East Midlands Train Ltd* [2012] EWCA Civ 1470 at paragraph 35, that Art 8 cannot be relied upon "in order to complain of a loss of reputation which is a consequence of one's own actions." But, in our view, that does not assist him here as the very issue that calls for determination is whether the

loss of reputation was the consequence of the Chief Constable's actions or of a disproportionate reaction to those actions by the PCC.

98. Accordingly, we hold that it is open to the Chief Constable additionally to challenge the decisions of the PCC on the grounds that they were disproportionate.
99. There was some suggestion in argument that it would have been open to the Chief Constable to pursue remedies in contract for his loss of office. Those arguments were not developed before us and accordingly we do not deal with them further.

The Questions for Decision

100. In our judgment the following questions arise for decision on the facts of this case:
 - i) Should permission be given to challenge the first, second and third decisions or are they out of time?
 - ii) Was the first decision, to suspend the Chief Constable rational?
 - iii) Was the second decision to continue the section 38 process, having received the views of HMCIC, rational?
 - iv) Was the decision of 15 August 2016 to maintain the decision, following receipt of the Chief Constable's representations, rational?
 - v) Was the final decision to require the Chief Constable's resignation lawful?
 - vi) Were the decisions proportionate?

Discussion

Permission and Delay

101. The obligation under CPR 54.5 is to file the claim form in judicial review proceedings "promptly...and in any event not later than three months after the ground to make the claim first arose."
102. The ground for making the claim in respect of the first decision, namely the decision to suspend the Chief Constable, first arose on 27 April 2016. The claim should have been issued promptly thereafter and in any event should have been issued by 27 July 2016, the expiry of three months after that date. It was not in fact filed until 3 October 2016.
103. Mr Davies for the Chief Constable sought to argue that full reasons were not provided by the PCC for his reason to suspend the Chief Constable until 4 July 2016 and so the claim was issued in time. We reject that submission. In our judgment, the Chief Constable knew of the decision he seeks to challenge and knew the substance of the PCC's reasons on 27 April. He did not need to wait until receiving the letter on the 4 July to decide whether there were grounds to challenge it. In any event, as is set out in the notes to CPR 54.5(1) in the White Book:

"time runs from the date when the grounds first arose not on the date when the claimant learned of the decision or from the date when the claimant considered that they had adequate

information to bring the claim” (see *R v Secretary of State for Transport ex parte Presvac* [1992] 4 Admin LR 121 at 133).

104. The second decision under challenge was that of the 4 July to continue with the proposal to require the Chief Constable’s resignation, notwithstanding the observations of HMCIC. That decision was taken almost precisely three months before the proceedings were issued. In respect of that claim, the proceedings were certainly not issued promptly.
105. The third decision was dated 15 August 2016. In our view, the claim form in respect of that decision was issued both promptly and within three months, and we note that Lang J did not suggest otherwise when making the Order of 15 November 2016. There is no suggestion that the challenge to the fourth decision to require the Chief Constable’s resignation was not in time.
106. The question that arises, therefore, is whether we should grant an extension of time under CPR Part 3.1(2)(a) to permit the Chief Constable to challenge the first and second decisions, notwithstanding that the claim in respect of them was issued out of time. We look to see whether there is a good reason to do so. We have also considered whether doing so would cause hardship or prejudice to the PCC or a detriment to good administration.
107. We resolve each of those questions in the Chief Constable’s favour. In our judgment, on the facts of this case, where each of the decisions was a step along the path required by statute when a direction under section 38 is being contemplated by a PCC, and where the Chief Constable argues that a flawed approach by the PCC underlies all the decisions made, it is understandable that the Chief Constable should wait until the final decision before launching proceedings. Those circumstances provide a good reason to extend time. We anticipate that PCC would have alleged a challenge was premature if launched before the process was completed.
108. Given that on any view the challenges to the third and fourth decisions are in time and fall to be considered, we can see no prejudice to the PCC or detriment to good administration in permitting these claims also to be considered.
109. In those circumstances, we extend time. Furthermore we indicate now that in our judgment this is an appropriate case in which to grant the Chief Constable permission to apply for judicial review in respect of all four decisions. In our view, now that time has been extended, all of those challenges are at least properly arguable.

The Decision to Suspend

110. The PCC contends that it was not necessary for the Chief Constable to make a second statement at all. The parties had agreed that a statement should be made on the day the jury’s determination was received and then not to comment again.
111. He says that by the morning of 27 April 2016 it was apparent to him that to release the second statement in the form then proposed would be a serious misjudgement on the part of the Chief Constable. In his view, the reference to “other contributory factors” in a statement released within hours of the inquest jury’s verdict was “disastrous”. He said he had sought to advise the Chief Constable not to issue a statement at all but the Chief Constable was determined to do so.

112. Mr Swift, for the PCC argues that there was plainly a rational basis for a proposal to call on the Chief Constable to resign. He says that the Chief Constable's second statement had prompted a significant response. He says that the Commissioner considered the decision to issue that statement a very serious misjudgement that seriously damaged public confidence in the Chief Constable and South Yorkshire Police. He says that the reference in it to "contributory factors" could be interpreted, and was widely interpreted, to refer to fan behaviour, in other words to the contention that the behaviour of the Liverpool Football Club fans caused or contributed to the dangerous situation at the Leppings Lane turnstiles.
113. Mr Swift argues that the PCC considered that the second statement could be understood as an indication that South Yorkshire Police did not fully accept the Hillsborough verdicts and would reinforce public perception that South Yorkshire Police were either unwilling or unable to accept responsibility for its own actions. He says that the PCC considered the content and timing of the second statement to be disastrous. He says the public standing of the police in South Yorkshire was already low following the publication in 2014 of the Jay Report into child sexual exploitation in Rotherham. He says the second statement provoked extensive criticism of South Yorkshire Police and the Chief Constable in Parliament, from local MPs, and families of Hillsborough victims and from local people.
114. Mr Swift argues that the result was the Chief Constable's position had become untenable. In the Commissioner's view there had been an erosion of public trust and confidence in both the Chief Constable and South Yorkshire Police.
115. In our judgment, there are five critical points on this issue:
- i) The decision to make any second statement at all;
 - ii) The propriety of the PCC's response;
 - iii) The relevance of the background in South Yorkshire;
 - iv) The proper interpretation of the statement; and
 - v) Public reaction to the second statement.

No need to respond to the Shadow Home Secretary.

116. The Commissioner suggests that it is often wisest for people in public life to make 'no comment' in respect of a demand by politicians to make a statement. Whilst that may be true in certain circumstances, we reject the suggestion that to decide to issue a second statement on the facts of this case was outside the range of reasonable responses by the Chief Constable.
117. The call for a further statement had been made in Parliament by a senior politician, the politician who had played the most important part in the campaign to secure justice for the victims of Hillsborough. One of the criticisms made of South Yorkshire Police, which the PCC adopted in his letter to HMCIC of 17 May 2016, was that "no-one at the top ever took responsibility for anything and their reaction to any issue was to hide themselves away and hope everything would blow over".
118. In those circumstances we regard the Commissioner's stance that it was wrong to respond at all to Mr Burnham's statement as irrational. On any view, the conclusion

that it was appropriate to issue a second statement was one that was properly open to the Chief Constable.

The Propriety of the PCC's Response

119. The Commissioner says that, faced with the Chief Constable's decision to make a second statement, it was not for him to advise further on the contents of the statement. To do so, he says, would inhibit his holding the Chief Constable to account. He says in his second witness statement that it "was not part of my role to direct him not to publish the statement...It was my role to hold the Chief Constable to account for that decision". Ms Buttery puts it in this way in her statement:

"We agreed it was not the Commissioner's role to assist in writing such a statement. This would be inappropriate and would frustrate the Commissioner's ability to fulfil his duty to hold the Chief Constable to account for his final decisions and actions".

120. We regard that approach as surprising in the extreme. The Commissioner's statutory obligation under s.1(6) was to secure the maintenance of South Yorkshire Police and to secure that that force was efficient and effective. On his case, he was faced with a proposal to act in a way which would cause the force real damage. In those circumstances, in our judgment, to fail to do all he could to prevent that harm was a serious error.
121. Furthermore, in our judgment, "goodwill, professionalism, openness and trust" and the requirement to work together, the qualities required by the Protocol, ought to have led the Commissioner to engage with the Chief Constable on the drafting of the second statement on the morning of the 27 April. He should have told the Chief Constable, frankly and plainly, the risks he believed he was running by issuing the statement in that form. He did not do so. It was, in our judgment, inconsistent with the collaborative approach required by the Protocol for the Commissioner to 'sit on his hands' as the Chief Constable made what the Commissioner regarded as a fundamental mistake.
122. Rather than standing by and allowing the Chief Constable to make the error, for which the PCC could then hold him to account, the proper applications of the principles in the Protocol should have led the Commissioner to warn the Chief Constable that if he went ahead and issued the statement, he would be at risk of suspension under s.38. As it was, within an hour and a half of the Chief Constable releasing the second statement, but without any such warning, the Commissioner was asking for his resignation. An hour later when that resignation was not forthcoming, the Commissioner exercised his section 38 power to suspend.
123. Furthermore, it seems to us implicit in the PCC's statement that he regarded "holding the Chief Constable to account" as synonymous with suspending him. We regard that interpretation of the statutory duty as a wholly unreasonable one.
124. In *Shoosmith v Ofsted* [2011] PTSR 1459 Maurice Kay LJ said (at paragraph 66) "'Accountability' is not synonymous with 'Heads must roll'". Nor in our judgment, is it synonymous with requiring a Chief Constable's suspension. There is a continuum of possible means of performing the function of holding to account. It may require no more than requiring an explanation from the Chief Constable. It may involve the provision of advice or the administration of a warning or reprimand. It may be

possible to impose a short, or longer, period of suspension. At the further end of the continuum, it may involve requiring early retirement or ultimately resignation.

125. We have seen no evidence that the PCC even considered any measure less severe than suspension on 27 April 2016.

The Background in South Yorkshire

126. In communications subsequent to the decision to suspend, the PCC pointed to a number of background events which he asserts were relevant to his decisions to suspend and then to call for the resignation or retirement of the Chief Constable. Those background events included the conduct of South Yorkshire Police in relation to the allegations of child sexual exploitation in Rotherham and the proposal for an inquiry into events at Orgreave during the miners' strike. It was said that those events had undermined public confidence in South Yorkshire Police so that any further undermining of that confidence in the statements issued by the Chief Constable in respect of Hillsborough would be especially serious.
127. It is to be noted that none of those background matters were relied on by the PCC at the time of making the decision to suspend the Chief Constable. They did, however feature, in subsequent decisions. In our view the PCC was entitled to have regard to the state of public confidence in South Yorkshire Police in making the second, third and fourth decisions. He was entitled to view the significance of the second statement in the context of his assessment of the strength of public feeling about the competence of South Yorkshire Police.
128. The PCC accepts that these factors were only matters of background and did not themselves prompt the decisions under challenge. However, the argument that these matters meant that public confidence in the Chief Constable was fragile is only relevant if, on a proper analysis, the second statement can fairly be said to have caused further damage to public confidence. It is to that question that we turn at paragraph 130 below.
129. Reference was also made by the PCC in subsequent correspondence to what has been called the "Peer Review". That was the review commissioned by the Acting Chief Constable and the PCC in May 2016 into the operational and organisational capability and capacity of South Yorkshire Police. It was published on 25 September 2016. It was critical of the police but it did not identify the Chief Constable for particular criticism. In fact, as was submitted by Mr Davies, it could be read as being as critical of the PCC as of the Chief Constable. In our judgment the PCC was entitled to place very little weight on this document in reaching the decisions he did after its receipt.

The Interpretation of the Second Statement

130. We have set out in paragraph 32 above the full terms of the second statement issued by the Chief Constable. It is necessary in order properly to interpret that to have regard to its immediate context. By that expression, we refer to the 2012 statement, the first statement delivered on 26 April 2016 and the determination of the Hillsborough jury.
131. Read against that context, it seems to us that, from a legal point of view, the meaning of the second statement was perfectly clear. South Yorkshire Police stood by the apology made in 2012. Immediately after the jury's determination the Chief Constable repeated his apologies. The Chief Constable "unequivocally accepted the

jury's conclusions". South Yorkshire Police did not seek to defend the failures of their predecessors but asserted that those failures had to be put into the context of other contributory factors. The expression "other contributory factors" read in context, could only refer to the other failures identified by the jury at the Hillsborough inquest.

132. We recognise, however, that this statement was not intended solely, or even primarily, for lawyers. It was a public statement and falls to be considered as the public would view it. Furthermore, the context to that statement was wider than the immediate considerations to which we have referred. In particular, the context included the conduct of the inquests by both South Yorkshire Police and retired South Yorkshire police officers, who were represented independently of South Yorkshire Police. The conduct of the inquests by those representing the retired officers had been the subject of criticisms; that conduct demonstrated that those former officers continued to blame Liverpool football supporters for what happened at Hillsborough.
133. Even taking into account that wider context, and trying to view the second statement from the standpoint of a non-lawyer, we cannot see how any fair minded person could conclude that the reference to "other contributory factors" was possibly intended to be a reference to the conduct of Liverpool football supporters. Such an interpretation could only be based on some pre-existing assumption about the attitude of the Chief Constable or a failure to distinguish between the position at the inquests of the South Yorkshire police and the retired officers. Given that only two paragraphs earlier the Chief Constable had repeated his apology and unequivocally accepted the jury's conclusion, it would be impossible for any fair minded observer to conclude that the Chief Constable was challenging the conclusion of the jury that Liverpool football supporters had been blameless. The only contributory factors identified by the jury had been the conduct of parties unconnected to Liverpool supporters.
134. In those circumstances we reject the PCC's assertion that this statement could reasonably have been interpreted as implying criticism by the Chief Constable of the Liverpool supporters. We note in that context the ruling of Sir John Goldring, the Coroner, set out at paragraph 16 above, to the effect that questioning of witnesses at the inquest on behalf of South Yorkshire Police (in contradistinction to that on behalf of retired officers) was not inconsistent with the 2012 apology.

Public Reaction to the Second Statement

135. The PCC asserts that the decision to suspend the Chief Constable and then to require his resignation was justified because the "decision to issue the second statement was a very serious misjudgement that seriously damaged public confidence in the Claimant and consequently South Yorkshire Police".
136. The Chief Constable responds that that justification does not withstand scrutiny. Mr Davies argues that it is not enough that there is some sector of public opinion which demands removal and that the PCC must exercise a detached approach to "public clamour". He refers to the decision of the House of Lords in *R v Secretary of State for the Home Department ex p Venables* [1998] AC 407 and of the Court of Appeal in *Shoesmith*.
137. We accept that this case, like *Shoesmith*, is very different to the quasi-judicial context of *Venables*. We accept too that the decisive factor in *Shoesmith* was the lack of procedural fairness which led to the dismissal of the applicant, a feature that does not obtain here. What is critical in the present case is the nature and extent of the

evidence of an adverse public reaction which could be said to support the PCC's assessment.

138. The evidence shown to us of any significant public reaction to the Chief Constable's statement between the time when he was interviewed and the time when the Commissioner made the section 38 decision to suspend was very limited. And given that the PCC says that it was the making of that second statement that prompted him to act, it is the evidence in that period which is critical.
139. As noted above the second statement was made by the Chief Constable at 12.20 on 27 April. The decision to suspend him was communicated to the Chief Constable at 2.50pm. As is apparent from the chronology set out in detail above, the events of relevance that occurred in that period of two and half hours were the telephone call from a member of one of the Hillsborough families, the remarks of Mr Burnham and the response of the Home Secretary in the House of Commons, the remarks of other MPs in the debate on the Hillsborough verdicts, and the telephone call from Mr Betts.
140. We see nothing in this material that could possibly justify a conclusion that there had been a significant adverse public reaction to the second statement from the Chief Constable.
141. There is no evidence to suggest that the member of the Hillsborough families was motivated to contact the PCC by the second statement, as opposed to that person's understanding of what had occurred during the course of the inquest. The statement of Members of Parliament, like the earlier email from Labour Party offices, demonstrated that no clear distinction was being drawn in the political debate between the conduct of those acting on behalf of retired South Yorkshire Police officers and those acting for the current force. In any event, there is nothing to suggest that in the very short period between the making of the second statement and the commencement of the debate in Parliament, there had been any close attention paid to the detailed terms of the statement. Had there been, we have no doubt that a conclusion similar to that set out at paragraphs 130 and following would have been drawn.
142. The PCC's strongest argument rests on the remarks in Parliament by the-then Home Secretary. The Home Secretary expressed concern about "some of the remarks that had been made by South Yorkshire Police today". Notably, however, she did not call for the Chief Constable's resignation nor did she align herself with the calls for that resignation made by others. Her statement too was made only minutes after the Chief Constable's second statement had been delivered and there was no evidence that she had, in fact, had time to consider it closely. In any event, the decision was for the Commissioner who certainly had time to consider the Chief Constable's statement carefully before reaching his decision.
143. It was suggested during the course of argument that the Commissioner had made the decision to suspend by the time that the second statement was read out. Even if that was not the case, there was nothing in the second statement, or in the reaction to it, which justified a decision to suspend. Given that the PCC asserted that it was the reaction to the second statement that led him to make the decision to suspend, the decision to suspend was perverse.

Conclusion on the Decision to Suspend

144. Given the margin of appreciation which, in our judgment, the Commissioner should have allowed the Chief Constable, his decision to exercise his section 38 powers in

those circumstances was irrational. The Chief Constable's statement was comfortably within the range of reasonable responses to the jury's verdict and to the call by the Shadow Home Secretary for a further statement from South Yorkshire Police.

145. For all those reasons we regard the decision to suspend taken at 2.50pm on 27 April 2016 as irrational. Our conclusion on that first issue is plainly of central importance to the challenge to all four decisions. In consequence, we can deal with the other challenges rather more briefly.

The Second Decision: The proper approach to the views of the statutory consultees

146. The procedure required by Part 2 of Schedule 8 to the 2011 Act, as supplemented by regulation 11A of the 2003 Regulations, is common ground and is summarised at paragraph 62 above. It follows from those arrangements that the PCC "must have regard" to the views of HMCIC and must consider the PCP's recommendation.
147. It is accepted by the Chief Constable that the PCC followed that procedure. It is plain, furthermore, that the PCC read and responded to the views of HMCIC and considered and followed the recommendation of the PCP.
148. The sole area of dispute between the parties is as to the weight which the PCC should accord the views of HMCIC. Mr Davies submits that the PCC ought to follow those views unless there are good reasons for not doing so. By contrast, Mr Swift contends that the statutory requirement is simply to have regard to HMCIC's views. He referred to the judgment of Laws LJ in *R (Khatun) v Newham LBC* [2005] QB 37. At paragraph 47, Laws LJ said:

"Although the guidance is provided for by statute and housing authorities are obliged by [s.182](#) of the 1996 Act to have regard to it, it is not a source of law. However Mr Luba cited in his skeleton (paragraph 22) the decision of Dyson J as he then was in *R v North Derbyshire Health Authority ex p. Fisher* to support the proposition that an authority is not entitled to depart from guidance given in a circular issued by central government, to which it is obliged by statute to have regard, merely because it disagrees with it. But this case, I think, goes no further than to underline what is conventional law, namely that respondents to such a circular must (a) take it into account and (b) if they decide to depart from it, give clear reasons for doing so. If the decision is thought to support a proposition which would bind public bodies more tightly to a duty of obedience to guidance to which by statute they are obliged (no more, no less) to have regard, then I would respectfully question its correctness."

149. That passage was followed by Aikens LJ in *Brown v Secretary of State for Work and Pensions* [2008] PTSR 1506. Mr Swift argued that the duty here was no greater than that in *Khatun*, namely to give clear reasons for disagreeing. And that, he said, the PCC had done.
150. Mr Sheldon submits that the inclusion of HMCIC within the process is to ensure that an independent view is heard and seriously considered. He agrees that the ordinary principle is that the weight to be given to a relevant consideration is a matter for the decision maker. But he contends that "where the relevant consideration takes the

form of detailed and reasoned views, what rationality requires by way of departure from those views must be commensurately greater”.

151. We agree with that submission of Mr Sheldon.
152. As we have sought to describe, the 2011 Act seeks to strike a delicate balance between the operational independence of Chief Constables on the one hand, and oversight and scrutiny of the police by elected office holders on the other. As we have said, the statutory regime mandates trust and cooperation between the parties involved. But a further and significant element of the arrangements is the requirement for the PCC to consider the views of HMCIC.
153. Her Majesty’s Inspectorate of Constabulary was established in July 1856. Its function is to provide an independent assessment of police forces and policing across England and Wales. Pursuant to section 54 of the Police Act 1996 Inspectors of Constabulary inspect and report on the efficiency and effectiveness of every police force. The First Interested Party was appointed pursuant to section 54(1) of the 1996 Act to lead that Inspectorate.
154. HMCIC’s independence, statutory function and experience makes him especially well equipped to provide a view on the wisdom of a proposal to call on a Chief Constable to retire or resign. In our view, the independence, statutory function and institutional experience of the Inspectorate means that it would be irrational of a PCC to fail to give particular weight to the views of HMCIC. That is especially so where the expression of those views is detailed, thorough and closely reasoned.
155. Mr Sheldon argued that the position here was akin to that in *R (Munjaz) v Mersey Care NHS Trust* [2005] UKHL 58, [2006] 2 A.C. 148 where the House of Lords was considering a Code of Practice issued under the Mental Health Act 1983. At paragraph 21, Lord Bingham said this:

“It is in my view plain that the Code does not have the binding effect which a statutory provision or a statutory instrument would have. It is what it purports to be, guidance and not instruction. But the matters relied on by Mr Munjaz show that the guidance should be given great weight. It is not instruction, but it is much more than mere advice which an addressee is free to follow or not as it chooses. It is guidance which any hospital should consider with great care, and from which it should depart only if it has cogent reasons for doing so. Where, which is not this case, the guidance addresses a matter covered by [section 118\(2\)](#), any departure would call for even stronger reasons. In reviewing any challenge to a departure from the Code, the court should scrutinise the reasons given by the hospital for departure with the intensity which the importance and sensitivity of the subject matter requires.”
156. In our judgment, the observations provided by HMCIC here were much more than mere advice which the PCC was free to follow or not as he choose. It was guidance of a type which any PCC should consider with great care, and from which he should depart only if he has cogent reasons for doing so.
157. Much of what we regard as legitimate criticism of the Commissioner’s decision to suspend was set out in the letter from HMCIC of 15 June 2016. That letter is

conveniently summarised in the Chief Constable's skeleton argument. It was Sir Thomas's view that:

“(a) This was not an appropriate case for the use of section 38; (b) The second statement had been issued in response to a direct call for an explanation from SYP about its conduct at the inquest, and the Claimant had not acted inappropriately in deciding to do what has been demanded of him by a senior politician in a matter of very considerable public interest and attention; (c) When read fairly and as a whole the content of the second statement was unobjectionable; (d) There was little to no evidence of any loss of trust and confidence on the part of the public which is policed by SYP, (e) The reliance on a loss of trust and confidence was not made out and it was unreasonable for the Defendant himself to consider that his trust and confidence in the Chief Constable has been seriously damaged; (f) The Defendant's proposal was unsound and should be rescinded.”

158. He explained his views further in his representations of 12 and 15 September 2016.
159. The PCC's response, in our judgment, failed to engage with the substance of much of Sir Thomas' observations and failed to provide cogent reasons for taking a different view. We give three examples. First, the PCC's response failed adequately to address the points made by Sir Thomas as to the reasonable interpretation of the Chief Constable's second statement, which points, for the reasons we have given, we have found to be sound. Second, and on an obviously related issue, the PCC maintains his view that the second statement suggests that the Chief Constable was not accepting the verdict. For the reasons we have given, we regard that view as misconceived. Third, the PCC's response failed to address at all the obvious unfairness of criticising the Chief Constable for deciding to respond to Mr Burnham's comments, given what the Commissioner himself had said about South Yorkshire Police failing to engage with criticism.
160. We regret to say that we are left with the clear impression that the PCC had decided upon his course of action on 27 April and was unwilling to recognise or properly address the powerful points made by Sir Thomas in opposition to his proposal. In all those circumstances we regard the second decision as irrational.

The Third Decision

161. The third decision was dated 15 August 2016 and was to maintain the second decision following receipt of the representations submitted on behalf of the Chief Constable.
162. In the light of our conclusions on the challenges to the first and second decisions, it is plain that the third decision too cannot stand.
163. We would add that, in our judgment, the submissions made by those acting for the Chief Constable on 22 July 2016, adopting as they did the views of HMCIC, were compelling.
164. For all the reasons set out above we regard the decision of the Commissioner to press on with section 38 process in the light of all that he had received from the Chief Constable and HMCIC as irrational.

The Fourth Decision

165. The final decision was taken by the PCC on 29 September 2016. It was to require the Chief Constable's resignation. It follows from all that we have said above that we regard that decision as irrational.
166. It is right to observe that the Second Interested Party, the PCP, had recommended that the PCC should call upon the Chief Constable to resign or retire. However the PCP's reasoning was thin and unconvincing. The PCP described the second statement as "a catastrophic error of judgment". They gave two reasons for that assertion. First, because of the "inevitable risk that it would be perceived as rowing back on the previous apology". Second, because of the need for confidence in the police.
167. In our judgment, the first of those reasons proceeds on the same flawed interpretation of the second statement as did those relied on by the PCC, which we have addressed above. As to the second, for the reasons given above, this background material cannot justify a conclusion that the requirement to resign or retire was warranted.
168. In our judgment, the PCC had made an irrational first decision and, despite the powerful observations of both the Chief Constable and HMCIC about the validity of that decision, had failed to recognise its flawed nature in his final decision.
169. Even if we were wrong about that, we would regard the decision to require the Chief Constable's resignation as disproportionate. The Chief Constable was due to retire within a matter of weeks and we cannot see how the "offence" of publishing a statement that might be misunderstood could possibly justify a direction under s.38 requiring resignation. By then he had been suspended for more than four months and no further sanction could sensibly be required.

Proportionality

170. Given those conclusions on the rationality challenge, it is not strictly necessary for us to consider the application of Art 8 ECHR. However, we have concluded above that Art 8 is engaged here and we set out, in brief, our view on the proportionality of the PCC's decision making.
171. Art 8 requires that there should be no interference by a public authority with the exercise of the right to respect for private and family life unless it is in accordance with the law and is necessary in a democratic society to protect certain fundamental interests. Necessity imports a requirement that any interference corresponds to a pressing social need and is proportionate to the legitimate aim pursued.
172. For the reasons given at paragraph 124, we do not regard suspension or requiring resignation or retirement as synonymous with holding the "Chief Constable" to account.
173. The appropriate means of calling to account is a matter for the PCC but the choice of means is a matter subject to review in this court. In conducting that review we must consider whether the means chosen were proportionate to the aim pursued.
174. The Claimant was a Chief Constable with a 30 year unblemished record. He had previously issued perfectly proper apologies for the conduct of South Yorkshire officers at Hillsborough. The "offence" in issue was the publication of a statement which, to put it at its highest, might be misinterpreted. The PCC had failed to warn

him of the likely consequences of issuing the statement. And it should have been obvious how such a suspension would be reported in the press and the likely effect on the Chief Constable of both the fact of the suspension and the manner of its likely reporting.

175. In those circumstances, in our judgment the decisions both to suspend and then pursue the s.38 process were disproportionate.
176. Similarly, in our judgment the final decision to require the Chief Constable's resignation was wholly disproportionate. The Chief Constable was due to retire in November 2016 in any event. To require his resignation in September 2016 was not a decision designed to pursue any legitimate aim; South Yorkshire Police would be in no better position by requiring resignation in the September than by allowing the planned retirement to come into effect in November.
177. Even if we are wrong about that and there was some benefit to be achieved by bringing about the end of the Chief Constable's career with South Yorkshire Police in the September, we have seen no evidence that the PCC addressed his mind to the question whether it would have been sufficient, at that point, to require retirement rather than resignation. In our view, the former carries less opprobrium than the latter and would have been the more proportionate response.

Conclusions

178. In those circumstances this application for judicial review must succeed. All four decisions will be quashed.

SOUTH YORKSHIRE POLICE AND CRIME PANEL

POLICE REFORM AND SOCIAL RESPONSIBILITY ACT 2011

The South Yorkshire Police and Crime Panel met in Rotherham on 16 September 2016 to scrutinise the South Yorkshire Police and Crime Commissioner's proposal under the provisions of Section 38 of the Police Reform and Social Responsibility Act 2011 to call upon the Chief Constable, David Crompton to resign or retire and to make a recommendation to the Police and Crime Commissioner as to whether he should call upon the Chief Constable to resign or retire.

The law requires the Police and Crime Panel to publish only its recommendation to the Police and Crime Commissioner. In this case, however, given the public nature of the Police and Crime Commissioner's actions and the significance of its recommendation, the Police and Crime Panel considers that it is in the public interest and in particular that of the families concerned that it should also publish a summary of the reasons for its decision.

The Police and Crime Panel heard representations from the Police and Crime Commissioner, Dr Alan Billings and from the Chief Constable, David Crompton, and asked questions of both parties. The Police and Crime Panel had before it:

- A letter from the Police and Crime Commissioner to Her Majesty's Chief Inspector of Constabulary.
- Sir Thomas Winsor, Her Majesty's Chief Inspector of Constabulary's written response to the Police and Crime Commissioner.
- The Police and Crime Commissioner's written explanation to the Chief Constable of the reasons why he was proposing to call for his resignation or retirement.
- The Chief Constable's written representations about the Police and Crime Commissioner's proposals.
- The Police and Crime Commissioner's notification to the Police and Crime Panel of his proposal to call for the resignation or retirement of the Chief Constable, including his consideration of the Chief Constable's response and reasons for continuing to believe that his proposal was an appropriate one.
- The Chief Inspector of Constabulary's response to the Police and Crime Panel in the light of the Police and Crime Commissioner's views on his response to the Police and Crime Commissioner.
- The Chief Inspector of Constabulary's response to specific questions asked on behalf of the Police and Crime Panel.

On 26 April 2016 the jury at the Hillsborough inquests returned verdicts of unlawful killing and found that the behaviour of football supporters did not cause or contribute to the dangerous situation at the ground. On the same day the Chief Constable made a statement to the press in which he said that South Yorkshire Police unequivocally

accepted the verdict of unlawful killing and the wider findings reached by the jury and apologised unreservedly to the families and all those affected.

In 2012 the Chief Constable had made an apology in response to the report of the Hillsborough Independent Panel which found that South Yorkshire Police had sought to deflect responsibility on to Liverpool supporters. Following the verdicts there was criticism from Andy Burnham MP that South Yorkshire Police had gone back on that apology at the inquests, prolonging the agony of the families and he had called for an explanation.

In response the Chief Constable issued a further press release on 27 April 2016 which included the following wording:

"We have never sought, at any stage, to defend the failures of SYP or its officers. Nevertheless, these failures had to be put into the context of other contributory factors. In other words, where do the failings of SYP stand in the overall picture?"

Although it was not the Chief Constable's intention, this press release was widely interpreted as a qualification of the unequivocal apology given the previous day. That afternoon the Home Secretary made a statement on the Hillsborough disaster in the House of Commons and answered questions from MPs. In response to a request to comment on what was going on in South Yorkshire Police the Home Secretary said:

"I think everybody will be disappointed and, indeed, concerned by some of the remarks which have been made by South Yorkshire Police today. There was a very clear verdict yesterday in relation to the decisions that were taken by police officers and the action of police officers on 15 April 1989, and I urge South Yorkshire police force to recognise the verdict of the jury. Yes, it must get on with the day-to-day job of policing in its force area, but it needs to look at what happened – at what the verdicts have shown – recognise the truth and be willing to accept that."

The Police and Crime Panel found that the Chief Constable's decision to publish the second statement was a catastrophic error of judgment for two reasons. Firstly because of the inevitable risk that it would be perceived as rowing back on the previous apology and not accepting the inquest verdicts, and secondly because the statement suggested that South Yorkshire Police was not learning from its past failures and continued to be defensive and to put the protection of its own reputation above the welfare of the families. This second reason was of particular concern in the context of South Yorkshire where it is crucial that victims of Child Sexual Exploitation have sufficient confidence in the Police to come forward and where, if there is to be an inquiry into events at Orgreave during the Miners' Strike, it will be important that people have confidence that the Police will engage in inquiry process in a proper manner.

Given the damage that the second statement did to the reputation of South Yorkshire Police and the continuing damage which would have been caused to that reputation if the Chief Constable who had made it remained in post, the Police and Crime Panel found that the Police and Crime Commissioner was justified in his decision to suspend the Chief Constable on 27 April 2016.

The recommendation of the Police and Crime Panel is that the Police and Crime Commissioner should call upon the Chief Constable to resign or retire.

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South Yorkshire

POLICE & CRIME PANEL

**Supporting and Scrutinising the Police and Crime
Commissioner for South Yorkshire**

ANNUAL REPORT 2016/17

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FOREWORD

Welcome to the Annual Report of the South Yorkshire Police and Crime Panel. The Panel is made up of ten councillors from across the four District Councils – Barnsley, Rotherham, Doncaster and Sheffield, together with two independent members.

In 2016-17, the Chair was Councillor Talib Hussain from Sheffield City Council and the Vice Chair Councillor Stuart Sansome from Rotherham Metropolitan Borough Council.

Police and Crime Panels were established in November 2012 and this report covers an eventful year for the South Yorkshire Panel. We hope it will give you a good idea of who we are, what we do, and how we do it.

If you want to know more, our contact details and web site address are given at the end of the report.

With thanks



Cllr Abdul Khayum
Chair, South Yorkshire Police and Crime Panel (from 2-6-17)

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1. WHAT IS SOUTH YORKSHIRE POLICE AND CRIME PANEL?

South Yorkshire Police and Crime Panel came into being in November 2012, at the same time as elections for Police and Crime Commissioners were held across the country. Both were part of the new police governance arrangements whereby Commissioners and Panels replaced the old Police Authority and took over respectively its governance and scrutiny functions under the Police and Social Responsibility Act 2011.

Police and Crime Panels are, in effect, joint scrutiny bodies of the local authorities in the police force area and are mainly composed of elected members from these authorities. All panels also have the right to co-opt independent members who are not local councillors. Councillor membership of a Police and Crime Panel must be geographically and politically proportionate.

2. PANEL MEMBERSHIP 2016/17

In South Yorkshire the number of members from each authority and each political party was agreed by council leaders as follows: -

- 2 members each from unitary authorities
- 2 Independent members

In 2016-17, Panel members were:

Barnsley MBC:	Councillor Robert Frost Councillor David Griffin
Doncaster MBC:	Councillor Alan Jones (Until August 2016) Councillor John Healy (From December 2016) Councillor Chris McGuinness
Rotherham MBC:	Councillor Brian Cutts Councillor Stuart Sansome (Vice-Chair)
Sheffield CC:	Councillor Jackie Drayton Councillor Talib Hussain (Chair) Councillor Joe Otten Councillor Mick Rooney
Independent Members:	Alan Carter Steve Chufungleung

In 2016-17, the host authority for the Police and Crime Panel was Rotherham MBC.

3. TERMS OF REFERENCE OF SOUTH YORKSHIRE POLICE AND CRIME PANEL

- To review the draft police and crime plan, or draft variation, given to the Police and Crime Panel (the Panel) by the Police and Crime Commissioner (the Commissioner). The Panel must make a report or recommendations on the draft plan or variation to the Commissioner.

- To review the annual report produced in accordance with s12 of the Police Reform and Social Responsibility Act 2011 (the Act) and make a report or recommendations on the report to the Commissioner. The Panel is to arrange a public meeting at which they ask the Commissioner questions, as appropriate, on the annual report.
- To hold a confirmation hearing and review, make a report and recommendation in respect of proposed senior appointments made by the Commissioner. These appointments are:-
 - (a) the Commissioner's Chief Executive;
 - (b) the Commissioner's Chief Finance Officer;
 - (c) a Deputy Commissioner; and
 - (d) the Chief Constable.
- To make recommendations to the Police and Crime Commissioner with regard to any proposal by the Commissioner to suspend the Chief Constable.
- To review and make a report and recommendations (as necessary) on the proposed precept. The Panel has the power to veto the proposed precept.
- To review or scrutinise decisions made, or other action taken, by the Commissioner in connection with the discharge of the Commissioner's functions.
- To make reports or recommendations to the Commissioner with respect to the discharge of the Commissioner's functions.
- To support the effective exercise of the functions of the Commissioner.
- To fulfil functions in relation to complaints about conduct matters, in accordance with the responsibilities accorded to the Panel by the Act.
- To appoint an Acting Commissioner if necessary.
- To suspend the Commissioner if it appears to the Panel that the Commissioner has been charged with a relevant offence (as defined by the Act).
- To exercise any other functions conferred on the Panel under the Act, as required.

What is the difference between the Police & Crime Commissioner and the Police & Crime Panel?

The relative roles of the Police and Crime Panel and the Police and Crime Commissioners are as follows:

- The Police Commissioner provides strategic governance to the area police force and holds the Chief Constable to account
- The Police and Crime Panel scrutinises the decisions and policy making and the performance of the Commissioner, on behalf of local authorities in the area and the general public.

The Panel's primary role is to scrutinise the way the Police Commissioner exercises their statutory function of providing strategic direction in local policing.

Police and Crime Panels are often described as acting as a 'critical friend' – a supportive but independent voice seeking to investigate the PCC in the interests of recommending changes and improvements. The purpose of the Panel's recommendations is 'to add tangible value to the delivery of the Commissioner's policies across the force area', as well as to scrutinise her activities.

The Panel can require the Commissioner or her staff to attend Panel meetings. It can invite the Chief Constable or any other witness but can't require them to be there. The Panel should not scrutinise the Chief Constable or operational policing matters, and must maintain an awareness of the boundary between operational and strategic policing issues, which is not always easy.

One of the main challenges for all Panels is to work out how to provide robust scrutiny whilst staying within its remit and avoiding duplicating research or consultation undertaken by the Commissioner or other scrutiny bodies. For example, in confirmatory hearings for a Chief Constable appointment, the Panel's role is to confirm that the candidate has both the professional competence and the personal independence to fulfil the role, without replicating the original selection process.

The Panel's Core Work Programme

The Panel has some statutory scrutiny responsibilities which it must deliver and these constitute its core work programme:

- Review annually the Commissioner's proposed council tax precept, with powers to veto once
- Review annually the Commissioner's Police and Crime Plan and his Annual Report
- Scrutinise the Commissioner's proposed appointment of a Chief Constable, with the power to veto once, and scrutinise the appointment of any deputy commissioner and the Commissioner's senior executive staff
- Consider non-criminal complaints against the Commissioner.
- In addition to the above, the Panel can engage on further scrutiny reviews on any topic relevant to its role

The Panel can also make reports and recommendations to the Commissioner over and above its core work programme, on any topic which falls within its remit, and it can carry out investigations as it sees fit into the Commissioner's decisions and delivery of her duties.

Apart from the two instances where the Panel has a veto (the level of the police precept and the appointment of a chief constable) it achieves its impact by influence, by examining reports and draft policy documents, questioning the Commissioner and/or external witnesses, and then making recommendations. These are communicated to the Commissioner in writing and are publicly recorded in the Panel's minutes.

4. HIGHLIGHTS OF ACTIVITY IN 2016/17

The year commenced with a significant change in Panel membership. Since its establishment, a constantly changing membership has been a feature of the Panel in South Yorkshire. Whilst it is recognised that elections will change the representation and make up of local authorities, Panel Members regularly expressed the view that a stable membership would be beneficial in ensuring the effective discharge of its responsibilities in holding the Police and Crime Commissioner to account.

The other major event at the start of the year was the decision of the Police and Crime Commissioner to suspend the Chief Constable of South Yorkshire Police, David Crompton, in the wake of the Hillsborough Inquests Verdicts which were announced in **April 2016**. This decision was of significant public interest and would loom large in the work of the Panel for the remainder of the municipal year. The Panel received the Commissioner's response to the verdicts in **June 2016** and noted his position.

Members considered a report from the Commissioner setting out his response to the Drew Review of South Yorkshire Police's response to child sexual exploitation in the force area. The Commissioner stated *"This report now gives me a much better idea of how the police have dealt with issues in the past and how their processes have changed in recent times. I am satisfied that during his review, Professor Drew has involved a wide selection of Page 13 victims, partners, police officers and police staff in order to reach his conclusions and recommendations and I am confident that practices within the Force have changed for the better. Improvements can always be made, but I am assured that the Force, at all levels, has learnt from past mistakes and has taken action to correct and address those issues. I hope that this is a step forward in restoring public confidence in South Yorkshire Police."* Panel Members welcomed the Commissioner's response to the review and sought a follow up report in twelve months to establish what progress had been made by the force.

In **June 2016**, the Panel referred complaints against the former Police and Crime Commissioner for South Yorkshire, Shaun Wright, to the Home Affairs Select Committee. The complaints related to allegations that the former Commissioner misled the Home Affairs Select Committee when he appeared before them in 2014.

In **July 2016**, the Panel conducted a confirmation hearing for the Commissioner's recommended applicant for the position of Chief Constable of South Yorkshire Police, Stephen Watson. The Panel unanimously supported the appointment of Mr Watson as Chief Constable and were particularly enthused by his passion for reforming neighbourhood policing, which Members saw as particular weakness across South Yorkshire.

In **August 2016**, the Commissioner wrote to the Panel to advise of his intention to require the resignation or retirement of Chief Constable David Crompton, whom he

had suspended in April 2016. Having received that notification, the Panel was statutorily bound under section 38 of the Police Reform and Social Responsibility Act 2011 to make a recommendation to the Commissioner as to whether or not he should call for the retirement or resignation of the Chief Constable. Before making the recommendation, the Panel had the option to consult the Chief Inspector of Her Majesty's Inspectorate of Constabulary. Ultimately the Panel was required to hold a scrutiny hearing to consider the merits of the proposal before making a recommendation to the Commissioner.

The South Yorkshire Police and Crime Panel was the first Panel in the country to hold a scrutiny hearing to consider a recommendation from a Police and Crime Commissioner to require a Chief Constable to resign or retire. The scrutiny hearing took place on **16 September 2016** and received significant media and press attention given the profile of the issues surrounding the suspension of the Chief Constable. The Panel made a recommendation to support the Police and Crime Commissioner's proposal to force the resignation or retirement of the Chief Constable and made its recommendation public on **21 September 2016**.

In **October 2016**, the Panel received a 'State of the Nation' address from the Police Commissioner detailing a number of key areas for development and activity within his office and the force. It became clear to Members that the breath of the activities of the Commissioner and his office had not been fully understood and they would benefit from clarifying the rules of engagement between the Panel and the Commissioner through a Memorandum of Understanding. Members also gave consideration to the Commissioner's Annual Report, which was a positive reflection on the previous year. The Panel congratulated the Commissioner on the way in which he had navigated the many challenges and once again offered its support as a critical friend.

The Panel received a report detailing the findings of the peer review of South Yorkshire Police, which had been commissioned following the suspension of Chief Constable David Crompton. The Panel noted the Commissioner's view that the peer review had provided a more robust analysis of where the force was compared to the regulatory regime that the Inspectorate of Constabulary had been operating. Members were keen to understand further the issues within the force and indicated their support for the work of the Commissioner in addressing longstanding cultural issues amongst the workforce. It was agreed that Panel would receive a report setting out the progress that had been made in responding to the issues raised within the report.

Governance was a constant concern for the Panel throughout the year and Members asked the Police Commissioner to explain the governance framework supporting his office. Some Panel Members had attended a conference for Police and Crime Panels in Birmingham in October 2016 and had learned of the approach to scrutiny adopted elsewhere in the country and were impressed to learn of the collaborative work between Panels and Commissioners from Devon and Cornwall to North Yorkshire. Filled with enthusiasm, Panel Members were keen to capture some of the best parts of this approach to strengthen collaborative working with the Commissioner. One of the principal outcomes from the discussion with the Commissioner on his governance framework was Panel Members deciding to attend meetings of the Commissioner's Public Accountability Board, his forum for holding the Chief Constable and senior leadership of South Yorkshire Police to account.

Attention towards the budget at the turn of the year ahead of the Panel considering the Commissioner's precept proposal. Panel Members welcomed the opportunity to meet with the Commissioner informally to discuss the overall budget position and understand the reasoning for his proposal to increase the precept by £5. Whilst the Panel has a role to scrutinise and challenge the Commissioner, it was keen to emphasise its role as a "critical friend", recognising the ongoing challenges facing all who deliver local public services. In February 2017, the Panel supported the Commissioner's proposal unanimously.

The Police Commissioner submitted his Police and Crime Plan to the Panel at the end of February 2017 seeking Members' views and endorsement of the objectives of the plan. The Panel were largely impressed with the document which refocused on the key issues in respect of policing, trust and confidence in policing, as well as broader community safety and justice concerns. Members sought further assurance that the plan linked to the workforce strategy of South Yorkshire Police, recognising that the plan would be delivered by those on the frontline and in regular contact with the public.

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5. THE POLICE & CRIME PANEL AND THE PUBLIC

South Yorkshire Police and Crime Panel has a website - [here](http://www.southyorks.gov.uk/webcomponents/jsec.aspx)
<http://www.southyorks.gov.uk/webcomponents/jsec.aspx>

and this is where you can find copies of the agenda papers and minutes for the Panel meetings.

There is information about Members of the Panel, its' spending, how to make complaints and other useful documentation.

Police and Crime Panel meetings are open to members of the Public and the **Rules of Procedure** for submitting and asking public questions are given here (**TO ADD**)

6. THE YEAR AHEAD (2017-18)

Panel Membership for 2017-18 is given below:

MEMBERS 2017/18  South Yorkshire POLICE & CRIME PANEL					
					
Cllr Abdul Khayum (LAB) (Sheffield) CHAIR	Cllr Stuart Sansome (LAB) (Rotherham) VICE-CHAIR	Cllr Brian Cutts (UKIP) (Rotherham)	Cllr Bob Johnson (LAB) (Sheffield)	Cllr Ralph Sixsmith (LAB) (Barnsley)	Cllr David Griffin (LAB) (Barnsley)
					
Cllr David Hughes (LAB) (Doncaster)	Cllr Sue Wilkinson (LAB) (Doncaster)	Cllr Joe Otten (LIB DEM) (Sheffield)	Cllr Helen Mirfin-Boukouris (LAB) (Sheffield)	Mr Alan Carter Independent Member	Mr Steve Chufungleung Independent Member

Previous Police and Crime Panel Members who left in 2016/17:

Cllr Robert Frost, Cllr John Healey, Cllr Alan Jones, Cllr Chris McGuinness*, Cllr Jackie Drayton, Cllr Talib Hussain, Cllr Mick Rooney.

**Cllr Chris McGuinness remains Doncaster MBC's substitute Member.*

Thanks are given to all Panel Members for their contributions during 2016/17, and to Cllr Talib Hussain in his role as Chair.

Work Programme

South Yorkshire Police and Crime Panel will continue its commitment to support, and to scrutinise the decisions of the PCC in order to secure an efficient and effective Police Force for the people of South Yorkshire.

Over the next twelve months the Panel will focus on the following key areas:

- Review the PCC's Annual Report.
- Work with the Office of the Police and Crime Commissioner (OPCC) to develop the Police and Crime Plan 2017-2021.
- Hold the PCC to account for the delivery of his precept commitments.
- Undertake a programme of proactive scrutiny across a range of areas.
- Maintain a work programme in consultation with the OPCC.
- Have regard to the Policing and Crime Act and the legislative changes, including emergency services collaboration.
- Continue to monitor progress on improving crime data integrity.
- Ensure that the PCC and Chief Constable recruit, retain and progress a workforce which reflects the communities it serves.
- Support the PCC to maximise opportunities for joint working.
- Liaise with HMIC to improve the Panel's understanding of South Yorkshire Police's performance.
- Provide ongoing Panel Member learning, development and support.

7. CONTACT DETAILS

The host authority for South Yorkshire Police and Crime Panel is Barnsley MBC.

Contact details:

18 Regent Street
Barnsley
S70 2HG

E-mail: PCP@syjs.gov.uk

Or via the website at www.southyorks.gov.uk

Click on the blue South Yorkshire Police and Crime Panel logo

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Foreword

This is my third Annual Report as Police and Crime Commissioner, and my first since being re-elected in May 2016. Its aim is to look back over the last year – 2016/17 – and provide an assessment of progress with achieving what I set out in the Police and Crime Plan, and how I have discharged my legal responsibilities.

Last year was a difficult one. It started with the returning of 96 unlawful killing verdicts in the Hillsborough Inquests, after proceedings that took over two years to complete; the longest inquests in British history. The jury found that a number of failings by South Yorkshire Police had caused or contributed to the 96 deaths in 1989, and an unequivocal apology was provided by the Chief Constable immediately after the verdicts came in.

What happened next has been well publicised. I suspended the Chief Constable when he made a second statement to the media the day after the verdicts because I believed the Chief Constable was seeking to justify questioning during the inquests which had caused distress to the Hillsborough families. His statement was widely understood as a 'rowing back' from the apology he had given the day before. It was criticised in Parliament, including by the then Home Secretary. I wanted to stop any further erosion of public and trust and confidence in South Yorkshire Police, and I believed that suspending the Chief Constable while I considered his removal, was my best option.

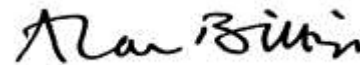
At the end of a long legal process set down in the legislation, the Police and Crime Panel recommended that I should call for the Chief Constable to resign or retire.

The Chief Constable resigned on 29 September after I called on him to do so, but he issued judicial review proceedings to challenge my decisions. I had to take an active role in the proceedings brought against me and legal processes are expensive.

Following the Chief Constable's suspension, the interim Chief Constable and I commissioned a peer review of South Yorkshire Police by a team of experts in policing from around the country. Their report concluded that fundamental change was required in the Force and its leadership. The peer report's recommendations allowed the new Chief Constable to immediately plan and implement the programme of change required. Retirements of the deputy chief constable and two assistant chief constables last year also meant that a new Senior Leadership Group was formed to lead this change.

I have strengthened the arrangements for holding the Chief Constable to account, and brought in an Assistant Police and Crime Commissioner specifically to lead important work that supports South Yorkshire Police in rebuilding public trust and confidence.

This Annual Report shows the work we have achieved despite the issues we faced last year; we have delivered really good work in partnership and in our communities.



Dr Alan Billings
South Yorkshire Police and Crime Commissioner

Your Police and Crime Commissioner for South Yorkshire

As Police and Crime Commissioner (PCC) for South Yorkshire, I must fulfil my duties under The Police Reform and Social Responsibility Act (2011) and the Police Act (1996) (as amended).

My responsibilities include:

- Securing an efficient and effective police force for South Yorkshire
- Appointing a Chief Constable, and holding them to account for the performance of the Force, and if necessary, dismissing them
- Setting the policing and crime objectives for South Yorkshire in a Police and Crime Plan (the 'Plan')
- Having regard to the views of the public of South Yorkshire about how they wish to be policed
- Setting the policing budget and determining the policing precept for South Yorkshire
- Contributing to the national and international policing priorities set by the Home Secretary
- Bringing together community safety and criminal justice partners to provide an efficient and effective criminal justice system for South Yorkshire

The Policing Priorities

I am elected by you to be your voice, giving you a say in what you want your police service to do. I listen to your comments and concerns about policing in South Yorkshire, and provide a set of priorities that shape the direction of the Force for the next four years.

For 2016/17, the priorities were:

- Protecting Vulnerable People
- Tackling Crime and Anti-social Behaviour (ASB)
- Enabling Fair Treatment

Under each of these priorities lies a set of criteria against which I measured performance of the Force and the services I have commissioned on behalf of the public.

This document shows how I have done that throughout the year. It highlights the good work done by my office, South Yorkshire Police and partners in keeping the public of South Yorkshire safe, and also highlights where we can do better in future.

The Aim

South Yorkshire
will be and feel a safe place in which to live, learn and work

The Strategic Priorities

Protecting Vulnerable People

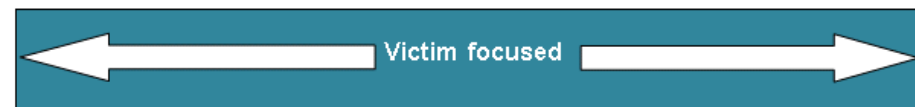
- Effective action tackling child sexual exploitation, rape and serious sexual offences.
- Effective response to threats to the most vulnerable people.
- Appropriate response by police and justice services to those suffering mental health issues.

Tackling Crime and Anti-Social Behaviour

- Effective action tackling crime, anti-social behaviour and re-offending.
- Targeted response to those who cause most harm in the community and intervention with others before they enter the criminal justice system.
- Prioritising the crime and behaviours that cause the most harm within the community.
- Finding the best outcomes for victims of crime and anti-social behaviour.

Enabling Fair Treatment

- Planned engagement that seeks public feedback to inform the delivery of policing and crime services
- Deploying resources to areas of highest demand based on threat, harm and risk
- Finding ways to understand and address appropriately feelings of safety
- Services that inspire trust in the general public
- Recognise staff confidence and morale and adherence to codes of ethics and professional practice as central to delivering an efficient and effective police service



Demand on South Yorkshire Police 2016/17

To be a page of infographics

1. How many 999 calls a day on average – 613
2. How many calls to 101 a day on average - 1712
3. How many arrests a day on average - 57
4. How many new officers recruited – 179 (177 PCs & 2 SMT)
5. Missing persons' reports (average per day) - 22
6. Incidents involving mental health issues (average per day) - 20
7. % public confidence with SYP in local area – 38%

% increase/decrease in crime – +19% compared to 2015/16

Holding to Account

I am responsible for holding the Chief Constable to account for:

- Performance against the Police and Crime Priorities
- The efficiency and effectiveness of South Yorkshire Police, including value for money
- Having regard to national policing priorities detailed in the Strategic Policing Requirement
- Engagement with the public and partners about policing in their area
- Promoting equality and diversity
- Safeguarding of vulnerable people

Each force area has holding to account arrangements unique to its PCC/Chief Constable relationship and its local context. There is no right or wrong approach, but clearly, in a force area that has been criticised and which deals with a number of complex and high profile issues, it is right to expect my holding to account arrangements to be robust and probing.

I use a number of ways to hold the Chief Constable to account for the performance of the Force against the priorities in the Plan, including performance reporting meetings, HMIC PEEL Inspection reports, independent scrutiny panels, partner reports and what I learn from services I commission and meeting people out and about around South Yorkshire.

I hold the Chief Constable to account during my now four-weekly Public Accountability Board (PAB), where I ask the Chief Constable to report on performance against the priorities set in the Plan (in 2016/17, the PAB met six-weekly). Members of the public can submit questions in writing to my office to be responded to during the meeting. Where an oral response is not possible, a written response is provided as soon as possible after the meeting. Topics I covered this year included:

Local Policing
Emergency Services Collaboration
Child Sexual Exploitation
Financial Planning
Mental Health
Hate Crime
Community Engagement
Anti-Social Behaviour
Code of Ethics
Partnership Working
Estates and Facilities Management
Legacy Issues
Stop and Search
Community Safety
Modern Slavery
Domestic Abuse
Contact Management
Procurement
IT

I am ultimately accountable to you at the ballot box during Police and Crime Commissioner elections, held every four years. During those four years, I am held to account by the Police and Crime Panel. The Panel is made up of 12 people – ten councillors from each of the four districts in South Yorkshire, plus two independent members of the public. It is the Panel's job to make sure I am making decisions in your best interest. This includes decisions about what priorities are in the Police and Crime Plan, how much the policing precept in your council tax should be, and the recruitment and dismissal of the Chief Constable. I have to report regularly to the Panel to account for the decisions I make, or to be questioned by them and members of the public.

If you require any further details about the South Yorkshire Police and Crime Panel please visit:

<http://www.southyorks.gov.uk/webcomponents/jsecSYPCP.aspx>

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I commission a number of independent panels, where people from different walks of life and different communities volunteer to help me hold South Yorkshire Police to account on behalf of the public. The Panels have no decision making powers, but do make recommendations to me and the Chief Constable.

Independent Ethics Panel

The Panel was formed in January 2015 to encourage greater public scrutiny of day-to-day policing. It is independent of me and South Yorkshire Police, and provides effective challenge and assurance around issues of integrity, standards and ethics of decision-making. The Panel has no decision making powers, but helps the Chief Constable embed the Code of Ethics across the functions and activities of the force.

Projects the Panel has been involved with this year include:

- Annual stop and search
- Bi-annual review of complaints
- Hate crime
- Use of force
- Advising the PCC on equality and diversity objectives
- Body Worn Video
- Business interests
- Training and recruitment

Advisory Panel on Policing Protests

The Panel was established in March 2016, as a result of the September 2015 protests in Rotherham. Members offer comment on proposals for handling protest events, and work with the police in advance of any protest, as well as being in attendance to observe police activity and interactions with protestors on the day. They assist the Force to learn lessons and, where appropriate, make recommendations for managing future protests. This year the Panel assisted with four protests across South Yorkshire.

Independent Advisory Panel for Minority Communities

The Independent Advisory Panel for Minority Communities (IAPMC) plays the valuable role of 'critical friend' to me and South Yorkshire Police. It is not a formal scrutiny board, but ensures the policies, procedures and practices of the Force meet the aims of the Equality, Diversity and Human Rights Strategy, delivering accessible and responsive policing services to minority communities in South Yorkshire. The Panel has 13 members from various communities across the county, and has helped me on issues such as hate crime, stop and search, BME Special Constabulary recruitment, domestic abuse and trust and confidence in South Yorkshire Police.

Joint Independent Audit Committee

The Joint Independent Audit Committee (JIAC) supports both me and the Chief Constable. It is responsible for enhancing public trust and confidence in my office, and in South Yorkshire Police. It is a statutory panel that advises on good governance arrangements, provides independent assurance on the adequacy and effectiveness of the internal control and risk management frameworks, and oversees the financial reporting process, including the annual governance statement. The panel is usually made up of five members and meets five times a year.

Independent Custody Visitors

I run an Independent Custody Visiting (ICV) scheme across South Yorkshire. ICVs are members of the public who volunteer to attend custody suites to observe, comment and report on the health and welfare of detainees, and the condition of the detention facilities.

South Yorkshire has three custody suites: Shepcote Lane, Barnsley and Doncaster. In 2016, a new more efficient, modern custody suite was opened at Barnsley on the site of the old suite, to complement the new facility at Shepcote Lane, which serves Sheffield and Rotherham.

In 2016/17, 20,898 detentions were processed through South Yorkshire custody suites. The role of the ICV is vital in making sure the facilities are up to standard, and that the welfare of the detainees is maintained.

Shepcote Lane:

60 visits

545 detainees visited

Over 67 hours volunteered

Doncaster:

58 visits

258 detainees visited

Over 48 hours volunteered

Barnsley*:

48 visits

153 detainees visited

Over 25 hours volunteered

*Barnsley Custody suite re-opened in November 2016, before that visits were at Ecclesfield Custody Suite which was used exclusively for Barnsley detainees.

Issues raised by ICVs are more often than not resolved immediately, such as detainees needing more blankets, or a drink of water. Those that cannot be resolved there and then are brought to my attention, and I work with Custody Inspectors to ensure problems are resolved as soon as possible.

In February 2017, 94 year old Vera Miles retired after 25 years of volunteering to check the welfare of detainees in South Yorkshire. Vera visited custody suites across Sheffield, and became Panel Co-ordinator, which involved compiling the visiting rota, dealing with day-to-day issues, and chairing the quarterly panel meetings with police custody staff. She was also a member of the team that visited the dog section to report on the conditions in which the dogs are housed, trained and transported as part of my Animal Welfare Scheme. Vera said: "When I applied to be an Independent Custody Visitor in 1992, I was interviewed by Chief Constable Richard Wells and the Mayor. It was all very official! I was

pleased to see the Charge Office [on Bridge Street] close and a brand new state of the art custody suite open on Shepcote Lane. It's a wonderful place but huge. The staff must walk miles."

Animal Welfare Volunteers

ICVs are invited to take part in the Animal Welfare Scheme, where welfare visits are made to the police dogs and horses to check on their welfare, training and transport facilities. PCCs are not statutorily obliged to have an animal welfare scheme, but I recognise that it is good practice to ensure the welfare of the animals that help the police fight crime and maintain order. As with the custody detainees, any issues that cannot be resolved on the spot are brought to my attention, and I work with the Animal Handlers to ensure the maximum standard of welfare is maintained. This year, the ICVs visited the police dogs 10 times, and the police horses once prior to their move to West Yorkshire in May 2016.

Commissioning

Though the priorities in my Plan have been set specifically for South Yorkshire Police, the Force cannot achieve the three priorities on their own. It requires a holistic approach from all the agencies involved in protecting vulnerable people, reducing crime and anti-social behaviour and enabling fair treatment.

To support this, I provide financial support to a number of partner organisations who support the priorities in my Plan. The commissioning budget for this financial year was £5.3m, with £1.6m being funded through the Ministry of Justice grant. The different funding streams that support the delivery of commissioned activity are:

Priority Response Fund – The fund was created to allocate funding to issues and priorities that emerged during the financial year. In 2016/17, it supported outreach work to engage with vulnerable young people, and contributed to reducing anti-social behaviour.

Community Grant Fund – Community organisations who can demonstrate their project will help me achieve at least one of my priorities are invited to bid for up to £5,000 funding from my Community Grant Fund. This year I gave £88,337.52 to third, voluntary and charity sectors, who contributed to making a difference to people's lives across South Yorkshire.

Partnership Fund – This fund supports the activities of various partnership boards in keeping people in South Yorkshire safe, for example the Safeguarding Adults and Safeguarding Children's Boards.

**** Case study to be inserted – Yorkshire Sport Foundation ****

Community Safety Fund – Up to April 2014 the Government gave funding to local authority areas in the form of a 'Community Safety Fund'. This grant provision no longer exists, but I have maintained a budget allocation for activities by the local authorities previously funded by the grant. In 2016/17 I maintained the fund for three categories: Drugs Intervention Programmes, Community Safety Partnerships and Youth Offending Services.

Drugs Intervention Services:

Barnsley – supports a Criminal Justice Navigation Team, working with offenders who use class A drugs and supporting them through the criminal justice system.

Doncaster – supports effective integrated pathways for adult offenders at key points within the criminal justice system.

Rotherham – enables qualified drug workers to assess, help and support people in custody in Rotherham and Sheffield with drug issues, with the aim of reducing or stopping drug use and drug-related offending.

Sheffield – supports early identification of drug users, supporting them into treatment and recovery with an aim to reduce or stop drug use and drug-related offending.

In preparation for the move to the new shared custody suite for Rotherham and Sheffield at Shepcote Lane, I undertook early discussions to establish the best way to develop an efficient service in the new suite from the opening date. This resulted in a co-commissioned element being added to the wider drug treatment services being commissioned by Sheffield City Council.

Community Safety Partnership:

This year I allocated £1.1m across the four local authority areas. The funding is used for projects that support the evidenced local needs of each area:

Barnsley – The funding has been used to fund the anti-social behaviour victims and witness service which has been enhanced and given resilience to work with the traveller community; increased capacity for ‘Prevent’ work has strengthened community cohesion; support for buildings and other infrastructure as part of an integrated approach to managing demand, providing dedicated case management and enhancing early help and intervention.

Doncaster – The majority of funding has supported the domestic abuse perpetrator programme, which offers a variety of interventions to people who recognise their abusive behaviour and want to work to change it. The rest of the funding is used on other projects and initiatives, including anti-social behaviour prevention measures.

Rotherham – The funding primarily supports the Community Intelligence Unit, which provides a data analysis resource for the partnership. It also funds several other services targeting the risk associated with the night time economy, including Street Pastors and the child sexual exploitation awareness campaign. It also meets the costs of the Multi-Agency Risk Assessment Conference coordinator to bring together relevant partners to address high risk cases of domestic abuse.

Sheffield – The funding supports five initiatives: risk management of high risk victims of domestic abuse, the Sheffield Working Women’s Opportunities Project, prevention and minimisation of harm from alcohol related offending for victims and perpetrators, a multi-agency drop in centre that identifies incidents

of hate crime and supports those who are vulnerable to domestic abuse, a Partnership Analyst who provides a regular analysis of crime and anti-social behaviour. Approximately £0.3m has been used to fund 10 PCSOs.

Throughout the year we had discussions about the funding of co-commissioned pan-South Yorkshire services. This year (2017/18) I will co-fund with partners a county-wide project to develop and co-commission a programme to engage with perpetrators of domestic abuse.

Youth Offending Service:

In 2016/17 I provided £688,000 to support local youth justice and youth offending teams in preventing offending or reoffending by children and young people. Early discussions with the Youth Offending Service (YOS) indicate a county-wide concern about the sustainability of YOS should funding be reduced further. I will take this into consideration going forward.

Victims of Crime Fund – PCCs have been responsible for commissioning services for victims of crime since October 2014. In 2016/17, I funded services such as: the development of a new Sexual Assault Referral Centre (SARC); victim support services, including initial assessment of needs, as well as onward emotional and practical support; Independent Sexual Violence Advocate (ISVA) services; support for victims of domestic abuse; and Restorative Justice services.

For further information please visit my website www.southyorkshire-pcc.gov.uk/About/Advice-and-Support-for-Victims

Community Grant Fund – Case Study

Sharrow Community Forum – Adventures Youth

In autumn 2015, incidents of youth crime and anti-social behaviour in the Abbeydale area of Sheffield reached an all time high, peaking on Bonfire Night. High rates of crime and anti-social behaviour were mainly committed by local young people, and worsened already challenging community relationships. Many people contacted me to express frustration with the problem, and that it seemed to be getting worse.

I was pleased to be able to provide funding to Sharrow Community Forum through my Community Grants Scheme to run an ‘Adventures Youth’ programme during 2016/17, aimed at engaging with some of the young people responsible for the anti-social behaviour. The project provided a year-round positive and stimulating environment for young people to take part in educational and skills-building activities, offered opportunities in volunteering and work experience, and provided a safe space for young people, members of the community and local agencies to come together and combat social exclusion and isolation.

The funding was used to run a Youth Club on Friday nights, regularly attended by 35-40 attendees aged 12 to 20 years old. Activities included basic cooking classes, music workshops and lantern-making workshops for the Lantern Carnival in April 2017.

Over the period 23 October to 7 November 2016, there was a 23% reduction in anti-social behaviour incidents, and a 60% reduction in firework-related anti-social behaviour incidents.

Infographics:

2017 Sheffield Police Awards – Partnerships – winner

Over 2,500 children, young people and families access activities each month

60% reduction in firework-related asb incidents

23% reduction in asb incidents

No ASB incidents recorded on 5 November 2016

Spoken to SFC, they are happy to be a case study and for us to use the logo

Partnership Working – Case Study

In September 2016, I was pleased to be able to officially open the new South Yorkshire Sexual Assault Referral Centre (SARC), along with Sarah Champion MP.

The project was a real team effort, and included partners from South Yorkshire Police, NHS England and Kier. Third-sector organisations provided valuable input as to how to make the facilities the highest standard possible to support victims of sexual assault.

The Centre supports victims of sexual assault from across Yorkshire and the Humber as part of a new regional SARC service, where each region has its own building, but a shared service with access to all of them, giving victims a choice.

The facility delivers as welcoming an environment as possible to those who have been subjected to a terrible ordeal. It is available 24/7 providing forensic, medical and initial support services to victims at a time and location to suit them.

The services are not just available for victims who have reported a crime to the police; victims are able to refer themselves at any time. The Centre also offers sign-posting to support groups to help victims of sexual abuse to cope and recover from the crime committed against them.

Investing in forensic and digital technology to improve the victim journey, the SARC has been identified by Mary Newton, Independent National Advisor for Rape and Serious Sexual Offences, as ‘gold standard’ for services for victims.

The development and opening of Hackenthorpe Lodge clearly shows what can be achieved when partners come together to improve services to vulnerable victims of serious sexual violence.

By working in partnership with the Office of the Police and Crime Commissioner, regional colleagues and providers I feel we are now a first class facility which we all can be justifiably proud of. Not only does the facility provide a safe environment for victims, from within South Yorkshire and those from across the Yorkshire, Humberside region, it provides police officers and other criminal justice agencies with an environment in which they can maximise the evidence gathering opportunities which are required in this type of crime.

“From speaking to colleagues and reading feedback from victims who have accessed the facility and services I have heard nothing but positive comments. In these days of savings and austerity it is testament to the vision of the Office of the PCC and the South Yorkshire Police Senior Command Team of their desire to ensure victims of rape and serious sexual offences are provided with the best possible facilities and help at a time in their life when they are most vulnerable.”

– Pete Horner, SYP

Performance against the Plan – focus points

Child Sexual Exploitation:

“Things have changed...”

When I heard those words from a survivor of child sexual exploitation as her perpetrators were jailed in November 2016, I was bowled over. What she said was so important for South Yorkshire Police to hear. Her words show the hard work the force has put in to understanding child sexual exploitation, the impact it has on the victim, and how important confidence is for victims that they will be believed and supported.

Investigations into historic child sexual exploitation offences saw 20 suspects convicted in 2016/17 and sentenced to a total of over 280 years in prison. Five further suspects have been found guilty, and are currently awaiting sentencing. This is justice for hundreds of victims, and has removed 25 dangerous people from the streets of South Yorkshire. The Force has also brought 1060 offenders to justice for sexual offences, totalling 34.7% of all offenders for 2016/17.

In September 2016, South Yorkshire Police and the College of Policing met to determine the support that could be provided around tackling child sexual exploitation. Colleagues from the College reviewed and brought together all of the recommendations from various reviews and action plans, and a peer review was done by the NPCC National Child Sexual Exploitation Coordinator. This support from the College has provided a body of evidence to show how South Yorkshire Police has delivered against the actions and recommendations.

As part of this, I receive regular updates at my Public Accountability Board on Operation Stovewood and on-going child sexual exploitation investigations, meeting regularly with South Yorkshire Police and the National Crime Agency (NCA). The NCA provide me updates regarding progress with investigations and

any resource requirements, which helps me to decide if I need to apply to the Home Office for special grant funding.

I also continue to meet regularly with victims and survivors to offer my support, and ensure that lessons to be learnt are continually embedded within the force as we move forward.

As part of my Community Grants Scheme, I was pleased to be able to support local projects to tackle child sexual exploitation with young people. I granted £4,999.80 to the Golddigger Trust in Sheffield for their 'Choose Your own Adventure' project. The project, which ran in schools and in the community, allowed groups of young people aged 13-18 to explore the consequences and choices around child sexual exploitation, domestic abuse and e-safety. It also engaged with parents and carers to support vulnerable young people in their care.

I also granted £3,280 to the Brathay Trust in Barnsley for their 'Streetwise' project. Working with partners, the team identified vulnerable young people aged 14 – 18 who might benefit from group sessions around raising awareness of child sexual exploitation. 98% of those who took part reported a better understanding of what constitutes a healthy relationship, with an improved knowledge on what qualities to look for in a relationship or friendship.

Reducing Vulnerability:

Demands on policing have changed considerably over the past few years. As our understanding of complex, high-impact crime is developing, our understanding of the victim journey and what makes people vulnerable is also being challenged.

In February 2017 I was pleased to be able to offer funding from my Community Grant Scheme to Age UK Sheffield to provide training on key crime prevention issues to the charity's support workers, as well as the publication of awareness-raising leaflets for older people about crime prevention. As Steve Chu, Chief Executive of Age UK Sheffield said, older people can be amongst the most vulnerable to scams, distraction burglaries and cyber crime, but are often the ones who are least able to deal with the consequences.

Our understanding of mental health and supporting those who are suffering from mental illnesses has increased drastically over the past 12 months, with national awareness campaigns, such as Mind's 'Time to Change', helping to reduce the stigma and discrimination faced by people who experience mental health problems.

The last thing someone suffering from mental illness needs is to end up in a police cell. In 2016 South Yorkshire Police signed up to the Crisis Care Concordat, a multi-agency approach to ensure vulnerable people suffering from mental ill health are cared for in the community and do not end up in police custody. As a result, the number of people being detained in custody during a mental health crisis has reduced by 54% compared with 2015/16.

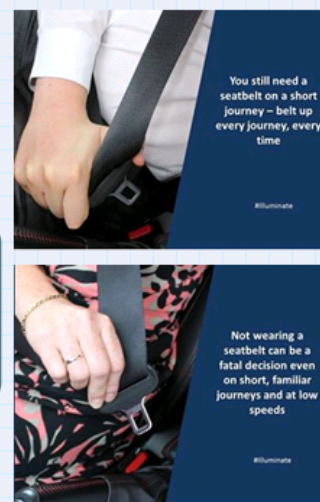


Following the tragic death of a young boy on a South Yorkshire building site in 2015, I supported the Active Response Security Services 'Bee Safe' initiative. It is aimed at protecting primary school children by educating them about such dangers as playing on building sites, farmyard safety, and basic first aid. The scheme was launched at the Digital Media Centre in Barnsley, and is available nationally with no cost to those who use it.

We all have a shared responsibility to keep our children safe and this is a common danger that presents itself to us often whilst providing security on sites. We wanted to develop a fun, interactive way of educating our young ones on how to recognise dangers and avoid them." – Michelle Bailey, Managing Director

The Illuminate campaign stepped up a gear in autumn, with a hard-hitting radio-advertisement warning people of the dangers of not 'belting-up'. It was not intended to frighten people, but to convey a very serious message about the consequences of not wearing a seatbelt. The advertisements, created by Hallam FM, were aired throughout September and October on a number of South Yorkshire radio stations.

'We need to raise awareness to drivers and their passengers about how important it is to belt-up. In a crash you are twice as likely to die if you don't wear a seatbelt. Drivers and passengers who fail to wear seatbelts in the front and back of vehicles are breaking the law.' – CI Glen Suttonwood, JSOU



Supporting Victims:

In December 2016, I welcomed 100 guests to a South Yorkshire Victims' Showcase Event to let local organisations and practitioners know about the work being done to support victims of crime in South Yorkshire.

The event was opened by Victims Commissioner Baroness Newlove, who praised services in South Yorkshire for working together to do all they can to support victims of serious crime. Baroness Newlove said: "I know this will have been difficult, and I know you have done all you can to help support the many victims who have come forward. By continuing to work in unison, you can really make a difference to these victims and their journey to recovery."

Assistant Chief Constable (ACC) Rachel Barber from South Yorkshire Police explained the police's obligation of meeting the Victims Code of Practice and what services officers in South Yorkshire are required to offer a victim and the minimum standard for these services.

Delegates heard first hand from a victim of crime about her experience through the criminal justice system, and bringing the offender to justice. Speaking through a video interview, she explained to the audience her ordeal at the hands of a man who is now serving a four year and a half year prison sentence. The officer in charge of her case talked through how such a case is dealt with by the police, and what services are on offer to victims of a sexual assault. In this case, the forensic examination was done in her own home rather than at the South Yorkshire SARC.

They also heard from His Honour Judge Julian Goose, who spoke about how victims and witnesses are supported in the most appropriate way possible throughout their journey through the criminal justice system. He later expressed support for my proposed development of a remote video link for vulnerable victims in South Yorkshire, funded by my office.

District Crown Prosecutor Michael Quinn, spoke about how victims, especially vulnerable victims, are supported and the services available to them in court. He explained how vulnerable victims are able to video record their cross examination before the trial.

The audience also got to hear about the work of an Independent Sexual Violence Advisor (ISVA) and how they offer practical and emotional support to anyone who has been subject to a sexual assault. Information on Children and Young People's Independent Sexual Violence Advisors (CHISVA) was provided and future plans to award the Victims' Services contract after a competitive tender process.

Domestic Abuse:

“Around 1 in 5 children have been exposed to domestic abuse”- NSPCC

HMIC’s 2015 PEEL Effectiveness report said South Yorkshire Police ‘...needs to improve how it identifies and addresses risks to domestic abuse victims and their children.’ Since then, the Force has made improvements in the quantity, quality and timeliness of risk assessing domestic abuse victims, has held internal and external communication campaigns to encourage reporting, and to ensure officers consider the safety of children at domestic abuse incidents.

Last year there were over 22,000 domestic incident calls to the South Yorkshire Police. Of the incidents reported, 11,435 were recorded as domestic abuse crimes, of which 3,224 of the victims had been a victim of another domestic crime in the 12 months prior.

In 2016/17 I provided additional funding from my victim services grant to help support the Independent Domestic Violence Advocate service in each of the four districts. These specialist teams offer help and support to those at high risk of domestic abuse, with the aim of increasing safety and reducing the risk of further abuse.

In January 2017, I visited police officers, staff and partner agencies at the Mary Woollett Centre in Doncaster. Professionals from South Yorkshire Police and Doncaster Metropolitan Borough Council work closely together to safeguard vulnerable adults and children at risk of domestic abuse, sexual abuse and child sexual exploitation. Working in the same office allows partners to share vital information quickly and efficiently, rather than being caught up in emails and administration. “The Police cannot strive to safeguard vulnerable residents in Doncaster alone and we rely heavily on partner agencies, and they on us, to undertake and manage the huge risk that exists in accomplishing this task”, DC Matthew Jackson.

Preventing and deterring reoffending:

In 2016/17, I worked closely with partners across the criminal justice world to improve services for offenders integrating into communities after release.

I supported the National Probation Service and South Yorkshire Community Rehabilitation Company in making things safer for communities when offenders have been released from prison or are supervised in the community. The majority of offenders complete their sentences outside custody, and in order to minimise the risk of them reoffending I have been part of discussions to make sure offenders have structured resettlement arrangements, fulfil the terms of their sentences, breaches are followed through and licences recalled to protect the public.

Within South Yorkshire there are four Community Justice Panels, which I fund together with South Yorkshire Fire and Rescue and local authorities. The Panels are made up of trained local volunteers, and bring together victims and offenders of low-level crime and anti-social behaviour in a supportive, informal environment to discuss issues and look for ways to move forward and resolve any unwanted behaviour. These panels are best placed to deal with local issues as many of the volunteers working on cases are residents who have local knowledge of the area and can relate to the issues that people are concerned with. In Baroness Newlove's April 2016 report 'A question of quality: a review of Restorative Justice', a Restorative Justice (RJ) case in South Yorkshire is identified as good practice:

"South Yorkshire PCC managed a case where an incident of criminal damage occurred between two neighbours. The circumstances highlighted that an RJ intervention would be beneficial to assist with the ongoing issues leading up to the criminal damage and following it. The RJ Manager allocated appropriate facilitators to the case by assigning one facilitator who lived in the locality and understood the local issues, and the other, by reflecting the age of one of the couples involved. This helped the participants feel that the RJ facilitation was

being dealt with by local people who had their interests at heart and that the facilitators had the experience, expertise and capacity to deal with the complexities of the case." (Newlove 2016).

"...seeing my victims has made me realise I've caused misery for victims over the years, I no longer want to live my life like that." - offender

RJ was back in the news this autumn when a report by the Justice Committee of MPs advised that the provision for RJ was a postcode lottery. However, due to the 'RJ Hub' I funded in June 2015, this is not the case for residents of South Yorkshire. RJ offers victims the opportunity to ask questions of their offenders that they would not normally have the opportunity to do. When a crime is committed, many victims feel it as personal, that they are still unsafe and may find that they are struggling to cope and recover. By having opportunity to speak to those who have committed the crime, they will find this is not the case.



The Restorative Justice service is being supported by a Ministry of Justice grant, and is a partnership initiative led by the South Yorkshire Criminal Justice Board, which comprises criminal justice partners including my office, South Yorkshire Police, Crown Prosecution Service, HMCTS (Her Majesty's Courts & Tribunals Service), South Yorkshire Community Rehabilitation Company, Youth Offending Teams, Prisons, Legal Aid Agency, Victim Support, Witness Service, NHS England and local authority children's services.

In 2016/17, I continued funding for a Link Officer, along with West Yorkshire PCC and Her Majesty's Young Offenders Institute Wetherby. The role offers an in-custody contact who works closely with Wetherby case workers and Youth Offending Team case managers to provide support and interventions to young people in preparation for settling back into their community upon release. This

approach has been proven to be effective in building relationships with young offenders, and though it is too early to evaluate the delivery of successful rehabilitation plans and their effect on reducing reoffending, continuing the project offers the prospect of more fully assessing the longer term benefits and opportunities presented by the role.

National research and local experience inform us that the most high risk time for young people to reoffend is the period immediately following release from custody. With the correct resettlement plan in place, young people are much less likely to go on to reoffend in the community.

Community Engagement:

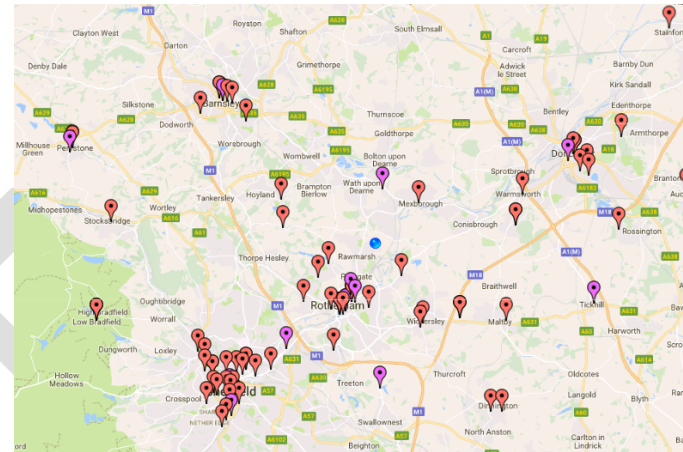
I am elected by you to be your voice, giving you a say in what you want your police service to do. I listen to your concerns and issues, and take these up on your behalf with the Chief Constable.

In 2016/17, my staff and I attended 104 community events, meetings and forums, talking to people from across South Yorkshire about policing and the issues that matter to them. By far the most important issues continued to be neighbourhood policing and the visibility of the police within communities, and contact with and from South Yorkshire Police.

In order to be as accessible as possible, I use a number of ways that the public can contact me to give their views on policing in their local area, and across South Yorkshire. I have a dedicated Caseworker who manages correspondence that comes into the office via telephone, email, letter, or via the website.

I have a Senior Communications Officer who manages my day-to-day media relations, my website and social media content, promoting awareness campaigns, and reaching those who prefer to receive their information online.

I also have an Engagement Team who help me as I go out and about in the communities of South Yorkshire, talking to members of the public face-to-face at numerous events throughout the year, attending community meetings, and building group and individual relationships to identify and act on the most important issues in local areas. Some of the places my team and I have visited with the public across South Yorkshire this year:



Fairness and transparency:

In 2016/17, the Interim Chief Constable, Dave Jones, and I asked the College of Policing for support in conducting a Peer Review to see what South Yorkshire Police do well, and where there was room for improvement. The remit was broad and covered culture, leadership, ethics, integrity, organisational learning and various operational issues.

22 experts from across a range of policing fields, led by Lancashire Deputy Chief Constable Andy Rhodes, came to South Yorkshire to assess the Force against areas of national best practice and to talk to officers and staff about their experiences and view of the Force.

The report made clear that decision making had been isolated, staff had not been listened to and action had not always been taken on agreed plans. Financial and operational planning had not been linked and there had been an underinvestment in key areas. There had also been a disturbing move away from an effective neighbourhood policing model.

This gave the new Chief Constable Stephen Watson a clear picture of the strengths and weaknesses within the organisation, and allowed him to 'hit the ground running' when he came into post on 1 December 2016.

The Review concluded with a number of recommendations, aimed at stabilising the Force in the short-term and allowing time for the Chief Constable to develop a vision for SYP to 2020. Work continues with the Force to address the issues identified as part of the review, and progress is reported via my Public Accountability Board and my regular one-to-one meetings with the Chief Constable.

Further details about the Peer Review can be found at:
www.southyorks.police.uk/peersupport

Fair treatment of individuals and communities by the police is essential for them to retain trust and confidence. The police rely on you to tell them about what is happening in your community, and in turn you expect the police to act on that information in keeping you safe.

In September 2016 I ran an online survey to find out how the public feel about South Yorkshire Police, what they felt were the most important policing issues in their community, and what they would like the police to do about it. The survey sample was small (736 people), but gave an insight into public opinion about policing and feeling safe in South Yorkshire.

Of those who completed the survey, 49% stated they lacked confidence in South Yorkshire Police, whereas only 12% stated they lacked confidence in the police service nationally.

In answer to the question 'What do you want the police to concentrate on in your area?', 36% said anti-social behaviour, 20% said visibility or more police, and 17% said road crime, including nuisance motorbikes. This is consistent with what you have been telling me via other sources throughout the year too.

One respondent commented they wished the police to concentrate on low-level crime, such as fly tipping, littering, and illegal parking in their area. However, each of these issues are predominantly the responsibility of the local authority.

I recognise that it takes more than just the police to make an area feel safe, and as such I have asked South Yorkshire Police to work with partners in the coming year to address feelings of safety within communities, and to develop a joint action plan on how to tackle this together.

The Trust and Confidence Steering Group was established in the Autumn of 2016. It is jointly chaired by the Assistant Police and Crime Commissioner,

Sioned-Mair Richards, and the Assistant Chief Constable for Local Policing, David Hartley. It reports to the Public Accountability Board.

The aim of the group is to improve the trust and confidence that the communities of South Yorkshire have in South Yorkshire Police. To this end the group has been working on:

- The development of a baseline assessment of public trust and confidence in South Yorkshire Police
- The development of a new neighbourhood policing model
- Improving ways in which the public are able to contact the police
- How the police engage with the public
- Community engagement and community alerts
- Internal engagement with officers and staff

The baseline assessment is being commissioned to an external survey company with a brief to reflect the views of the many and varied communities of South Yorkshire. The findings, which are expected in the Autumn of 2017, will inform the work programme of the steering group in the coming year.

Finance

The 2016/17 financial year has been a difficult period for South Yorkshire Police. The Hillsborough Inquests concluded with 96 unlawful killing verdicts, the National Crime Agency continues its work of investigating the cases of child sexual exploitation identified in the Jay report, and for a while it seemed as though the Government might agree to a formal public inquiry into Orgreave. All of this has caused additional expenditure.

£241.963m budget for 2016/17 ***infographic***

The funding given to me in 2016/17 saw a reduction of the government grant of £1m from that received in 2015/16. However, as the council tax for policing in South Yorkshire was the eighth lowest in England, I was given greater flexibility to raise the policing precept. As a result of both an increase in the precept rate and a larger increase in properties in South Yorkshire paying council tax than assumed by the Home Office, my total funding saw an increase of approximately 0.8% compared to 2015/16 (£1.8m).

The majority of this funding was delegated to the Chief Constable to fund the operational running of South Yorkshire Police. As part of the budget process the Force is required to produce a savings plan. I monitor performance against this through the Public Accountability Board. This year the Force has overachieved on their savings target, however there is further work to be done, especially as we roll out the new policing model over the coming year.

Income £000:

Core government grant	77,465
Other grant income	7,219
Police Grant	100,597
Council Tax	63,901

Revenue outturn £000:

OPCC	1,662
Partnerships and Commissioning	3,446
Capital Charges	3,100
Delegated to the Chief Constable	233,928
Legacy Issues	984
Reserves	6,062

Staffing info (FTE equivalent):

PCs	2,483
PCSOs	208
Police Staff	1,876
Special PCs	268
Cadets	92
Volunteers	179

In February 2017 I consulted with the public to see if they would be willing to pay a little more towards South Yorkshire Police in 2017/18 as part of their council tax. 90% of respondents said they would, on the understanding that they see an improvement in local policing. As such, I have made the improvement of local policing one of my priorities for the coming year.

In addition, the Chief Constable has committed to take South Yorkshire Police from a force graded by HMIC as 'requires improvement' to one that is good and indeed excellent. I will support him in that in every way I can.

Looking Ahead

Looking to the future and considering to what extent new local, national and global trends will impact upon policing and keeping people safe in in South Yorkshire can be difficult in such a fast-changing world.

In the year ahead, I will be focusing on the following key areas:

Modern Slavery and Human Trafficking (MSHT)
Cyber Crime
Collaboration with the Fire Service

I will be holding a number of public events, as well as online polls, to find out your views on these, as well as what you want your police force to concentrate on in the coming year. I encourage you to get in contact with me, either by attending an event or writing to my office, and let me know your thoughts and views on policing in South Yorkshire.

South Yorkshire Police ended the year with stability and positive change ahead, but the job of policing becomes ever more uncertain and challenging. The funding provided by central Government struggles to match the demand caused by the changing nature of crime and the increased threats of terrorist attacks. But I am determined to work with the Force's new leadership team to make South Yorkshire as safe as we possibly can.

Get Involved

Special Constabulary

There are few, if any, organisations that offer the variety of experience you will find as part of the Special Constabulary in South Yorkshire Police. 'Specials' are a vital part of the police service, working alongside regular officers to reduce crime and protect vulnerable people. Being a special constable is a great way of developing new skills and giving something back to your local community.

If you are interested in becoming a special constable, please visit: www.southyorks.police.uk/work-us/specials or call 0114 219 7000 for more information.

Police Support Volunteers

There are a number of volunteer roles within the police, such as a Community Safety Volunteer, Puppy Walker, Lifewise Volunteer or Digital Outreach Officer. Each role plays a vital part in supporting South Yorkshire Police, and is a great way of giving back to the community.

If you are interested in a Police Support Volunteer role, please visit: www.southyorks.police.uk/content/volunteer-vacancies or call 01709 832455 and ask for the PSV Project Officer.

Police Cadets

South Yorkshire Police currently run a cadet scheme, where young people aged 15-17 volunteer to help their local community, find out more about how the police work, and have the opportunity to work towards awards and qualifications. South Yorkshire Police Cadets have been involved in various aspects of policing, such as participating in test purchase operations.

If you are interested in becoming a Police Cadet, please visit: www.southyorks.police.uk/content/how-apply

Independent Custody Visitors (ICV)

I run an Independent Custody Visiting Scheme, where members of the public visit police stations unannounced to check people being held in custody are being treated properly. ICVs perform a very important role on my behalf, and I am grateful for their continuing involvement and contribution.

If you are interested in applying to be a custody visitor, please visit: www.southyorkshire-pcc.gov.uk/Get-Involved/Independent-Custody-Visiting or call 0114 296 4150.

Independent Advisory Groups

I run a number of Independent Advisory Groups to provide the valuable role of 'critical friend' to South Yorkshire Police and I. The groups give independent advice on a number of policy issues, and provide a safeguard against disadvantaging any section of the community through a lack of understanding, ignorance or mistaken belief.

If you are interested in being an Independent Advisory Group panel member, please email: info@southyorkshire-pcc.gov.uk or call 0114 296 4150.

Contact Me:

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Meeting Date	7 July 2017
Report of	The Police and Crime Commissioner
Subject	Holding to Account Arrangements

EXECUTIVE SUMMARY

This report provides members of the Police and Crime Panel with information on how the Police and Crime Commissioner (PCC) holds the Chief Constable to account for the following areas:

- Progress in addressing improvements / recommendations identified by Her Majesty's Inspectorate of Constabulary (HMIC)
- Stop and Search
- Contact Management Performance - Atlas Court
- Succession planning

RECOMMENDATION

Members of the Police and Crime Panel are recommended to note the contents of this report and comment on any matters arising.

CONTENTS

Main Report
Appendix

BACKGROUND

One of the principal responsibilities of the PCC is to hold the Chief Constable to account in the exercise of the Chief Constable's functions, on behalf of the public, for the effective and efficient operations of the police service in South Yorkshire.

There is no legal definition of 'holding to account', or statutory or other guidance on what 'holding to account' arrangements should look like. The Centre for Public Scrutiny advocates four principles for 'holding to account' arrangements to be effective:

- Provides a constructive "critical friend" challenge
- Amplifies the voices and concerns of the public
- Is led by independent people who take responsibility for their role
- Drives improvement in public services

As well as observing the four principles advocated by the Centre for Public Scrutiny, above, South Yorkshire's PCC believes his 'Holding to account' arrangements should:

- be clear to SYP, the public, partners, and the Police and Crime Panel
- cover the PCC's statutory responsibilities, in a pragmatic and risk-based approach
- complement SYP's internal governance and management arrangements
- allow SYP to fully engage with the PCC's arrangements, and supply timely information and action as required by the PCC.

The PCC's 'holding to account' arrangements, are supported by a variety of themed assurance panels and committees.

Set out below is information on how the PCC holds the Chief Constable to account in the following areas:

PROGRESS IN ADDRESSING IMPROVEMENTS / RECOMMENDATIONS IDENTIFIED BY HMIC

Background

HMIC independently assesses police forces and policing across a wide range of policing activity.

PEEL is the programme in which HMIC draws together evidence from its annual all-force inspections. The evidence is used to assess the effectiveness, efficiency and legitimacy of the police. HMIC has introduced these assessments so that the public will be able to judge the performance of their force and policing as a whole.

The effectiveness of a force is assessed in relation to how it carries out its responsibilities including cutting crime, protecting the vulnerable, tackling anti-social behaviour, and dealing with emergencies and other calls for service.

Its efficiency is assessed in relation to how it provides value for money.

Its legitimacy is assessed in relation to whether the force operates fairly, ethically and within the law.

HMIC decides on the depth, frequency and areas to inspect based upon their judgement about what is in the public interest. In certain circumstances e.g. to do with custody,

inspections are jointly carried out with their colleagues in other inspectorates such as prisons.

HMIC's annual inspection programme is subject to the approval of the Home Secretary in accordance with the Police Reform and Social Responsibility Act, 2011.

Previously, the inspectorate powers did not extend to the inspection of PCCs but HMIC could accept commissions from them for specific areas of work.

On 31 January 2017, the Policing and Crime Act 2017 received Royal Assent. The Act makes amendments to the Police Act 1996, including giving power to HMIC to inspect or report on the efficiency or effectiveness of individuals or organisations who are involved in supporting the police force or delivering policing functions who are not part of the police force itself. This includes organisations working in partnership with the private sector, various local agencies and PCC staff.

Most, if not all HMIC reports are made publically available thereby informing the public of the outcomes of inspection work carried out.

Section 55(5) of the 1996 Police Act requires PCCs to prepare comments on any of HMIC's published reports that relate to their force, and then publish these in the manner they see fit. Section 55(6) requires PCCs to send a copy of these comments to the Home Secretary. The PCC publishes his comments on his website at <http://www.southyorkshire-pcc.gov.uk/Transparency/HMIC-Reports.aspx>

South Yorkshire

The PCC and his Chief Executive have regular liaison meetings with the regional HMIC inspector. This provides the opportunity to share information and raise any specific issues in relation to the performance of South Yorkshire Police.

In terms of inspection activity the PCC and staff from the OPCC are invited as observers to attend force inspection preparatory meetings. During the onsite inspection phase the PCC and his Chief Executive take part in interviews and round table discussions as required and attend the 'hot debrief' session where the PCC and Chief Constable are informed of emerging findings.

The PCC receives regular updates on progress against areas for improvement / recommendations identified through HMIC inspection activity at his Public Accountability Board (PAB). Attached at Appendix A is a recent report to PAB.

The 2017 PEEL (Police Effectiveness, Efficiency and Legitimacy) inspection is underway. HMIC started their on-site activity for the Efficiency and Legitimacy element of PEEL on 26 June 2017. The Report setting out HMIC findings will be published in the Autumn.

USE OF STOP AND SEARCH

Background

On 30 April 2014, the then Home Secretary, Theresa May, gave a statement to Parliament on Police Stop and Search powers.

Whilst recognising the importance of the power, she had been concerned about its misuse, its potential to be an enormous waste of police time and being an unacceptable affront to justice if innocent people are searched for no good reason.

She commissioned HMIC to inspect all 43 forces and opened a public consultation, particularly aimed at young people and people from minority ethnic communities, to assess the use of stop and search powers.

There were more than 5,000 responses, revealing that people searched had very different attitudes to those who had never been.

- 76% of people between 55 and 74 thought stop and search powers are effective, only 38% of people between 18 and 24 agreed
- 66% of white people thought stop and search powers were effective and only 38% of black people agreed
- 27% of the one million or so stops carried out that year did not contain reasonable grounds to search, despite many having been endorsed by supervising officers. That means that more than a quarter could have been illegal.
- Official figures showed that black or minority ethnic background, were up to 7 times more likely to be stopped and searched by the police than a white person,
- Only around 10% of stops result in an arrest.

Theresa May introduced a number of measures to create

- greater transparency and accountability;
- a more intelligence-led approach; and
- community involvement in the use of stop and search powers leading to better outcomes.

These measures are contained within the 'Best Use of Stop and Search Scheme' (BUSSS).

South Yorkshire

The PCC's 'Holding to account' arrangements, are supported by a variety of themed assurance panels and committees. These panels and committees have no power to hold the Chief Constable to account.

Through the Joint Governance Group the PCC sets out his expectations of these panels and committees and clear terms of reference and work programmes have been put in place.

The Independent Ethics Panel ('IEP') has a role in helping the PCC and Chief Constable build the trust and confidence of the public and partners in South Yorkshire Police, by ensuring the code of ethics is culturally embedded across the organisation and is demonstrated through the way South Yorkshire Police thinks and behaves.

Through its activity the IEP provides assurance to the PCC and Chief Constable that ethics, diversity and compliance standards and procedures are effective in South Yorkshire Police and the OPCC.

The PCC has asked the IEP to consider the use of Stop and Search within the South Yorkshire Policing area and report any exceptions / areas of concern to him via his Public Accountability Board. At the Public Accountability Board on 7 March 2017 a discussion took place around how Stop and Search is measured and whether someone is more likely to be stopped and searched if they are from the BME Community. The Chief Constable suggested a better approach would be to look at the outcome of Stop & Search across all

communities and whether this was disproportionate. The IEP agreed to consider this approach when they next review this activity.

A member of the IEP also attends the bi monthly Stop and Search Scrutiny Panel, where fifty randomly selected stop and search records are examined for quality assurance and has provided positive feedback on the process.

CONTACT MANAGEMENT PERFORMANCE - ATLAS COURT

The Force's contact management arrangements have received huge criticism for some time. This continues to be a top priority issue being relayed to the PCC when he attends public meetings.

The PCC receives regular update reports to his Public Accountability Board on contact management performance and the Joint Independent Audit Committee (JIAC) is looking in detail at the adequacy of controls, governance and risk management arrangements in place. Deputy Chief Constable Mark Roberts provided a verbal update on Atlas Court systems at the JIAC meeting held on the 20 June. Members requested a further written briefing to include a description of the work underway with expected timescales of when these improvements are expected to occur. Once received JIAC will determine the level of assurance they are able to give the PCC around the adequacy of the arrangements in place. Members of the Police and Crime Panel can be provided with a copy of this briefing once received.

An officer of the OPCC attends the Force Contact Management Board and feeds back and concerns or issues to the PCC.

SUCCESSION PLANNING

The PCC appointed Chief Constable Steve Watson last year and has worked with him to recruit the Force's new senior leadership group.

The staffing of South Yorkshire Police is an operational matter for the Chief Constable. However, the Chief Constable, at his weekly one-to-one's with the PCC keeps him informed of any proposed promotions boards, staff moves etc. For example the Chief Constable has just run promotion boards for the ranks of Superintendent and Chief Inspector.

The PCC's Independent Ethics Panel (IEP) has been asked by the PCC to provide assurances around the Chief Constable's discharging of his equality and diversity responsibilities, including monitoring the equality and diversity of the workforce. This includes the ethnicity, gender and disability of staff and officers and includes monitoring against grade and rank. The IEP has recently recommended to the Chief Constable that the following be added to the Force's Equality Objectives:

"Develop Positive Action activity to encourage greater representation of BME/VME (Visible Minority Ethnic) & female candidates among recruit candidates, applications for promotion and reduce representation among leavers"

The Home Office has made it clear that the achievement of representative workforces is a high priority in policing. The scrutiny used concentrates mainly on the police officer component of the workforce rather than police staff, special constables or volunteers. In addition, forces are measured primarily on the proportions of minority ethnic and female officers in the workforce, rather than for example those who have disclosed a disability or a

particular sexual orientation. Also pertinent is the spread of female and minority ethnic officers across the range of police ranks. The highest rank attained by a female or minority ethnic officer is sometimes referred to popularly as the glass ceiling. For minority ethnic officers in SYP this rank is presently superintendent (although SYP has a BME Assistant Chief Constable seconded to the National College of Policing), for women it is Assistant Chief Constable. The main tool available to employers in this regard is positive action.

The existing equality objective addresses the use of positive action only in recruitment. That is, the activity it is possible and legitimate to undertake in order to increase the proportions of under-represented groups in pools of candidates. As such, this omits two other aspects – retention and career progression – towards which positive action can be utilised effectively.

The Force's Business Change and Innovation Department is currently undertaking work around analysing Force demand, this work will aid the Chief Constable in deciding what resources are required and aid future succession planning.

HMIC will also be looking at this as part of the Efficiency and Legitimacy Inspection.

IMPLICATIONS

There are no specific financial, legal, health and safety or equality & diversity implications.

List of background documents		
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PUBLIC ACCOUNTABILITY BOARD OF THE SOUTH YORKSHIRE POLICE AND CRIME COMMISSIONER

28TH FEBRUARY 2017

Purpose

The purpose of this report is to give the Police and Crime commissioner a summary of the recommendations from the 2016 Effectiveness inspection and an update as to progress against them.

This report is laid out as follows:

- Overall Summary.
- Grading.
- Causes for Concerns and Areas for Improvement.

Overall Summary

The Efficiency report is due to be published on the 2nd March 2017 and the overall assessment for the effectiveness of the force, in keeping people safe and reducing crime, was “**requires improvement**” which is the same grading for SYP as the 2015 Effectiveness inspection.

The assessment is broken down as:

- How effective is the force at preventing crime, tackling anti-social behaviour and keeping people safe? **Requires improvement.**
 - **Chief Lead Officer** - T/ACC Tim Forber
 - **Delivery Lead** - Supt Simon Verrall
- How effective is the force at investigating crime and reducing re-offending? **Requires improvement.**
 - **Chief Lead Officer** - ACC Mark Roberts
 - **Delivery Lead** - Detective Chief Supt James Abdy
- How effective is the force at protecting those who are vulnerable from harm, and supporting victims? **Requires improvement.**
 - **Chief Lead Officer** - ACC Mark Roberts
 - **Delivery Lead** - Detective Chief Supt James Abdy
- How effective is the force at tackling serious and organised crime? **Good.**
 - **Chief Lead Officer** – ACC Mark Roberts
 - **Delivery Lead** - Detective C/Supt James Abdy

- How effective are the force's specialist capabilities? **No formal grading but HMIC assessed that SYP have good plans in place.**
 - **Chief Lead Officer** - ACC Mark Roberts
 - **Delivery Lead** - Supt Caroline Rollitt

The observations of the HMIC were that the force has a good understanding of the communities it serves, however the changes made to the force-operating model has weakened the effectiveness of the force in tackling those threats. Whilst investigations are generally allocated to the appropriate people with the right skills, the management of those investigations and the auditing of effective investigation plans is inconsistent. The HMIC noted the backlog in the examination of digital media as a further obstacle to effective investigations. Whilst the HMIC recognised that the understanding of vulnerability had improved since the last inspection, they noted that officers routinely fail to complete quality risk assessments for Domestic Abuse victims.

The HMIC recognised that the force has effective processes in place to manage the threat posed by offenders in the community. Whilst approaches for repeat offenders are inconsistent, the HMIC noted they were in place across the county. The force's response to serious and organised crime was praised with the inspection team noting "a comprehensive understanding" of the threat posed by serious and organised crime, with good partnership and regional working to tackle both organised crime and deter people from becoming involved. The HMIC also recognised that SYP has good plans to mobilise in response to the threats in the Strategic Policing Requirement.

Causes for Concern and Areas for Improvement

The HMIC identified 1 cause for concern and 10 areas for improvement with recommendations. These are as follows:

Causes of concern

South Yorkshire Police are failing to safeguard vulnerable victims fully, but particularly victims of Domestic Abuse at initial response and during the subsequent investigation. The force routinely fails to provide adequate Domestic Abuse safeguarding referrals, with poor quality information being recorded from scenes. The threshold the force has for the allocation of specialist detectives to work on high-risk investigations is very high, the level of workload is also high within that team, which means the timeliness of investigations, and safeguarding may be compromised.

Recommendation

To address this cause of concern, HMIC recommends that the force take **immediate** steps to ensure that:

- Response officers become more proficient in completing DASH risk assessments at initial response and there should be sufficient supervision to ensure that opportunities to safeguard vulnerable victims are not missed.
- The force improves its investigation of cases involving vulnerable victims, particularly Domestic Abuse cases, by ensuring officers and staff with the appropriate professional skills and experience investigate cases, specifically complex cases, and have the capacity to provide the ongoing safeguarding required, and that these investigations are supervised effectively and are recorded appropriately on force systems.

Progress

Steps have been taken to address this concern immediately following the hot debrief, specifically:

- Reported domestic incidents are assessed using the NDMM (national decision-making model) and an appropriate graded response given – immediate or priority. On occasions where the risk is assessed as low and the victim is not readily available to see an officer, an appointment-based response can be appropriate in line with the graded threat/risk and the victim's wishes/availability.
- Any priority graded domestic incidents that are yet to be resourced are subject to an on-going risk assessment within the control room and those that have yet to be attended are raised and discussed at the Atlas Court Daily Management Meeting.
- Where high-risk domestic incidents remain unallocated dispatch team leaders, if unable to resolve, will escalate to the Force Incident Manager for action and direction on a live-time basis.
- As from the 2nd January 2017, each District Daily Management Meeting (DMM) is provided with details of any Domestic Abuse incident where a DASH risk assessment has not been completed or, has been completed unsatisfactorily. The expectation is that this will be rectified with immediate effect.
- At the force DMM the chair is informed of how many DA incidents have been recorded in the last 24 hours and their associated risk levels.
- An internal media and training programme has been delivered, by the Protecting Vulnerable People (PVP) command team, to all front line officers. This focused on how officers' responds too, investigate and safeguard when responding to DA. HMIC reported positive comment from officers who have received this training.

- What is encouraging is the findings of a recent Policing Peer review by the College of Policing. They found that our frontline staff have a good understanding of vulnerability and the various safeguarding opportunities available to them to make people safe.
- Work is currently ongoing to understand demand and develop a new resource model for PVP, which will address the professional skills and capacity of teams. In the meantime and in order to mitigate the risks to victims the force is running a selection process for Detective Constable transferees who will then be posted into the Safeguarding Adult Teams (SAT). Staff who are being released from large-scale CSE investigations have been, and will continue to be posted into the SATs. As of 2nd January, initial victim care and management of investigations that sit within the Force Crime Unit are no longer being managed by the SAT.
- With the assistance of the College of Policing, SYP are conducting a full review of the whole PVP provision. This includes demand mapping, work force mix, remodelling of current working practice in line with National best practice and ultimately matching resources to the identified demand. The Investigation and Action Plan review are complete and the resource modelling will report in early April. Various models of how to manage demand to vulnerable adults and domestic abuse are being researched cognisant to the fact that the current threshold for specialist intervention is too high.
- Concerning the lack of investigation plans and supervision oversight recorded on CMS, this is part of the force on going action plan aimed at improving investigation quality and the associated outcomes for victims. Inspectors are now required, every 10 days, to review all investigation plans on CMS.
- All staff within PVP have been reminded of the necessity to correctly record plans, safeguarding and supervisory oversight on CMS. In addition, this is also an agenda item on the PVP master class input, which each member of PVP staff attends.
- A PVP continuous improvement and governance unit has been established. Their terms of reference include reality-checking compliance with this instruction across domestic abuse investigations at all risk levels.

Areas for improvement

Preventing Crime

- The force should work with local people and partner organisations to improve its understanding of local communities, including those, which find it harder to communicate with the police, such as migrant communities or elderly people.
- The force should ensure that local policing teams routinely engage with local communities and undertake structured problem solving alongside partner organisations in order to prevent crime and anti-social behaviour.

- The force should evaluate and share effective practice routinely, both internally and with partner organisations, to improve its approach to the prevention of crime and anti-social behaviour continually.

Progress

- The force has established a Confidence and Trust Board, which is still in the early stages of development but this group will oversee the work around local communities and the drivers of public confidence and trust. The meeting is chaired by the ACC for Local Policing.
- Each Local Policing Area has an Independent Advisory Group.
- The force has commenced work to design a new operating model with detailed analysis of high demand areas across the county. A revised neighbourhood offer will be structured around town centre, complex needs and universal neighbourhood policing offers. Each local commander has started working towards this revised approach with the Barnsley Public Service Hub providing a proof of concept. Public consultation on a number of models is due to begin in the coming weeks.
- The force will have an intake of Police Now candidates in autumn and these officers will be posted in the high demand areas to work on developing solutions to local problems working alongside the community and partner organisations.
- A demand reduction-working group chaired at ACC level has begun to look at the top 10 demand locations within each LPU with a view to problem-solving plans being put in place, governed through performance meetings and a repository of knowledge being created on what works.
- The force has already provided training to all PCSO's on problem solving using the OSARA model. Work is currently ongoing to develop training for all staff involved in the revised neighbourhood model. This will specifically look at problem solving and developing sustainable solutions with partners and is a requirement of the Police Now scheme.
- Members of the force have recently visited Cheshire to explore different options to record problem solving plans, evaluate the effectiveness of them and to share best practice. Further work is currently on going.

Investigating Crime

- The force should ensure that all investigations are completed to a consistently good standard, and in a timely manner.
- The force should ensure that there is regular and active supervision of investigations to improve quality and progress.
- The force should improve its ability to retrieve digital evidence from mobile phones, computers and other electronic devices quickly enough to ensure that investigations are not delayed.

Progress

Ongoing work to meet these areas for improvement include:

- The force suspect management policy has been signed off at ACC level and is now being established and regularly reviewed through the Suspect Management Working Group. This embeds the necessity for all investigations with suspects to be reviewed at Inspector level. Quality Assurance checks are carried out by the newly established delivery unit.
- The Force Crime Registrar is making further changes to the Crime Management System to allow easier audit of investigation plans and Inspector reviews, and enable local command teams to access this.
- New digital retrieval kiosks are in the process of being procured and these will be installed locally along with appropriate training. This will allow for downloads at custody and LPU which will improve digital retrieval. The Digital Forensics Unit currently have a triage process in place to ensure devices are examined by the most appropriate means and in a timely way to ensure they do not add to the backlog. In terms of a longer term solution to address the backlog a SLG paper will be submitted in the near future requesting further temporary resources to deal with both the backlog and the force's professional accreditation, which will be due by Oct 2017. As an interim measure, the force has outsourced a number of items for examination, which forms part of the triage process.

Protecting the Vulnerable from harm

- The force should review its process for submitting child protection and vulnerable adult referrals to the MASH to minimise the bureaucracy of multiple submissions and ensure partner organisations receive the right information in a timely way so that victims are better supported.
- The force should reassure itself that referrals of children at risk of harm are being made in non-Domestic Abuse cases.
- The force should review its use of DVPOs, DVPNs and Clare's Law to ensure that it is making best use of these powers to safeguard victims of Domestic Abuse.

Progress

Ongoing work to address these areas for improvement include:

- A review of how the force currently submits child protection and vulnerable adult referrals to the MASH is currently on going. This is a complicated piece of work to understand the journey and avoid duplication. The work stream will be addressed through the revised Countywide Safeguarding meeting.
- Work to further embed the referrals of children in non-DA cases is ongoing through continuous training, development and marketing. The PVP Delivery Unit will quality assure processes once the College of Policing review concludes in early April.

- All MASH's are currently conducting internal reviews following concerns raised by the OFSTED inspection. This will be followed post April 2017 by a wholesale review of MASH arrangements.
- DVPOs have been promoted through the force intranet site and custody officers have received further training in their role as gatekeepers and initiators of the process. A recent example highlighted the benefits of the process when a person was sentenced to prison for breaching a DVPO. LPT quarterly performance reviews include information on DVPN's, DVPO's.
- The ongoing PVP review is looking at processes for opportunities to improve SYP response to Claire's Law disclosures, including specifically, improvements around the right to notify. Minimum standards of investigation across all areas of PVP are now in place as a result of the College of Policing Peer Review.

Serious and Organised Crime

- The force should further develop its serious and organised crime local profile in conjunction with partner organisations to enhance its understanding of the threat posed by serious and organised crime and to seek to develop police and partner organisation joint activity aimed at reducing this threat.

Progress

The Organised Crime Partnership board is well established and the Serious and Organised Crime Local Profile has been produced and will be shared with partners in the coming weeks. This will allow partners to share their observations, explore ideas where they can contribute towards prevention and disruption and ultimately ensure the final product is inclusive of partnership data. The National Organised Crime disruption manual has been published and was in fact authored by an SYP officer.

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Meeting Date	7 July 2017
Report of	The Police and Crime Commissioner
Subject	Budget Monitoring Report: 2016/17 Outturn Position

EXECUTIVE SUMMARY

1. The purpose of the report is to inform Members of the Panel of the outturn position in respect of the revenue budget and capital programme, at the end of the 2016/17 financial year.
2. The report indicates that the year end position is that revenue expenditure is £3m less than budget, when legacy issue costs are excluded. The spending on legacy issues has slipped into future financial years and has meant that £6m has been held in financial reserves. The reasons for the spending variations are set out later in this report.
3. In terms of capital expenditure, the report indicates that spending totalled £11.9m compared to a capital programme of £15.2m.

RECOMMENDATION

4. Members of the Police and Crime Panel are recommended to note the report on the outturn position at the end of the 2016/17 financial year.

REVENUE BUDGET FOR 2016/17

5. On 26 February 2016 the Police and Crime Commissioner (PCC) approved a net revenue budget of £241.963m, which is the amount financed by government grant and Council Tax income. How this overall spending was financed is shown below:

	Budget 2016/17
	£'000
Police Grant (HO Core)	-100,597
Revenue Support Grant (Ex DCLG Formula)	-77,465
Council Tax Freeze Grant 2011/12	-1,269
Council Tax Support Scheme compensation	-9,591
Total Grant Funding	-188,922
Council Tax income	-51,569
Collection Fund surplus	-1,472
FINANCING OF BUDGET REQUIREMENT	-241,963

6. During the financial year the revenue budget was revised to reflect a number of approved changes. The original budget included savings proposals that would be delivered through an employee severance programme involving potential costs of approximately £2m which would be met from reserves. However following the conclusion of a Peer Review in May 2016, it was agreed that this would not take place and the budget was adjusted to reflect this.
7. The majority of the revenue budget is allocated to the Chief Constable. Other revenue budgets include those held by the PCC to meet the costs of his office (the OPCC) and to support his partnership and commissioning activity. There have also been budgets to meet the potential costs of legacy issues, which relate to: the investigation into historic allegations of child sexual exploitation (CSE) conducted by the National Crime Agency (referred to as Operation Stovewood); potential civil compensation claims from those affected by the Hillsborough Disaster and potential civil compensation claims from victims of CSE.

REVENUE OUTTURN AT 31 MARCH 2017

8. The table below summarises the overall financial position at the end of the 2016/17 financial year. This is followed by commentary on the main reasons for variations in spending.

	Revised Budget £'000	Outturn £'000	Variation £'000
Chief Constable Budget	236,872	233,928	2,944
PCC and OPCC Budget	2,118	1,662	456
Partnerships & Commissioning	3,714	3,446	268
Capital Financing	3,040	3,100	-60
External Funding	-7,794	-7,219	-575
Contribution from Reserves	-3,187	-154	-3,033
Total Net Expenditure	234,763	234,763	0
<u>Legacy Issues</u>			
Potential Costs (net of special grant income)	7,200	984	6,216
Contribution to Reserves	0	6,216	-6,216
Total Legacy Issues	7,200	7,200	0
Total Net Expenditure	241,963	241,963	0

Chief Constable budget

9. The final outturn is an underspend of £2.9m. The amended financial strategy for the year required South Yorkshire Police to reduce spending as a contribution to balancing the 2017/18 budget. At the year end the main spending reductions were:
- Premises: reduced spending of £0.8m on energy and water costs.
 - Transport: reduced spending of £0.6m on fuel, vehicle parts and mileage expenses.
 - Supplies & Services: reduced spending of £1.6m. This mostly relates to reduced contract expenditure as a result of the work of the Regional Procurement Unit securing more advantageous contracts.

Legacy issue costs

10. The costs of legacy issues – the Hillsborough Inquests and historic allegations of child sexual exploitation (CSE) - have had a significant impact on the financial position of the PCC and South Yorkshire Police in recent years. The costs would have had a detrimental effect on operational policing budgets had the PCC not secured additional 'special grant' funding from the Home Office for both the Hillsborough Inquests costs and Operation Stovewood. It is likely that legacy issues will continue. However it is difficult to determine accurately the potential scale of such costs and the level of special grant funding. For the purposes of the budget for 2016/17 it was assumed that if legacy costs were to be incurred that these would be substantially offset by Home Office special grant funding. The Home Office usually require policing bodies to meet some of these costs from their own resources – based on the Home Office "1% rule" – and therefore the revenue budget included approximately £7m for such potential costs.
11. There continues to be considerable uncertainty about the degree to which South Yorkshire Police may be liable for such costs, when any liability may arise and the extent to which these may be offset by Home Office Special Grant. At the end of the year, an assessment by the South Yorkshire Police Legal Services Department suggests that if such costs were to materialise, these are likely to fall in future financial years. To mitigate the impact of these potential costs on future financial years, £6m had been held in reserves for possible future use.

CAPITAL OUTTURN AT 31 MARCH 2017

12. The PCC approved a capital programme for 2016/17 of £15m. At the end of the financial year, the level of capital spending totalled approximately £12m. This variation of £3m will slip into future financial years. The amount spent in 2016/17 was on the following:
- There was capital expenditure of £1.8m spent improving existing buildings.
 - £1m was spent on new vehicles purchased in accordance with the vehicle replacement program.
 - £1.5m was spent on information, communications and operational equipment, including joint projects with Humberside Police.

- £7.7m was spent on assets under construction, of which £4m was spent on construction costs for the new Barnsley custody suite.

RESERVES POSITION

13. At the end of the 2016/17 financial year, the overall level of revenue reserves is approximately is £39m. The revenue budget for 2017/18 will use approximately £8m of reserves to fund expenditure in the current financial year. The forecast level of reserves at 31 March 2018 is therefore approximately £31m. This has to be seen in the context of potential significant liabilities in future years and considerable uncertainty about the level of additional funding from Government for those costs.

Revenue Reserves	Balance at 31/3/16 £'000	Movement in year £'000	Balance at 31/3/17 £'000
General Reserves	17,597	36	17,633
Earmarked Reserves	15,246	6,027	21,273
Total Revenue Reserves	<u>32,843</u>	<u>6,063</u>	<u>38,906</u>

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Meeting Date	7 July 2017
Report of	The Police and Crime Commissioner
Subject	Performance Against the Police and Crime Plan: End of Year Report - April 2016 to March 2017

EXECUTIVE SUMMARY

To provide members of the Police and Crime Panel with information on the progress against the priorities and outcomes set out in the Police and Crime Plan 2013-17, together with further planned activity.

RECOMMENDATION

Members of the Police and Crime Panel are recommended to note the contents of this report and comment on any matters arising.

CONTENTS

Main Report
Appendices

BACKGROUND

The aim of the Police and Crime Plan 2013-17 was for South Yorkshire to be and feel a safe place to live, learn and work. This was supported by the three “strategic priorities” of Protecting Vulnerable People, Tackling Crime and Anti-social behaviour (ASB) and Enabling Fair Treatment, with specific outcomes attached to each.

The Strategic Priorities

Protecting Vulnerable People

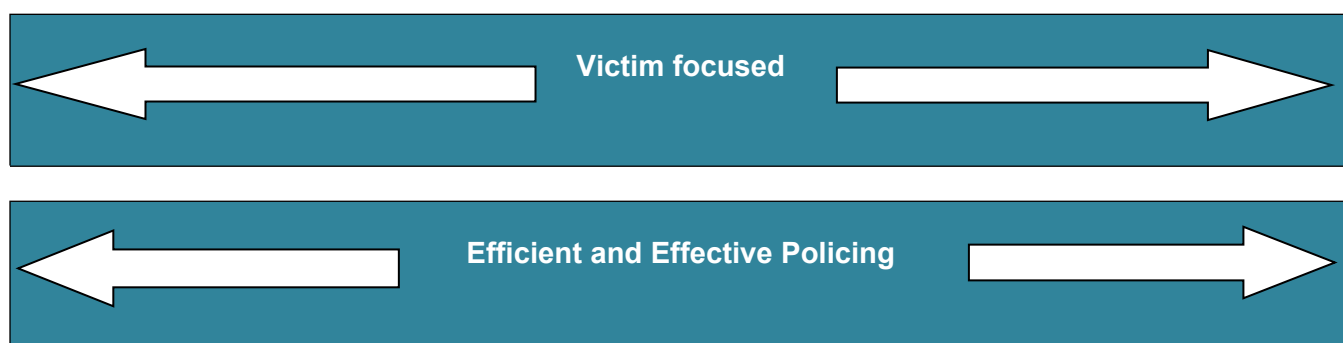
- Ensuring effective action tackling child sexual exploitation, rape and serious sexual offences.
- Dealing appropriately with threats to the most vulnerable people, while expanding our understanding of vulnerability.
- Ensuring that the police and justice services recognise and respond appropriately to those suffering mental health issues.

Tackling Crime and Anti-Social Behaviour

- Working to reduce crime, anti-social behaviour and re-offending.
- Targeting those who cause most harm in the community and, where possible, intervening before they enter the criminal justice system.
- Prioritising those crimes and behaviours that cause the most harm to individuals and communities.
- Finding the best outcomes for victims of crime and anti-social behaviour.

Enabling Fair Treatment

- Ensuring that the police serve all citizens and sections of the public equally.
- Engaging with the public and reflecting their views in delivering policing and crime services.
- Prioritising the delivery of services to those most in need and maintaining a visible presence in places where this will have most impact.
- Recognising that staff confidence and morale and adherence to codes of ethics and professional practice is central to delivering an efficient and effective police service.



PERFORMANCE AGAINST THE POLICE AND CRIME PLAN 2016/17 : END OF YEAR REPORT

Attached at Appendix A is the Force end of year performance report. This was discussed at the PCC's Public Accountability Board on 6 June 2017.

SOUTH YORKSHIRE POLICE'S PERFORMANCE REPORTING AGAINST THE REQUIREMENTS OF THE POLICE AND CRIME PLAN 2017-2022

Attached at Appendix B is a report outlining the Chief Constable's proposed arrangements for reporting Force performance against the requirements of the Police and Crime Plan 2017-22. This report was discussed at the Public Accountability Board on 25 April 2017.

At the next Public Accountability Board on 19 July the Force will be reporting on the requirements relating to the Enabling Fair Treatment priority of the current Police and Crime Plan and the effectiveness of the current policing arrangements for preventing and tackling Cyber Crime.

FINANCIAL IMPLICATIONS

There are no financial implication.

LEGAL IMPLICATIONS

The Police Reform and Social Responsibility Act 2011 makes provision for the Commissioner to issue a new Plan as soon as possible after the Police and Crime Commissioner elections. This includes any changes in the strategic policing requirement issued by the Home Secretary.

HEALTH AND SAFETY IMPLICATIONS

There are no health and safety implications.

EQUALITY & DIVERSITY IMPLICATIONS

Through monitoring delivery of the 'Enabling Fair Treatment' priority of the Police and Crime Plan the PCC considers equality and diversity issues. He receives assurance from the Independent Ethics Panel on such matters.

The PCC has a statutory duty to consult the public on policing and crime issues and his engagement plans are designed to ensure he understands the needs of the diverse communities in South Yorkshire. His Protests Panel, Trust and Confidence Steering Group and Independent Advisory Panel for Minority Communities assist further in this regard.

List of background documents		
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PUBLIC ACCOUNTABILITY BOARD OF THE SOUTH YORKSHIRE POLICE AND CRIME COMMISSIONER

6TH JUNE 2017

REPORT OF THE CHIEF CONSTABLE

END OF YEAR REPORT THE POLICE AND CRIME PLAN APRIL 2016 TO MARCH 2017

Purpose

This report provides an update to the Police and Crime Commissioner covering current progress against the Police and Crime Plan, together with further planned activity.

Strategic Objective. The aim of the Police and Crime Plan is for South Yorkshire to be and feel a safe place to live, learn and work. This is supported by the three “strategic priorities” of Protecting Vulnerable People, Tackling Crime and Anti-social behaviour (ASB) and Enabling Fair Treatment. This report will detail the progress made under each strategic pillar. The police and crime plan’s requirements in detail are shown below:

The Strategic Priorities

Protecting

Tackling Crime and

Enabling

Vulnerable People

Anti-Social Behaviour

Fair Treatment

- | | | |
|--|---|---|
| <ul style="list-style-type: none">• Effective action tackling child sexual exploitation, rape and serious sexual offences.• Effective response to threats to the most vulnerable people.• Appropriate response by police and justice services to those suffering mental health issues. | <ul style="list-style-type: none">• Effective action tackling crime, anti-social behaviour and re-offending.• Targeted response to those who cause most harm in the community and intervention with others before they enter the criminal justice system.• Prioritising the crime and behaviours that cause the most harm within the community.• Finding the best outcomes for victims of crime and anti-social behaviour. | <ul style="list-style-type: none">• Planned engagement that seeks public feedback to inform the delivery of policing and crime services• Deploying resources to areas of highest demand based on threat, harm and risk• Finding ways to understand and address appropriately feelings of safety• Services that inspire trust in the general public• Recognise staff confidence and morale and adherence to codes of ethics and professional practice as central to delivering an efficient and effective police service |
|--|---|---|

Recommendation. The Commissioner is requested to review the report and make comments as appropriate.

Content. This report will cover the following areas:

- Her Majesties Inspectorate of Constabularies Police Effectiveness, Legitimacy and Leadership (PEEL) PEEL assessment of South Yorkshire Police.
- Protecting Vulnerable People.
- Tackling Crime and ASB.
- Enabling Fair Treatment.

HMIC PEEL ASSESSMENT OF SOUTH YORKSHIRE POLICE

HMIC completed their annual inspection programme, known as PEEL in 2016. Their assessment was:

- Effectiveness: **Requires Improvement**
- Efficiency: **Requires Improvement**
- Leadership: **Requires Improvement**

The force has considered the recommendations made in these inspections and have already moved to implement the appropriate actions. The PEEL inspection programme will begin again in June and the force is confident that improvements have been made.

PROTECTING VULNERABLE PEOPLE

The Following section contains the key details on the progress made under protecting vulnerable people in the thematic areas of Responding to Vulnerability, Child Sexual Exploitation (CSE) and sexual offences, responding to domestic abuse and mental health.

Responding to vulnerability

- The force identifies the main threats to the public through the Strategic Intelligence Assessment (SIA) process.
- The force now has a dedicated modern slavery unit that has improved its ability to recognise instances of modern slavery and is in developing our understanding of the extent of such offences within the county. Within the reporting period, South Yorkshire Police made 44 referrals for modern slavery, the 8th highest out of the 43 forces in England and Wales.
- The force continues to put considerable effort into tackling hate crime with internal and external campaigns to raise awareness and increase reporting. The latest campaign, “hate hurts” is still ongoing and was launched with considerable conventional and social media coverage along with a live web chat with the hate crime theme lead.

CSE and Sexual Offences

- Over the reporting period, there has been an increase in recorded sexual offences and CSE tagged offences. This increase is currently 18.4% for total sexual offences and 27.2%

for rape. The force have made considerable progress in ensuring victims of sexual crime have the confidence that South Yorkshire Police will believe and support them (some of which are described below). The levels of recorded sexual crime are believed to be significantly underreported nationally and this increase is considered a positive indication of the work of the specialist officers working with victims of sexual crime.

- For sexual offences, the force has brought 448 offenders to justice over the reporting period or 13% of all sexual offenders. This is a decrease in volume as previously 495 offenders were brought to justice over the same period the year before.
- Investigations into historic CSE offences saw 20 suspects convicted in 2016/17 and sentenced to a total of over 280 years in prison with 5 further suspects being found guilty and currently awaiting sentencing.
- The force is in the process of a comprehensive review supported by the College of Policing, which will redesign how vulnerable people are protected in South Yorkshire. This has been substantially informed by victims of sexual crime who have been consulted regarding how they were treated and how the service provided by South Yorkshire Police can be enhanced. The findings have been presented to senior leaders within South Yorkshire Police for them to consider and will be brought back for final amendments or ratification on 7th June 2017.

Responding to Domestic Abuse

- The force control strategy indicates where the greatest threats to our communities exist and the latest identified modern slavery and domestic abuse as being the areas of vulnerability, along with sexual offences and mental health that are of the most concern.
- South Yorkshire has seen an increase in recorded domestic crimes of 33.5% of which an average of 250 offenders a month were brought to justice, a slight reduction against the previous average of 254 a month. Domestic abuse has been identified by HMIC as an area that requires improvement. Since they voiced their concerns the force have made significant improvements including improving the quantity, quality and timeliness of risk assessing domestic abuse victims with robust scrutiny, internal and external communication campaigns to encourage reporting and to ensure that officers consider the safety of children at domestic abuse incidents. The force has worked with domestic abuse victims in delivering training and using webchats to inform staff about coercive control offences.
- A key area of improvement has been the risk assessment of domestic abuse victims and dependents. The Domestic Abuse Stalking and Harassment (DASH) risk assessment had previously been missed on too many occasions and the quality of those that had been done was very mixed. The force has implemented a daily checking system linked to improved mobile technology that allows an officer to complete the DASH in real time and likewise their supervisor to check the quality almost immediately. Any DASH failures are examined daily to investigate what needs to be done and how failures can be reduced in the future.
- The force has recognised the need to improve its use of measures to protect domestic abuse victim. The Domestic Violence Protection Order (DVPO) is one such measure. In 2016 the force applied for 75 DVPOs and obtained 64. Following action taken to train officers and staff in this area, so far in 2017, the force has applied for 27 and obtained 23. The total so far is 36% of the total obtained in 2016 and so indicates a significant increase.

Mental Health

- During the reporting period those suffering from mental illness have continued to represent a significant demand for police service. As other services reduce their capacity to tackle mental health issues the Police are often called to meet the needs of individuals. Incidents involving mental illness as a significant factor have increased by 15% or an extra 957 incidents.
- South Yorkshire Police have signed the Crisis care concordat, which is a multi-agency approach to ensuring that vulnerable persons suffering from mental illness are cared for in the community and that they do not end up, as far as possible, in police custody. As a result of this an average of only 4 persons have been detained in custody under section 136 legislation per month (this is where someone suffering from mental illness is detained for their own safety or the safety of the general public). This is a significant commitment to protecting vulnerable people as the force recognises, and has taken action, that a custody cell is the last place someone suffering from mental illness should be. Meanwhile NHS data shows that the numbers detained in authorised places of safety are increasing. Each 136 detention, whether in custody or at NHS places of safety, represents significant demands on police time.
- To effectively manage demand and protect people vulnerable through mental illness the force have introduced a triage function within Atlas court to enhance the initial response to vulnerability. Any mental health, self-harm or suicide prevention intervention is recorded to learn lessons and better inform future dealings with vulnerable people. For those suffering from dementia or related conditions the force is a signatory to the Herbert protocol in an effort to more effectively respond to and recognise this area of vulnerability.

TACKLING CRIME AND ASB

The Following section details the progress made tackling crime and ASB in the three thematic areas of preventing and deterring crime and ASB, investigating crime and victim satisfaction.

Preventing and Deterring Crime

- Recorded crime has increased by 19% over the reporting period with the largest increases in volume being in low-level violence and minor theft offences. The force has overhauled crime-recording arrangements and established a team to oversee these changes that has resulted in a considerable enhancement in the ability of the force to identify and record crimes that may have previously gone unreported and the victim unidentified. The increase following this work appears to have stabilised at the beginning of February and total crime is starting to reduce. Whilst these reductions do not lower levels back to the previous average, they should be seen as positive reductions that have taken place in spite of maintained improvements in crime recording.
- The overall assessment however is that, regardless of the recording changes, that there have been genuine increases in crime; of concern is the noted increases in recorded violence ,particularly linked to knife crime.
- The increases in violent crime have been steeper in South Yorkshire than elsewhere, however the violent crime rate is still lower in South Yorkshire than the national average.
- South Yorkshire experiences higher levels of theft offences than the national average, including burglary, robbery and vehicle crime.

- Whilst it is recognised that the force is in a transitional phase which will see the establishment of dedicated neighbourhood patrol teams, there is a great deal of preventative work that takes place in the current operating model.
- LPU's have identified their top ten repeat demand locations and implemented problem solving plans to address the needs of each location. Strategic leads have been established for reducing demand from hospitals, reducing ASB at fast food outlets and addressing issues within the night time economy.
- To inform the future operating model the force has conducted comprehensive analysis of the demand across the county. This has led to the identification of a number of priority Lower Super Output Areas (LSOAs) across the force where the demand is centred. The intention is to group the priority areas into Neighbourhoods around which the new neighbourhood policing offer will be designed. This will allow the force to efficiently allocate proactive resources to the areas most in need and prevent harm to the most vulnerable in society.
- The work of the force tackling serious and organised crime was graded as good by HMIC. The latest figures show that South Yorkshire Police have recovered 13 firearms in the first quarter of 2017, 9 of which were the direct result of proactive policing operations.
- The work to protect the public from the serious threat of terrorism continues. HMIC recognised the arrangements in place for these serious threats to be effective and, to enhance this further, the force recently completed a comprehensive multi agency test exercise at Meadowhall shopping centre.

Investigating crime

- South Yorkshire police have brought to justice 19,870 suspects in the reporting period or 16.3% of all offences. Brought to justice refers to where a suspect receives any penalty for their actions from being charged or summonsed to court to community resolutions. This is a decline of 1584 from the previous 12 months. A significant part of this is accounted for in the increase in crimes recorded where the victim does not support or engage with a prosecution. This accounts for 9.6% of all crime, or 10,468 offences, which is a significant increase of 4.1% over the previous reporting period.
- This increase reflects the previously mentioned overhaul of crime recording arrangements to ensure the victim receives the best service possible, regardless of their willingness to support a prosecution. The force is currently implementing a comprehensive training programme to increase the capacity of accredited detectives to address a shortfall of detectives. The programme will train 25 detectives every year for the next three years alongside further specialist qualifications to increase capacity in protecting vulnerable people investigations.
- South Yorkshire Police are the pilot force for a Police Transformation fund project where in partnership with the University of Sheffield, civilian investigators will be trained with the aim of reaching the standards of accredited detectives. The first course will begin in June with the first investigators arriving in force in September 2017.
- The force has implemented a Crime and Justice Standards board, chaired at Assistant Chief Constable level, the purpose of which is to drive up standards of crime investigation, file quality and suspect management along with implementing recent changes to legislation concerning releasing suspects on bail.

Victim Satisfaction

- Overall satisfaction levels have decreased during the reporting period as compared to the same period last year. The proportion of persons surveyed at least fairly satisfied with the whole service they received was 78% compared with 84% last year whilst the proportion very satisfied was 64% compared with 69% last year.
- Better performing elements of service are ease of contact at 77% and treatment at 80%. Areas where there is potential for significant improvement are police actions at 60% and particularly follow up at 50%.
- Better performing crime types are burglary dwelling at 91% fairly satisfied and 79% very satisfied along with hate crime with 74% fairly satisfied and 60% very satisfied, both showing continued improvements from the previous year. More challenging is violent crime and vehicle crime with satisfaction levels of 76% and 69% respectively both showing declines since last year.
- The force has assessed that the increase in recording of low-level violent crime where a victim does not support a prosecution or engage with the process has negatively impacted the overall results for this category. A pilot in Sheffield tackling Vehicle crime is ongoing and has seen some success; once analysed fully this will be adopted across the county.
- Domestic Abuse satisfaction is currently 83% and has seen significant increases, particularly in satisfaction with follow up. The force theme lead is establishing whether the lessons learned through improving follow up satisfaction for Domestic Abuse victims could be applied to other crime types to achieve similar improvements.

ENABLING FAIR TREATMENT

The Following section contains the key details on the progress made under enabling fair treatment in the three thematic areas of public engagement, adhering to the Code of Ethics and workforce wellbeing.

Public engagement

- The force recognises that the operating model has had an impact on local level engagement with communities, which is why the Chief Constable has commissioned the aforementioned review into Neighbourhood policing. However, the force has made considerable effort to maintain engagement in the absence of dedicated Neighbourhood teams.
- As part of the Neighbourhood policing review the Chief Constable has been visiting communities throughout South Yorkshire so that they can directly influence how the force is structured and how local policing teams meet public expectations.
- Each LPU maintains a problem-solving hub of tasking and ASB officers who deliver proactive capability. In addition, the Barnsley and Sheffield public service hubs have provided a model of public service collaboration aimed at tackling those in the most need within hard to reach communities.
- The force's Corporate Communications department was described as "vibrant" by HMIC. As well as winning numerous awards for campaign design they have ensured that the forces social media following is one of the largest in the country. 150,000 Facebook followers, 126,000 Twitter followers, 14,700 Instagram followers as well as a Youtube channel and LinkedIn account.

- The force conducts monthly operations focussed on one geographic area at a time. These are covered extensively in social and conventional media with the April operation attracting 320,000 hits on Twitter.

Adhering to the Code of Ethics

- The force has established the Code of Ethics as part of the Chief's plan on a page with Code of Ethics champions across the force.
- The force has delivered "ethical dilemma" training to officers and staff so that the application of the Code of Ethics is readily understood.
- The ethical application of stop and search powers is considered a key factor in maintaining engagement with hard to reach communities and where done incorrectly can erode public confidence. HMIC found that South Yorkshire Police is now fully compliant with the Best Use of Stop and Search (BUSS) scheme. All stop and search figures are now published on the force internet site along with the ethnicity of those searched so any disproportionality is visible.
- Similarly, HMIC found that the force's arrangements for the use of TASER were fair and governance robust. All TASER officers receive specialist training and regular reaccreditation. Each TASER deployment is scrutinised by the force lead to determine whether its use was lawful and proportionate and they also oversee any remedial action or referrals to Professional Standards. The force is further developing training, not out of any cause for concern, but to further enhance the ability of TASER trained officers to deploy ethically and in line with national guidance.

Workforce wellbeing

- HMIC expressed concern that the force had not taken enough steps to understand the feelings and needs of the workforce. As a result, the Chief Constable commissioned a staff survey, which was conducted in partnership with the University of Durham. The overall response rate was 54% which is one of the highest nationally of any police staff survey.
- The results have been analysed and are in the process of being delivered to the workforce in the form of staff workshops and an infographic made available to all staff. The results show that officers are still motivated by public service and feel that their role has meaning.
- The survey identified the need for senior leaders to demonstrate they value the ideas and contributions of staff, which is being addressed via colleague panels and other engagement activity. The clarity provided by the plan on the page as to strategic direction is addressing staff concerns that they wanted greater clarity as to the direction the force is taking. .
- The Sergeants Leadership pledge aiming at improving the effectiveness and capacity of front line supervision has been implemented. A further leadership survey has been launched to better understand the behaviours and impact of the leaders within the force and the Colleague Panels have been established to give officers and staff a platform to air their views on issues that affect them.

Public Encounters

- Public encounters refers to the interaction between front line staff and the public, including stop and search, use of force and TASER along with general interactions such as at call handling and enquiry desks.

- The force is currently implementing a comprehensive training programme to implement changes to stop and search practice in line with College of Policing guidance. There is significant oversight of the use of search powers with a scrutiny panel sitting monthly and delivering feedback to any officers where the recorded grounds are ambiguous.
- Stop and search figures are published on the force internet site for transparency, including details of any disproportionality in terms of the ethnicity of those searched. Any complaints received due to the use of stop and search powers are always referred to the theme lead who identifies any lessons that can be learned. Whilst the process is set up to do this, it should be noted that there have been no complaints regarding stop and search during the reporting period.
- All use of force is recorded using an online system that is scrutinised by the personal safety department so that they can ensure the circumstances were lawful and whether the tactics need to be reviewed for effectiveness. Any circumstances where grounds for use of force appear ambiguous results in a referral to Professional standards. The force is in the process of introducing a use of force panel to provide strategic oversight to this area.
- The force has been inspected for its use of TASER by HMIC previously who found the training and governance of this area to be effective. Every TASER officer receives specialist training and must keep up to date with regular refresher training. Similarly, to use of force all TASER usage is recorded using an online system and each is reviewed by the force firearms lead. Guidance is being constantly refreshed to ensure that South Yorkshire Police TASER officers are trained to an extremely high standard.

Summary

The key challenge for the force moving forward remains implementing the Chief Constable's vision of moving "upstream of demand", particularly in the more challenging neighbourhoods in the county. The force is addressing the areas for improvement identified by HMIC, moving to an operating model based on neighbourhood policing and establishing solid foundations in terms of crime recording, public protection and staff wellbeing. The force now has an entirely new senior leadership group and substantial change is underway that will see improvements to how policing is delivered in South Yorkshire.

SOUTH YORKSHIRE POLICE AND CRIME COMMISSIONER

PUBLIC ACCOUNTABILITY BOARD

25TH APRIL 2017

REPORT OF THE CHIEF CONSTABLE

SOUTH YORKSHIRE POLICE'S PERFORMANCE REPORTING AGAINST THE REQUIREMENTS OF THE POLICE AND CRIME PLAN 2017-2022

1. PURPOSE OF THE REPORT

To outline the Chief Constable's proposed arrangements for reporting Force performance against the requirements of the Police and Crime Plan 2017-2022.

2. RECOMMENDATION

The Commissioner is requested to consider and approve the proposed reporting arrangements as part of his 'holding to account' arrangements.

3. BACKGROUND

Last month the Commissioner published his Police and Crime Plan for 2017-2022 ('Plan'). This Plan is a statutory requirement for all police force areas introduced as part of the Police Reform and Social Responsibility Act 2011.

The Plan is both a core planning tool for the Commissioner and an important mechanism for communicating his intentions and requirements to the public, the Police and Crime Panel, South Yorkshire Police, partners and other stakeholders.




The aim of the Commissioner's Plan is to protect the most vulnerable by enabling the fair treatment of communities in tackling crime and anti-social behaviour to make South Yorkshire a safe place to live, learn and work. This is translated into three strategic priorities: Protecting Vulnerable People; Tackling Crime and Anti-Social Behaviour; and Enabling Fair Treatment, with eight specific requirements sitting underneath.



The Commissioner has asked South Yorkshire Police to deliver the eight requirements, working with the public, partners and the PCC's Office where appropriate.

4. THE FORCE'S DELIVERY PLAN, PERFORMANCE MEASUREMENT AND PERFORMANCE REPORTING




- 4.1 South Yorkshire Police has developed a delivery plan – its 'Plan on a Page' (see Appendix C) – which explains the activity the police will now put in place with partners in order to deliver the strategic priorities and requirements in the Commissioner's Plan.


4.2 Set out in the table below are the requirements of the Commissioner's Plan mapped against the corresponding key activities within the Force's delivery plan – its 'Plan on a Page'.

Strategic Priority: Protecting Vulnerable People	
Requirement 1: <i>I require South Yorkshire Police to intervene earlier with vulnerable people to prevent them becoming repeat victims or victims of more harmful crime.</i>	
	Deliver neighbourhood policing and protect the vulnerable
	Deliver excellent victim led service
Requirement 3: <i>I require South Yorkshire Police to work with partners, other agencies and the community and voluntary sector to deliver a plan (to be developed over the next six months), that sets out how they will prevent and protect vulnerable people from further, more harmful crimes, including how they will address feelings of safety..</i>	
	Collaborate in effective partnerships

Strategic Priority: Enabling Fair Treatment	
Requirement 4: <i>I require South Yorkshire Police to demonstrate that the public of South Yorkshire are satisfied that their views and opinions on the policing of their local area have been listened to and considered, and they understand the reasoning behind local policing decisions that have been made in their community.</i>	
	Communicate and engage effectively
Requirement 5: <i>I require South Yorkshire Police to build trust and confidence in the public of South Yorkshire that when they make contact with South Yorkshire Police, they are satisfied they will be listened to, taken seriously and kept informed throughout any investigation, including being told about the result of any action taken.</i>	
	Communicate and engage effectively

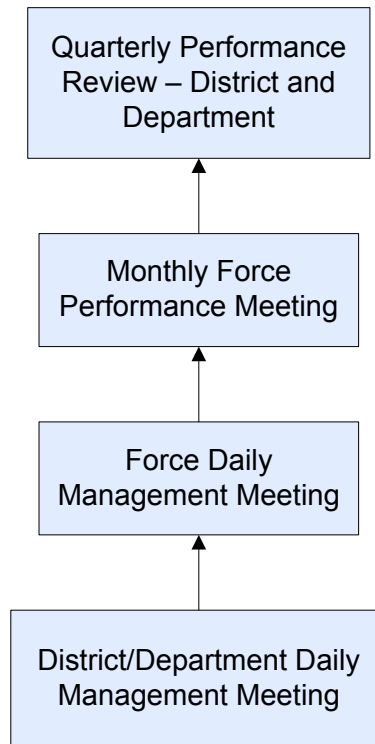
Strategic Priority: Tackling Crime and Anti-Social Behaviour	
Requirement 6: <i>I require South Yorkshire Police to demonstrate how they will respond to regional and national policing requirements detailed by the Home Secretary in the Strategic Policing Requirement</i>	

	Proactively understand and prevent crime and harm
Requirement 2: <i>I require South Yorkshire Police to tackle offenders that cause the most harm in the community.</i>	
	Tackle crime and anti-social behaviour
Requirement 7: <i>I require South Yorkshire Police to demonstrate effective prevention and action to tackle those areas of crime listed in the Strategic Intelligence Assessment that have been assessed as 'Very High Risk'.</i>	
	Proactively understand and prevent crime and harm

Overall : Efficiency and Productivity	
Requirement 8: <i>I require South Yorkshire Police to secure an efficient and effective use of resources on behalf of the public of South Yorkshire, ensuring value for money of policing and crime services.</i>	
	Use our resources well

- 4.3 South Yorkshire Police is designing a Performance Framework to manage and assess its overall performance, including its efficiency and effectiveness. This work will involve the developing the most appropriate measures and indicators to track the Force's progress in delivering the 'Plan on a Page', and therefore its progress in achieving the requirements set by the Commissioner in his Plan. More details regarding the detail of this Performance Framework will be provided to a future meeting of this Board.
- 4.4 A new internal governance meeting structure - set out below - will further assist South Yorkshire Police in gathering a more rounded picture of Force performance, and help maintain focus on delivering the requirements of the Commissioner's Plan.

Governance Structure



- 4.5 The Chief Constable will then report progress against the requirements of the Commissioner's Plan to this Public Accountability Board. It is proposed that reports are themed, and that they address Recommendation 2 of the report on strengthening the Commissioner's 'Holding to Account' arrangements (Agenda Item 14 on today's Board agenda).

Our strategic vision

In delivering the Police and Crime Plan we will help to keep people in South Yorkshire safe by fighting crime, tackling anti-social behaviour and protecting vulnerable people. We are committed to improving the way we police so that our communities can have trust and confidence in us.

Tackling crime and antisocial behaviour

Protecting vulnerable people

Enabling fair treatment

What we have to deliver

Deliver neighbourhood policing and protect the vulnerable



Proactively understand and prevent crime and harm



Tackle crime and antisocial behaviour



The foundations of our success

Collaborate in effective partnerships



Deliver excellent victim-led service



Communicate and engage effectively



Use technology and data effectively



Restructure the organisation and match resources with demand



Manage our talent



Value our people



Create strong and stable leadership



Efficiency and productivity

Improve the effectiveness and efficiency of our internal processes



Use our resources well



Manage our finances



Governance and compliance



We will ensure we deliver in line with the Code of Ethics with particular emphasis on our values of Integrity, Openness, Fairness, Respect, Honesty, Courage and Teamwork.

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DATE OF MEETING	AGENDA DESPATCH DATE	AGENDA ITEMS	AUTHOR	ADDITIONAL NOTES
FRI 29TH SEPT 2017 <i>PCC Briefing Tues 19 Sept 2017, 3pm</i>	Thurs 21 st Sept 2017	NEIGHBOURHOOD POLICING MODEL : UPDATE	Chief Constable Stephen Watson	C/Constable attended PCP & agreed to report back in September. 3-5-17 – Sally Parkin to extend the invitation
		HATE CRIME	Sally Parkin	To receive report submitted to the Ethics Panel
		RISK MANAGEMENT / RISK REGISTER		Quarterly report by exception (Jan 2018, May 2018, Sept 2018)
		COMPLAINTS REPORT : UPDATE	Linda Noble / David Cutting	Written Quarterly – to discuss timescales (Nov 2018, March 2018, July 2018) Slipped from 7-7-17
		WORK PROGRAMME	Linda Noble	Standing Item
		PROCEEDS OF CRIME / USE OF MONIES FOR COMMUNITY PROJECTS		Suggested at PCP 24-2-17 by PCC 3-5-17 – To clarify with Sally Parkin
		ESTATES STRATEGY	OPCC	Discussed at pre-agenda 28-6-17
		CYBER ATTACKS	OPCC	Report to PAB 19-7-17 Discussed at pre-agenda 28-6-17

*All reports should be with the Joint Authorities Governance Unit by **no later than 12.00 noon** on the date of despatch.

Please send to: LNoble@syjs.gov.uk and AShirt@syjs.gov.uk



DATE OF MEETING	AGENDA DESPATCH DATE	AGENDA ITEMS	AUTHOR	ADDITIONAL NOTES
FRI 15TH DEC 2017 <i>PCC Briefing Tues 5 Dec 2017, 3pm</i>	Thurs 7 th Dec 2017	PERFORMANCE – AGAINST THE POLICE AND CRIME PLAN		Quarterly <i>(last reported 7-7-17)</i> To consider 'themed' meetings rather than full overview
		WORK PROGRAMME	Linda Noble	Standing Item
		IMPLEMENTATION OF THE RECOMMENDATIONS FROM THE HMIC / PEEL REVIEW		Last reported 7-7-17 (as part of Holding to Account Arrangements)

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DATE OF MEETING	AGENDA DESPATCH DATE	AGENDA ITEMS	AUTHOR	ADDITIONAL NOTES
FRI 2ND FEB 2018 <i>PCC Briefing Tues 23 Jan 2018, 2pm</i>	Thurs 25 th Jan 2018	BUDGET / PRECEPT / COUNCIL TAX SETTING		Must notify the PCP of proposed precept by 1 st February To hold a pre-meeting / Workshop session prior
		POLICE & CRIME PLAN		Must publish by 31 st March
		PERFORMANCE (AGAINST THE POLICE & CRIME PLAN)		Quarterly <i>To consider 'themed' meetings rather than full overview</i>
		WORK PROGRAMME		Standing item
		RISK MANAGEMENT / RISK REGISTER		Quarterly

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DATE OF MEETING	AGENDA DESPATCH DATE	AGENDA ITEMS	AUTHOR	ADDITIONAL NOTES
FRI 20TH APRIL 2018 <i>PCC Briefing Tues 10 April 2018, 3pm</i>	Thurs 12 th April 2018	COMPLAINTS REPORT : UPDATE	Sally Parkin / Linda Noble	Quarterly (Timing dependent on when first reported)
		WORK PROGRAMME		Standing Item

REPORTS – 2018/19

June 2018 Annual Report (Police & Crime Plan) 2016-17

Author: Linda Noble

OTHER ISSUES

- 'Call-in' issues (for scrutiny)
- Trust and Confidence Steering Group (raised at PAB 6-6-17)
- Reviews commissioned by the PCC
- Post-implementation review reports
- Confirmation hearings (appointments to SY Police)

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