

# Police Reform and Social Responsibility Act 2011

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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.**