

IN THE MATTER OF:

COMPLAINT AGAINST THE CHIEF CONSTABLE OF NORTHUMBRIA POLICE

1. INTRODUCTION AND EXECUTIVE SUMMARY

(1) A public complaint¹ was made by Ms Sim on the 11th September 2015. This was received by Vera Baird, the Police and Crime Commissioner (the Commissioner) of Northumbria Police, within her role as the Appropriate Authority for matters concerning the current Chief Constable Steve Ashman. In accordance with paragraph 2, Schedule 3 of the Police Reform Act 2002 (“PRA”) the complaint was recorded and detailed that;

***“The Chief Constable had potentially obstructed an investigation by refusing to record Sue Sim’s allegations against senior members of the force; he has refused to deliver on his equality duty in the organisation and he has dismissed my allegations of sexism without investigation.*”**

(2) I was appointed by Vera Baird, the Commissioner for Northumbria Police as an ‘Investigator’ under paragraph 16 of the PRA², to establish the facts behind the above complaint and to assist the Appropriate Authority (AA) to reach conclusions as to whether the complaint should be upheld or not.

(3) On receipt of the relevant information from the Commissioner’s Office, Detective Chief Superintendent Julie Sykes and I visited Ms Sim on the 9th February 2016 to seek further clarification in regards to her complaint in order to provide direction and focus to the investigation. The ‘Terms of Reference’ for the investigation in relation to the conduct of Chief Constable Steve Ashman were agreed and covered areas regarding his knowledge and background to the issues raised within the ‘Bennathan Report’³. To ascertain what if any assessment he had made regarding its contents within his duty as Appropriate Authority and whether he had failed to deal with issues of sexism within Northumbria Police. (See Appendix 1 for full Terms of Reference)

2. BACKGROUND

¹ A public complaint is defined as an expression of dissatisfaction by a member of the public about the conduct of a person serving with the police

² Investigations by the appropriate authority on its own behalf

Paragraph 16 (4) PRA 2002- The person appointed under this paragraph to investigate any complaint

(a) In the case of an investigation relating to the conduct of a chief officer, must not be a person under the chief officer’s direction and control.

³ Mr Joel Bennathan QC compiled an investigation report into numerous allegations made by senior officers at Northumbria Police about the conduct of the then serving Chief Constable Sue Sim. His report concluded that the Chief Constable had no case to answer for any breaches of the Standards of Professional Behaviour

- (1) On receipt of the Bennathan Report back in March 2015, a copy was provided to Ms Sim. Issues were identified within the detail of the report that in Ms Sim's opinion were potential conduct matters and warranted further investigation by Northumbria Police. This was reported in a letter to the Commissioner on the 10th May 2015.
- (2) In the correspondence, Ms Sim detailed sections from the Bennathan report regarding the conduct of senior officers. Ms Sim felt that she did not believe the complaints made against her were made in good faith but more as a way to 'topple her' from office and that the officers concerned were not seeking resolutions but retributions.
- (3) Further concerns were raised within the correspondence as to the commentary provided by Mr Joel Bennathan QC in that, whilst he did not attribute the actions of the complainants to be direct 'sexism', he freely acknowledges that some of the complainants had treated and reacted to Ms Sim differently than they would to a male colleague of equivalent rank. However, this point is not expanded upon any further save to say the references to 'hissy fit' and 'eye make-up' are commented upon in more detail within the full report.
- (4) Over the next 6 months, numerous correspondence was sent and received between Ms Sim, the PCC, Chief Constable Steve Ashman's Office, HMIC, IPCC and the Police and Crime Panel in relation to the specific points raised in the letters dated the 10th May and the 22nd May 2015. This finally led to a complaint being made on the 11th September 2015 by Ms Sim about the lack of action being taken by Chief Constable Ashman.
- (5) In line with IPCC statutory guidance, any complaint made about the conduct of a serving Chief Constable, the Appropriate Authority function falls to the Commissioner to determine the mode of investigation and undertake any relevant assessments.
- (6) It is worthy of note at this point that the initial assessment made by the Appropriate Authority on receipt of the complaint by Ms Sim in September 2015 about alleged failings of Chief Constable Steve Ashman was that it was deemed suitable for Local Resolution (LR)⁴. This was after consultation with the IPCC.
- (7) Attempts were initially made through Northumbria's Legal Services Directorate to resolve the complaint through the Local Resolution process, however Ms Sim

⁴A local resolution is a process whereby complaints can be resolved subject to a number of conditions namely;

The Appropriate Authority is satisfied that the conduct being complained about even if proved would not justify bringing criminal or disciplinary proceedings against the person whose conduct is complained about and

The Appropriate Authority is satisfied that the conduct complained about even if proved would not involve an infringement of a person's rights under Article 2 or 3 of ECHR

requested the matter be formally investigated and that an outside force be appointed in light of the issues she was raising.

- (8) This led to the appointment of myself as lead investigator by the Commissioner assisted by my staff from the Professional Standards Department in West Yorkshire Police.

3. RESPONSE FROM CHIEF CONSTABLE ASHMAN

- (1) Chief Constable Ashman fully cooperated with the investigation and stated that he had full knowledge of the issues being raised by the Superintendent's Association that led to the complaints being made against Ms Sim as Chief Constable. He recalled detailed discussions with members of the Chief Officer Team and various confidential conversations with a number of colleagues. He also stated that Ms Sim herself had discussed the complainants and provided her version to him. He sighted the relationship between Ms Sim and the senior members of the force, as a very difficult and complex one.
- (2) Chief Constable Ashman states that he did not receive the letter from the Commissioner with the alleged allegations of misconduct against senior officers until sometime mid-June 2015 and after Ms Sim had officially retired. His obligations under the Police Reform Act and the Conduct Regulations required him to make an assessment of the conduct to ascertain what appropriate action if any, was required.
- (3) It is usually the Head of the Professional Standards Department or his/ her deputy that carry out the day to day functions of the Appropriate Authority in relation to the assessment of conduct matters. However, on this occasion, the assessment of the matters raised by Ms Sim were initially assessed by Temporary Deputy Chief Constable (T/DCC).
- (4) Chief Constable Ashman states that T/DCC, in his role as Appropriate Authority, and Independent leading Counsel were invited to comment on the contents of the letters dated 10th /22nd May 2015.
- (5) It appears that in the space of several weeks the 'assessment' function was undertaken and a decision made by the Appropriate Authority that there was insufficient information provided by Ms Sim to make a decision under section 12 (2) Police Reform Act 2003.
- (6) Further information and extracts from the Bennathan report were provided to Chief Constable Ashman however his position remained the same in that there was insufficient detail provided for him to undertake his obligations under the Regulations.

- (7) Chief Constable Ashman categorically denies he has neglected his duty by dismissing allegations of sexism without investigation. In Ms Sim statement she clearly feels that her gender was an issue in the complaints made against her
- (8) Chief Constable Ashman met the Commissioner to share the Executive Summary of the Bennathan report and there was no immediate concerns raised in relation to any equality and diversity issues. Chief Constable Ashman remembers a further meeting with the Commissioner and his Deputy Chief Constable and during the discussions the Commissioner made it clear there was nothing within the Bennathan report that required Chief Constable Ashman to record or investigate further.
- (9) Chief Constable Ashman was asked for his opinion in relation to the comment that had been made by an unknown individual as part of the Bennathan report into Ms Sim, namely the reference to 'Hissy fit'. He stated that it did not feel that hissy fit was a gender based comment and indeed it was a comment that had been used by Ms Sim herself in the past. It was in his view certainly not the foundation to launch an investigation. Chief Constable Ashman's position is reinforced by the definition from the Cambridge English Dictionary below;

Hissy fit – definition from the Cambridge English Dictionary

'A sudden period of uncontrolled and silly anger like a child's'

4. IPCC INVOLEMENT

- (1) Ms Sim contacted the IPCC via her solicitor on the 15th March 2016 requesting that the IPCC direct Northumbria Police to record the alleged conduct matters identified in the Bennathan report.
- (2) Sarah Green, Deputy Chair of the IPCC reviewed the material provided and completed a detailed report. The decision reached was not to direct the Appropriate Authority to record the matters alleged on the basis of the information provided thus far. This means that the Appropriate Authority is left to deal with the matters and he sees fit.

5. CONCLUSIONS

- (4) In summary, I did not find any information from my investigation that would support the claims made by Ms Sue Sim that would assist the Appropriate Authority in being able to uphold the complaint. The allegation that Chief Constable Steve Ashman was in breach of the Standards of Professional behaviour, namely Duties and Responsibilities and Equality and Diversity are without foundation.

Appendix 1

Terms of Reference for the complaint against Chief Constable Steve Ashman

- (1) To investigate the circumstances surrounding Chief Constable Steve Ashman's involvement with Ms Sim in relation to a report compiled by Joel Bennathan QC.
- (2) To establish whether in his role as 'Appropriate Authority' what assessment, if any, was made and what action was taken in respect of the alleged misconduct issues raised by Ms Sim.
- (3) To establish whether in his role as Appropriate Authority what conduct matters were recorded within the Police Reform Act 2002 and if not why not.
- (4) In particular, to ascertain if Chief Constable Steve Ashman has potentially obstructed an investigation by refusing to record allegations made by Ms Sim against four police officers.
- (5) To seek to establish if Chief Constable Steve Ashman has refused to deliver on his equality duty by dismissing allegations of sexism without investigation.
- (6) To seek to identify any learning that assists the organisation and the Chief Constable.
- (7) Prepare and submit a written report containing conclusions and recommendations based on the evidence gathered for the attention of the Appropriate Authority, Mrs Vera Baird. Prior to the finalisation of the report the Investigator will ensure the Appropriate Authority is satisfied that the Terms of Reference have been met.
- (8) The report must fully and objectively summarise the relevant evidence gathered, draw conclusions clearly based on the effective analysis of the evidence and recommend disciplinary and other outcomes based on the conclusions drawn from the evidence. It must be sufficiently robust in its analysis to ensure all users, especially the Appropriate Authority, may confidently base decisions upon it.
- (9) Identify if Chief Constable Steve Ashman, in the investigators opinion has a case to answer for misconduct, gross misconduct or no case to answer or whether his performance is or is not unsatisfactory (Regulation 20 Complaints and Conduct Regulations 2012).

