

Lincolnshire Police and Crime Panel

TASK GROUP

SCRUTINY REPORT

To examine the events surrounding the decision by the Police and Crime Commissioner for Lincolnshire to suspend temporary Chief Constable Neil Rhodes from duty to enable the Panel to ascertain whether any lessons may be drawn there from.

January 2014

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1. Foreword

In May 2013 Lincolnshire's Police and Crime Panel appointed a Task Group to review the events surrounding the decision of the Police and Crime Commissioner to suspend the temporary Chief Constable Neil Rhodes. The decision and subsequent events placed Lincolnshire Police under the glare of the national spotlight – they also attracted unfavourable media attention, public interest and resulted in cost implications to the public purse.

The Panel, complying with its duties under s28 of the Police Reform and Social Responsibility Act 2011, agreed that the events and decision making of the Police and Crime Commissioner required detailed scrutiny. The Task Group's primary remit was to establish whether there were any lessons to be learned which may influence future local policy and/or actions, national legislation and guidance for other Commissioners.

The processes running parallel with our review slowed the progress of our work as we did not wish to prejudice the Judicial Review and disciplinary investigation or indeed, limit the scope of our own enquiries or interview key people more than once. In the interim period we compiled and carefully analysed documentary evidence obtained from a variety of sources. We used this to frame key questions for interview to help us achieve our terms of reference and concluded with a series of interviews, closing with Lincolnshire's Police and Crime Commissioner, supported by his advisors.

I believe this scrutiny report identifies the learning and contains recommendations which, hopefully, will bring about local change. I also hope that our conclusions and recommendations influence others, ensuring that similar situations are handled more effectively in the future.

The role and responsibilities of Police and Crime Panels are clear but the wider understanding of how these duties are discharged is still evolving – consequently this Task Group experienced some caution and reluctance from people and organisations to engage in this scrutiny process. That said, on behalf of the Task Group members, I would like to thank all those who have given evidence in a frank and open way to help us formulate this report.

At the outset we were clear that this needed to be a detailed and thorough review rather than a quick snapshot or any kind of 'light-touch' assessment. We took the view that to undertake a snapshot review before the outcome of the Judicial Review or the Fahy investigation would be inappropriate, not only because it would have risked prejudicing parallel legal processes but also because it would, in all probability, have required us interviewing all of the key witnesses two or three times.

I would like to thank my fellow Task Group Members, Cllrs Anne Welburn and Ian Cartwright for their sterling work with me in the completion of this review.

Finally, the Task Group would also like to thank the officers who have assisted with the administration, analysis, framing of questions, conduct of interviews and compilation and editing of this report.

A handwritten signature in black ink that reads "C. J. Cook." The signature is written in a cursive style with a period at the end.

Chris Cook
Chair of the Task Group

2. Executive Summary

- 2.1 On 25th February 2013, the newly elected Police and Crime Commissioner for Lincolnshire (PCC) suspended temporary Chief Constable Neil Rhodes (TCC Rhodes) and instituted a formal external investigation into the details of the complaint which had given rise to the suspension. This act, and the circumstances surrounding it, gave rise to a considerable amount of public disquiet. As a result of this, the Lincolnshire Police and Crime Panel set up a Task Group to look into the suspension and its surrounding circumstances to ascertain any lessons that could be learnt.
- 2.2 There has been a significant lack of policy and guidance, at both a local and national level, to assist those tasked with making difficult decisions, such as the suspension of a Chief Constable. Induction, training and detailed guidance have been sadly lacking and PCCs across the country have been on a steep learning curve, heavily reliant on officer support.
- 2.3 The Police Regulations, whilst clear what powers PCCs have (the 'what' and 'when' of the procedures), do not provide detail on how to apply those powers effectively. In the view of the Task Group HR input (on more than simply 'welfare' issues as was suggested to us in interview as being their role) would have provided assistance to the PCC in the suspension process. This is no different to other organisations where employment law provides the legal framework but HR advice helps with the actual practice. The swift introduction of PCCs has, in our view, not allowed sufficient time locally for the development of robust policies and procedures which would ordinarily support and ensure sound decision making.
- 2.4 There is no doubt that the complaint regarding TCC Rhodes required investigation. The Task Group agrees with the PCC's view that to 'do nothing' was not an option.
- 2.5 There is no evidence the decision to suspend during investigation was based on a sound rationale that met the criteria laid out in the Police Regulations – this was the conclusion reached by the High Court Judge and is a view shared by this Task Group. The PCC maintains he made the right decision and would, if faced with a similar set of circumstances, take the same course of action. We advise the PCC carefully considers our detailed analysis of events and adopts the recommendations which should ensure any future decisions of this nature are reached following a thorough and systematic assessment of the situation and known facts.
- 2.6 The Task Group has seen no evidence of advice on the viability of the proposed suspension in the first advice given by the PCC's solicitors which is solely about process. The first legal advice we have seen relating to viability is that given by a QC on the 1 March. We found that the events and decision making before, during and immediately after the suspension were adversely affected by the sometimes varying legal and other professional

advice, the decision to disregard certain Counsel's advice or at times failing to seek legal or other expert advice, such as Human Resources. This, together with the systemic weaknesses, resulted in a damaging and costly situation which could, potentially, have been avoided

2.7 Given the nature of the complaint – conduct which allegedly took place during a telephone conversation between two individuals two months earlier – and the potential ramifications for both TCC Rhodes and Lincolnshire Police, we would have expected some preliminary enquiries to:

- Obtain TCC Rhodes' account of the conversation. This is an example where HR advice may have helped. We appreciate there is no legal requirement to ask TCC Rhodes for his version of events but it would not have been unlawful or rendered any subsequent action invalid to have done so. In the view of the Task Group it would be reasonable and good practice to do so and is a point made by the Judge in the Judicial Review decision.
- Seek advice from HMIC¹, to ensure consistency and proportionality of decision making. Again the Task Group acknowledges there is no legal requirement to seek such advice. Our view is supported by what HMI Billingham said to us in interview and by evidence from Tom Winsor to the Home Affairs Select Committee.

We believe any information obtained by this approach would have helped to ensure an appropriate and informed decision – in addition, the evidence provided to us by the PCC and his advisors indicate the decisions around investigation and suspension became blurred.

2.8 In the view of the Task Group, it was possible to investigate the allegations without suspending TCC Rhodes. The Task Group have noted the examples from Hampshire and Gloucestershire of alternative decisions taken in relation to suspensions of Chief Constables.

2.9 A matter which the Task Group found significant was the lack of robust risk assessment throughout this period – we would expect risks to be assessed and mitigating action taken during the initial evaluation of the complaint, when considering options for the way forward and following receipt of new information or legal developments. The PCC and his advisors identified only one risk – *'failure to make a decision could result in a complaint against the PCC'* – we accept that risks may have been periodically discussed but the ensuing events and lack of documented assessment reduces the confidence and transparency in this area.

2.10 A key requirement of the Police (Conduct) Regulations 2012 is the regular review of suspension – there is no evidence the PCC formally reviewed the suspension decision, either following receipt of new information or within the mandatory four weeks. Our findings show there were various triggers providing opportunity to revisit the suspension decision and that a formal

¹ Her Majesty's Inspectorate of Constabulary

review and a formal risk assessment considering receipt of information from the IPCC, TCC Rhodes and advice from Queen's Counsel should have taken place. The lack of a formal review process for reflection and reassessment, in the view of the Task Group resulted in a missed opportunity. This has, in our view, proved to have legal, reputational and financial consequences for the PCC.

- 2.11 Scrutiny of press releases, media interviews and discussions with staff associations revealed that the PCC's communications did not always serve to protect the interests of the Force or the subject of the investigation. The Task Group believes there is a strategic weakness in the PCC's communications which requires attention to ensure a more corporate overview. From the evidence given to us, it appears that there was more focus on external communications which left managers and staff within the Force uncertain, suspicious and demoralised. We found the content of press releases sometimes inflammatory and ill advised, particularly around the Judicial Review. The PCC believed his communications were effective throughout this period – on the evidence given to us the Task Group do not share this view.
- 2.12 The relationship between the PCC and TCC Rhodes prior to the suspension was marred from the outset. Early meetings appear to have set an uneasy tone and this, together with a contractual dispute heading towards legal action, made for a tense situation between the two parties immediately prior to receipt of the complaint. Open dialogue between them may well have resolved misunderstandings and averted the resulting misapprehensions at that time. The Task Group agrees in this regard with the PCC's view that communication through lawyers and CPOSA friends rather than with each other does not help in these matters. The Task Group also acknowledges the concerns of the PCC, given to us in interview, relating to the principles of the national CPOSA system. In interview the PCC confirmed his awareness of the system but had concerns that it appeared to be in such general use.
- 2.13 A remarkable and positive note to come out of this whole matter is that the relationship between the PCC and the Chief Constable has changed and has been strengthened by the experience. We have no doubt that the relationship, especially following reinstatement, remained professional and courteous. Our review has provided the much needed assurance and confidence that the Chief Constable and PCC can now work together effectively to maintain and, where necessary, improve the standard and quality of Policing for Lincolnshire residents.
- 2.14 We are also pleased to report that we found no evidence that Force performance was affected during this period – the senior leadership team and staff at all levels should be commended for ensuring 'business as usual' throughout that time of uncertainty.
- 2.15 We believe there are learning points for everybody concerned, most importantly that future contentious issues are approached with more caution and time to reflect, seeking advice from the most appropriate sources and

acting on that advice in a way that will stand up to public scrutiny. Equally, we hope this learning will influence national policy and encourage other PCCs and review bodies to also revisit and improve their processes and guidance.

3. Introduction

- 3.1 On 14 February 2013, the Chief Executive to West Yorkshire's PCC, raised concerns about the conduct of TCC Rhodes in his role as CPOSA 'Police Friend'². The Chief Executive to Lincolnshire's PCC considered the concerns to be potentially serious and advised the complainant to submit his concerns in writing. The PCC received the written complaint on 22 February 2013.
- 3.2 Following advice (including from the IPCC by telephone on 25 February 2013) the PCC decided to:
- make a voluntary referral to the Independent Police Complaints Commission (IPCC)
 - suspend TCC Rhodes from duty
- 3.3 The PCC met with TCC Rhodes on the evening of 25 February 2013 and suspended him from duty, providing outline details of the reasons for suspension. The Chair of the Police and Crime Panel was made aware of the suspension later that evening – the decision was made public the following day.
- 3.4 On 13th March 2013, the PCC instituted an independent investigation of the complaint, led by Sir Peter Fahy. The report of that investigation was not completed and published until some 5 months later.
- 3.5 The decision to suspend (and maintain that suspension) was subsequently challenged by TCC Rhodes by Judicial Review on 28 March 2013. The decision to suspend was overturned – the Judge described the PCC's decision as "irrational and perverse".
- 3.6 On 9 May 2013, at an extraordinary meeting of the Police and Crime Panel, it was agreed to set up a Task Group to look at the events surrounding the suspension of the Chief Constable. The purpose of the review was to:
- critically examine the processes followed before, during and after the suspension of TCC Rhodes
 - identify any lessons learned

The Task Group identified eight specific areas to cover in their review – the full Terms of Reference were ratified by the Panel and can be found at **Appendix B**.

² CPOSA – Chief Police Officers' Staff Association

4. Approach and Methodology

- 4.1 The Police and Crime Panel identified three of its members to form this Task Group: Chris Cook (Task Group Chair and Independent Panel Member), Cllr Ian Cartwright (North Kesteven District Council) and Cllr Anne Welburn (West Lindsey District Council). The Task Group was supported by officers of East Lindsey District Council, Audit Lincolnshire and the Panel's Monitoring Officer.
- 4.2 The Task Group agreed at the outset to use a range of methodologies for identifying and receiving the evidence required for this review. The Group obtained documentary evidence from all available sources – as listed in detail in the attached detailed Chronology of events (**Appendix C**) - including documents from TCC Rhodes and the PCC's Monitoring Officer. We have used our detailed chronology of events to assist with our analysis work.
- 4.3 The chronology was used to:
- capture the interactions between the PCC and TCC Rhodes
 - frame questions for individuals and organisations we felt could assist with our review
- We carried out a series of face to face interviews and requested other views and observations in writing. We have also considered the comments and questions raised by members of the public.
- 4.4 We approached the Association of Police and Crime Commissioners to seek any perspective it could provide on the matters under review – the Association declined the invitation, advising that it does not engage in local matters.
- 4.5 The Task Group has met 18 times since May 2013 to monitor progress, agree actions and provide updates for the Police and Crime Panel and the residents of Lincolnshire. The Group has carried out extensive background reading to help understand the legislation, legal judgements and decision making – it has also completed significant preparatory and analysis work for interviews and report writing.
- 4.6 A list of interviewees and written submissions can be found at **Appendix D**.

5. Background

- 5.1 The events covered in this report occurred soon after the appointment of the country's first elected PCCs – at this time their powers were not widely understood and their application had not been tested. PCCs replaced the long established Police Authorities and in most cases inherited their support staff and advisors – this was the case for Lincolnshire.
- 5.2 The concerns surrounding the conduct of TCC Rhodes were associated with his role and actions as a CPOSA 'Police Friend'. TCC Rhodes was acting as 'Police Friend' to the former Director of Legal Services at West Yorkshire Police. The Chief Police Officers' Staff Association (CPSOA) 'Police Friend' role is written into the Home Office guidance to the Police Regulations. The CPOSA 'friending' guidance³ states that it is the role of the friend to:
- make representations to the appropriate authority about any aspect of the proceedings
 - try and negotiate or broker a solution in grievances and employment disputes

The way in which TCC Rhodes discharged this role was at the centre of the concerns and subsequent actions of the PCC. The complaint is given in full at point 6.1 below.

- 5.3 To assist readers understanding of the swiftness and sequence of events we have produced an abridged chronology of the key events – the full chronology can be found at **Appendix C**:

Date	Person	Event
01/04/12	TCC Rhodes	Deputy Chief Constable Neil Rhodes appointed as temporary Chief Constable of Lincolnshire – fixed term appointment expires 31/03/13
20/04/12	CPOSA / TCC Neil Rhodes	TCC Rhodes accepts role of CPOSA Police Friend for former Director of Legal Services, West Yorkshire Police
After PCC Elections 15/11/12	PCC & TCC Rhodes	PCC and TCC Rhodes meet at TCC Rhodes' house – TCC Rhodes advises PCC that, if the PCC did not want him as his Chief Constable, he would accept that and leave.
22/11/12	PCC	Alan Hardwick assumes office as PCC for Lincolnshire
11/12/12	PCC	PCC informs TCC Rhodes he does not want him as

³ CPOSA 'friend' definition as noted in Sir Peter Fahy's Report

Date	Person	Event
		Chief Constable of Lincolnshire Police
12/12/12	TCC Rhodes, Fraser Sampson	Telephone conversation between TCC Rhodes in his role as 'Police Friend' and Fraser Sampson, Chief Executive of West Yorkshire's Office of PCC
14/01/13	PCC's Chief Executive Malcolm Burch	Letter to TCC Rhodes providing written notice that his contract would not be extended beyond 31/03/13 – decision "irrevocable"
14/02/13	Fraser Sampson, Malcolm Burch	Telephone call to Malcolm Burch raising concerns about TCC Rhodes' conduct as CPOSA Police Friend. Fraser asked to put his concerns in writing.
15/02/13	TCC Rhodes, PCC	Letter from TCC Rhodes' solicitors to the PCC requesting amicable resolution to ongoing contract dispute to avoid Judicial Review proceedings.
22/02/13	Fraser Sampson	Letter to Lincolnshire's PCC received, outlining the alleged conduct of TCC Rhodes during their telephone conversation on 12/12/12.
25/02/13	Malcolm Burch, solicitor, IPCC Commissioner	<p>Malcolm Burch telephones IPCC, who states:</p> <ul style="list-style-type: none"> - Had received copy of allegation from Fraser Sampson - Expect OPCC to refer to IPCC - 'she would not seek to dissuade us' from suspension' - Potential for serious misconduct or criminal charges
25/02/13	PCC, Malcolm Burch, solicitor and TCC Rhodes	7pm meeting – TCC Rhodes suspended from duty.
26/02/13	PCC, IPCC	PCC makes a voluntary referral to the IPCC.
08/03/13	PCC, IPCC	IPCC refer the matter back for local investigation.
13/03/13	PCC	PCC appoints Sir Peter Fahy to investigate the complaint against TCC Rhodes – severity assessment, if proved: misconduct.

Date	Person	Event
28/03/13	Judicial Review	TCC Rhodes takes the suspension decision to Judicial Review – Judge overturns the suspension ruling that the decision was "irrational and perverse". TCC Rhodes suspension lifted. PCC announces Alec Wood will take over as TCC
01/04/13	PCC, TCC Rhodes	PCC announces TCC Rhodes to continue as temporary Chief Constable.
15/08/13	Sir Peter Fahy	Investigation Report published by the PCC – no proof to substantiate the allegation – misconduct allegation against TCC Rhodes formally withdrawn.

5.4 The legal framework covering the PCC's functions in relation to investigation and suspension is defined in section 38 of the Police Reform and Social Responsibility Act 2011 (**Appendix E**), Regulation 10 of the Police (Conduct) Regulations 2012 (**Appendix F**) and Regulation 12 of the Police (Conduct) Regulations 2012 (**Appendix G**).

5.5 Regulation 12, Police (Conduct) Regulations 2012 covers the severity assessment of the allegation:

- if the conduct, if proven, amounts to misconduct, the PCC has **discretion** whether to investigate or not – 12 (3)
- if the conduct, if proven, amounts to gross misconduct, the PCC **must** investigate – 12 (4)

5.6 Regulation 10 (4), Police (Conduct) Regulations 2012 states that suspension may be an option if:

- redeployment to alternative duties or location is not appropriate in all circumstances of the case, and
- the effective investigation of the matter may be prejudiced, or
- it is in the public interest, having regard to the nature of the matter and other relevant considerations

5.7 Regulation 10 (8) also covers the suspension review requirements:

- on receipt of any representations against the suspension from the subject of the investigation (within 7 days of being suspended)
- within four weeks of the first working day after suspension
- if the circumstances relevant to the suspension have changed
- within every four weeks of the previous review

- 5.8 Regulation 7(1), lists the types of conduct which require recording and potentially referring to the Independent Police Complaints Commission (IPCC). The two types of conduct referred to in this particular case are:
- (c) – serious corruption
 - (f) – conduct whose gravity or other exceptional circumstances make it appropriate to record the matter
- 5.9 Where there is no obligation to refer the matter to the (IPCC), the PCC may do so voluntarily due to:
- the gravity of the matter
 - any exceptional circumstances
- 5.10 Schedule 2 of the Police (Conduct) Regulations 2012 lists the Standards of Professional Behaviour for Police officers. The three standards identified by the PCC and noted in the Chief Constable’s letter of suspension as potential breaches were:
- Honesty and integrity
 - Discreditable conduct
 - Challenging and reporting improper conduct
- 5.11 The allegations against TCC Rhodes, put to him on 25 February 2013, informed him that the issues had arisen out his involvement as CPOSA friend in relation to the proceedings commenced against a member of staff of West Yorkshire Police. TCC Rhodes was told that the information the PCC had received about his involvement potentially breached the three Standards of Professional Behaviour listed at 5.10 above.
- 5.12 Section 6 of this report provides a detailed analysis of the events, decision making and processes associated with the suspension of TCC Rhodes.

6. Analysis of Findings

The Suspension

Receipt of the allegations

6.1 Malcolm Burch, Chief Executive to Lincolnshire's Office of the PCC received the concerns about TCC Rhodes via telephone on 14 February 2013. The complaint concerned a telephone conversation on 12 December 2012 between Fraser Sampson, West Yorkshire's Chief Executive and TCC Rhodes, acting in his role of CPOSA Friend. The key elements of the allegation were:

- an unsolicited call from TCC Rhodes – questions the propriety of a chief officer contacting the Office of the PCC in this way
- TCC Rhodes had allegedly agreed that the race element of the complaint was unsupported and a contrivance
- TCC Rhodes had allegedly said the race element was used to provide leverage to address other perceived unfairness
- Scope of a chief officer to support litigation when they know or believe the substance of the allegation is wrong
- Issues around insurance and candour with those providing cover to CPOSA and the obligations of those acting in the capacity of CPOSA friends

The complainant shared the detail of the telephone conversation with his own PCC one month later and raised queries on the CPOSA role with HMIC, IPCC, CPOSA, the Home Office and other senior officers prior to referring the matter to Lincolnshire, nine weeks after the call. The Task Group saw evidence that Fraser Sampson did not challenge TCC Rhodes during the conversation – we note that this fact has not been explored nor was there any exploration with TCC Rhodes, prior to the decision to suspend, of his 'version of events'. Malcolm Burch thought Fraser Sampson would have reflected on the conversation and realised the seriousness; he told us: *"...for somebody in his position...it was a very difficult and courageous thing...it's not something one would do lightly. He is an experienced lawyer who would realise where this would lead."*

6.2 The PCC told us the complaint should not be 'downgraded' because it had been subjected to some serious thought. The Task Group feel this is an assumption on the part of the PCC– the actual reason for the delay in reporting is not known. We accept that any delay by a complainant should not be used as a reason to avoid responding to the complaint, but we do not agree that the delay was irrelevant to any determination. In our view, however, the nine week delay by the complainant did raise the question of why it became an urgent matter for Lincolnshire when it was not seen in that light by the complainant immediately after his telephone call from TCC

Rhodes. The telephone call was not witnessed – the matter was always going to be one word against another, something which the PCC recognised from the outset, along with the possibility that any investigation may not reach a definitive conclusion. The PCC chose not to seek TCC Rhodes' account of the conversation prior to his decision to investigate and suspend as he felt to do so would pre-empt any investigation. In his statement for the Judicial Review, the PCC simply states there was no obligation to consult with TCC Rhodes about the phone call.

- 6.3 In the view of the Task Group, the IPCC confirming they were expecting referral is not the same as needing to suspend immediately. A more measured approach from the PCC's office would have served the purpose of giving time to reflect and seek more information in relation to the 2 decisions (to institute an investigation and to suspend)– particularly TCC Rhodes' version of events, as the Judge in the Judicial Review decision also notes.
- 6.4 We examined the PCC's written legal advice following receipt of the complaint and note there was no recommendation to obtain TCC Rhodes' version of events to aid the decision making. The Task Group accept that there is no specific legal requirement for such an action but believe, however, that to have done so would have been fair and should, at the very least, have been formally considered. TCC Rhodes' account was pertinent to the suspension decision and would have also shown impartiality and objectivity in approach. Likewise the formal report to the PCC dated 25th February 2013 in relation to suspension included a range of options including that the PCC could decide he needed more information. The Task group has been advised that seeking TCC Rhodes' account was considered but was discarded for reasons the Task Group has not been given. In the opinion of the Task Group this appears to be another example of an important part of the decision making process (albeit not a legal requirement of it) for which proper records were not made or kept.
- 6.5 A particular concern for the complainant was the role of the CPOSA friend – he spent a number of weeks discussing his concerns and listed the people he had spoken to, or attempted to contact. We note that the PCC and Chief Executive shared some of the complainant's concerns, in particular TCC Rhodes' 'unsolicited' contact with Fraser Sampson, raising it as a potential conduct issue. We have seen no evidence that the PCC's office either considered the need for or sought any independent clarity on this point from the Home Office.
- 6.6 The PCC also advised the Task Group that he was concerned and surprised that TCC Rhodes had not advised him that he was carrying out the role of CPOSA friend. While TCC Rhodes was under no legal requirement to inform the PCC of this, the Task Group agrees it would have been courteous to have done so, a point accepted by TCC Rhodes in interview.

Decision to investigate

- 6.7 The PCC, upon receipt of the complaint, was clear that to 'do nothing' was not an option – he felt he had no alternative but to investigate. The allegations were potentially serious and the Task Group agree that they warranted investigation.
- 6.8 The Police Regulations require a severity assessment to inform the decision to investigate. On 25 February 2013, the PCC signed off the decision record outlining the reasons of investigation and suspension. There is no severity assessment – point 8 of the PCC's declaration states *"I have decided the gravity of the conduct matters raised justifies an investigation to be carried out."* The record does not identify whether the conduct, if proven, is considered to be misconduct or gross misconduct.
- 6.9 The letter to the IPCC on 1 March 2013 supports this – the assessment leaves the assessment options open:
- "The PCC is of the view that Reg. 12 (3) (a) and Reg. 12 (4) apply."*
- 6.10 Regulation 12 (3) (a) of the Police (Conduct) Regulations 2012 means the PCC's assessment is "misconduct" giving the PCC discretion on whether or not to investigate. Regulation 12 (4) means the conduct, if proven, would amount to "gross misconduct". The PCC told us at interview that, in his view, it would have been gross misconduct, if proven, but there is no written evidence of this assessment at the time of the decision. We note, however, that the severity assessment recorded in the Fahy Investigation Report is misconduct. This illustrates the uncertainty and confusion – the Task Group is of the opinion that this issue is linked to the suspension decision – a 'simple' misconduct assessment does not sit well with the decision to take the radical and serious step to suspend.

Suspension Decision – Rationale

- 6.11 We are unclear from the decision record and accompanying legal advice, why the PCC felt the need to suspend TCC Rhodes from duty. We understand the reasons for investigation but have seen no evidence to persuade us that suspension was necessary or proportionate. The Task Group also have concerns about the view of the PCC that their actions fully complied with the Police (Conduct) Regulations 2012. (This of course was – perhaps unfortunately – not an issue on which the High Court was asked to rule).
- 6.12 The PCC states, in his statement to the Judicial Review that the suspension conditions were satisfied and temporary redeployment, within or outside the Force, was not appropriate. This witness statement is the only document containing the specific Regulation upon which the PCC was basing his decision – he was of the view that public interest required it (Reg. 10 (4) b, ii). He justified this (in his witness statement) by saying the allegations went *"...to the very heart of policing standards which required investigation."*
- 6.13 At interview the PCC told us he suspended TCC Rhodes to:

“...to remove Neil from the scene, not in a nasty way, but to protect him. It is perfectly common and ordinary within the Police Service for an Officer who is accused of a potentially serious offence, to be suspended”

To suspend an individual (during investigation) for their protection from public scrutiny does not fall within the public interest criteria. In reality, investigation without suspension maintains confidentiality and avoids media interest – suspension of a chief officer places it in the public domain. It is clear from the evidence of TCC Rhodes that he:

- did not feel he required such protection
- was unaware this was the reason for his suspension

6.14 We note there is no reference to the need to protect TCC Rhodes in:

- the original decision record
- any correspondence to TCC Rhodes
- the PCC’s statement for the Judicial Review

In the opinion of the Task Group, this reason is difficult to square with papers submitted by the PCC as part of the Judicial Review. All the justification we have been given relates back to the need to investigate rather than the decision to suspend – we believe, therefore, that the two decisions have become blurred by both the PCC and his advisors.

6.15 We have been assured by the PCC’s team that the viability of the suspension decision was based on advice given by their solicitors – we understand that there is no written record confirming this and so cannot comment on the advice given on this matter.

6.16 The outcome of the Judicial Review was that the suspension decision was *“irrational and perverse”* in that the PCC had placed only one interpretation on the complaint – the most adverse interpretation. The PCC informed the Task Group that whilst he accepts the Judge’s decision – he *“profoundly”* disagrees with it and stands by his decision to suspend.

6.17 Having considered the High Court Judge’s conclusions and evaluated all the evidence obtained during our review, we believe there are key issues which the PCC did not take into account to properly inform his suspension decision:

- TCC Rhodes’ account of the conversation
- TCC Rhodes’ reputation & unblemished disciplinary record (over 27 years)
- Why Fraser Sampson had taken so long to complain
- Fraser Sampson may have been wrong in his recollection
- lack of corroborative evidence (one word against another)
- the possible different interpretations of the letter & attendance note

6.18 We acknowledge that at the time of the suspension decision (25 February 2013) the PCC did have a verbal view from the IPCC – i.e. that they would not dissuade the PCC from his decision to suspend TCC Rhodes. This comment was not followed up in writing by the IPCC but was recorded in an attendance note by the Chief Executive and legal advisor. The IPCC subsequently revised their assessment of the allegations (27 February 2013) – something we explore later in this report. We do note, however, that the PCC has been clear that the initial assessment received from the IPCC did not influence his decision to investigate and suspend. We have also noted and share his concern at the way the IPCC handled this complaint throughout.

6.19 Another factor influencing the PCC’s decision to suspend was the source of the complaint. Both the PCC and his Chief Executive have placed emphasis on Fraser Sampson’s status and reputation – the PCC told us:

“Fraser Sampson is a hugely respected and influential figure in policing in this Country.” The Task Group asked if the PCC had taken the allegations at face value – he responded:

“...it wasn’t just a man in the street who wrote me a letter, I had witnessed this or that, it was Fraser Sampson”, who was, in his view *“...a very credible figure within policing nationally”*.

We note that the PCC told the Home Affairs Select Committee in May that his suspension decision was influenced by the source of the allegations (as well as the nature). He also told TCC Rhodes, in his letter dated 5 March 2013 that he had *“no reason to doubt”* Fraser Sampson –The PCC’s Chief Executive reinforced this by telling us that Fraser Sampson was *“...an experienced lawyer who would realise where this would lead. So I think that gives weight to his view that day.”* The Task Group feels that these views hampered an objective view being taken of the complaint.

6.20 The Task Group explored this with the PCC – he told us that it was not a case of doubting TCC Rhodes but that he did not doubt that Fraser Sampson felt it was so serious and the matter had to be brought to his attention. In our view, the PCC allowed the source of the complaint to affect the objectivity of his decision making around suspension.

Suspension Meeting

6.21 Our findings show that TCC Rhodes was not given prior notification of the reason for the meeting on the evening of 25 February 2013 – the Chief Executive felt it would be inappropriate. TCC Rhodes recognised it was unusual to be summoned to a meeting at 7pm without being given an outline of its purpose. This prompted him to ask the Chief Executive if there was a need to be accompanied – we understand from TCC Rhodes that the Chief Executive informed him that was not necessary – the Chief Executive does not, however, recall this.

6.22 The PCC had already made his decision to suspend – the purpose of the meeting was not to obtain TCC Rhodes’ account of the conversation with

Fraser Sampson but instead to serve his suspension notice. In the interests of fairness and balance, we believe TCC Rhodes was entitled to be accompanied at the very least to ensure due process, especially as the meeting was attended by the PCC, his Chief Executive and their legal advisor.

- 6.23 We note there was no Human Resources input around the conduct of the meeting, disclosure requirements or wording of the suspension letter – the PCC felt the advice of his team and legal advisors was sufficient. We believe the input of a senior and experienced Human Resources advisor would have been beneficial.
- 6.24 At the meeting with TCC Rhodes, the PCC read from the suspension letter which had been prepared by his legal advisors. This letter informed TCC Rhodes that the reason for suspension was his involvement as CPOSA friend to the former Director of Legal Services and the proceedings he had commenced against West Yorkshire Police. The letter said the information they had received suggested that TCC Rhodes had breached the Standards of Professional Behaviour – the three relevant standards were then listed:
- honesty and integrity
 - reporting and challenging improper conduct by others
 - conduct which may bring discredit on the police force and undermine public confidence

The PCC now accepts that they could have provided “...an extra line...a couple of extra words...” – he did not believe TCC Rhodes left the room with no idea of the reasons for the suspension. The Chief Executive was less convinced – he thought TCC Rhodes was “taken aback” and may not have been clear about the reasons. TCC Rhodes indicated to us that he was certainly not clear about the reasons for suspension when he left that meeting.

- 6.25 The crux of the allegation revolves around the content of the telephone conversation between Fraser Sampson and TCC Rhodes on 12 December 2012. Further information, along with a copy of Fraser Sampson’s letter and attendance note was not provided to TCC Rhodes until 7 days after the suspension meeting. We note that TCC Rhodes’ solicitors had repeatedly requested more detail of the reasons for suspension – this information was provided only after advice from Counsel following a Judicial Review pre-action protocol letter sent by TCC Rhodes’ solicitors to the PCC.
- 6.26 The Police (Conduct) Regulations 2012, Regulation 10 (6), state that the suspended officer must receive a summary of the reasons before the end of 3 working days beginning with the first working day after suspension. We do not believe that the suspension letter contained a fair and reasonable summary of the reasons for suspension – TCC Rhodes was told he had potentially breached the standards of professional behaviour – he was not told how.

6.27 We acknowledge the Regulations do not prescribe what level of detail is expected from the “summary of reasons” but Regulation 10 (7) allows the suspended officer the opportunity to make representations against his suspension (within 7 working days). This is only possible if the suspended officer has received sufficient detail of the allegation against them. In our view, the PCC’s advisors did not comply with the Regulations. We note TCC Rhodes only felt he had received a reasonable level of detail following Sir Peter Fahy’s communication, many weeks after the suspension notice.

Suspension Reviews

6.28 The Police (Conduct) Regulations 2012, Regulation 10 (8) state that the suspension decision should be reviewed:

- on receipt of representations from the suspended officer
- within 4 weeks of the suspension decision
- if circumstances change
- within 4 weeks of the last suspension review

6.29 We found numerous opportunities or triggers for the PCC to review his suspension decision but found no written records to demonstrate the suspension was ever formally reviewed – the lack of detailed note taking and decision records is a recurring theme. We would have expected TCC Rhodes’ suspension to have been formally reviewed and documented upon receipt of:

- IPCC assessment in an unissued press release that the matter did not amount to recordable conduct – (27 February 2013). The Task Group acknowledges that there were considerable weaknesses in the IPCC’s approach for which the PCC has received an apology.
- advice from Queen’s Counsel (1 March 2013) advising he had “grave doubts” TCC Rhodes behaved in a manner which could be proved as misconduct
- alternative advice sought from a barrister (3 March 2013), pointing out that, while he considered the suspension decision was viable, there were different interpretations of Fraser Sampson’s letter, advising TCC Rhodes is sent the letter and attendance note and stating the PCC had an “exit strategy” based on what TCC Rhodes says about the telephone conversation
- receipt of TCC Rhodes’ account of the telephone conversation (8 March 2013)
- IPCC feedback following reassessment – verbal feedback 8 March 2013, written confirmation received 11 March 2013 now advising that the matter did not, in their opinion, amount to serious corruption – referred back for local investigation
- 26 March 2013 – four weeks after the suspension

The view of the Task Group is these are all events under the Conduct Regulations which should have triggered a formal and recorded review.

- 6.30 The PCC and Chief Executive informed us that they were constantly reviewing the suspension given the changing nature of the situation. They believe their letters to TCC Rhodes during suspension are proof that the decision was formally reviewed – we can see, from the letter dated 5 March 2013, that a decision was made to continue the suspension and why but we would expect to see a detailed analysis of the new information to support the decision.
- 6.31 The chronology of events, produced for us by the PCC's Monitoring Officer, shows that the PCC was reluctant to lift the suspension, even after the IPCC assessment and TCC Rhodes' account of the conversation – the PCC advised us this was because he wished to protect TCC Rhodes. We understand from his evidence that the PCC felt that suspension was a neutral act protecting TCC Rhodes from public scrutiny – in our view; this reasoning does not fulfil the criteria for suspension listed in the Police (Conduct) Regulations.
- 6.32 The Task Group is troubled by the PCC's decision to request alternative advice. The Queen's Counsel (QC) advice on the issue of suspension obtained on 1 March 2013 in essence predicted the High Court judgement:
- he had “grave doubts” that TCC Rhodes had in fact behaved in a manner which could be proven to be misconduct
 - if the Court shared his doubts, he advised the Court would find the basis for the decision to suspend was itself wrong
 - if the IPCC continued to question this was a conduct matter, the PCC may have difficulty justifying continuing the suspension
 - it would be difficult to maintain a suspension on public interest grounds

The PCC's Chief Executive believed this reinforced their position that they needed to wait for the IPCC to re-evaluate their stance on the matter. He accepts the QC held a different view of the conduct matter but did not feel it was appropriate to review the suspension unless the IPCC returned the judgement that it was not a conduct matter.

- 6.33 The Task Group is surprised that the PCC and Chief Executive required a second legal opinion – they told us the QC raised issues on which they were getting conflicting legal views and they wanted to test them out with independent advice. The Chief Executive told us that the new barrister instructed was given the QC's advice but chose to take a very different approach regarding the legal viability and core issues.
- 6.34 We note that the barrister points out that there were different interpretations of the letter though states that the PCC's interpretation, in his opinion, was a valid one. However, by 8 March 2013 the PCC had a communication from the IPCC stating that it was not a recordable conduct matter and QC advice

essentially recommending they review and lift the suspension. This was followed up by further advice from another barrister who gave his view that:

while he considered the suspension decision was viable, there were different interpretations of Fraser Sampson's letter, advising TCC Rhodes is sent the letter and attendance note and stating the PCC had an "exit strategy" based on what TCC Rhodes says about the telephone conversation

6.35 Although this second barrister viewed the suspension as legally viable, he did point out there were other interpretations of the letter and warns of a rough ride at Judicial Review given the lack of disclosure to TCC Rhodes.

6.36 Notwithstanding the two sets of legal advice, the IPCC's final view and the Judicial Review outcome, the PCC still maintains there is only one interpretation of the letter. The Task Group does not agree and believes this narrow focus and reluctance to consider other opinions was a barrier to decision making throughout this period. The Task Group certainly believes there should have been a formal recorded review of the suspension at this stage.

6.37 The Chief Executive explained that the change in legal advice did not represent a change in circumstances – they did not believe they needed to revisit the suspension decision. He also explained that TCC Rhodes' account "*...did not significantly change our direction of travel*" and that the content of his representations was "*unsurprising*". The PCC told us he placed equal weight to both accounts of the conversation – in our opinion, his actions and decisions at that time do not reflect this. His response to TCC Rhodes upon receiving his account of the conversation illustrates this:

"...nothing in the representation causes me to doubt the veracity or accuracy of what Mr Sampson has alleged."

6.38 We also note the PCC had lost faith in the IPCC by the time he received their revised assessment on 8 March 2013 – in that assessment they agreed that the matter required investigation but advised it did not amount to serious corruption and did not merit IPCC involvement. The PCC told the Task Group that he was '*shocked*' by this but felt this did not materially change anything and, accordingly, he did not need to review the suspension. The Task Group believes that this, combined with the other advice the PCC had received to that point, should have triggered, at the very least, formal consideration of the need for a review.

Risk Assessment

6.39 Upon receipt of the allegation and during the weeks following the suspension there was no formal assessment of risk. We found only one risk, identified on or around the day the decision was made to suspend TCC Rhodes – the decision record, under risk management shows:

"Failure to make a decision could result in a complaint against the PCC"

- 6.40 The Task Group acknowledges this is a valid risk – however, given the nature of the decision being made we would have expected a thorough and detailed analysis of all risks (e.g. corporate, strategic, legal, financial and reputational) associated with the Force and TCC Rhodes, as well as the PCC. A more robust assessment may well have helped the PCC and his team to more effectively assess the circumstances and potential impact and devise a robust plan to mitigate those risks.
- 6.41 Risk assessment is a dynamic process and should be revisited following each significant event. It was highlighted to the Task Group that risk was continually reviewed throughout the suspension but no formal risk assessments were undertaken. The Task Group acknowledges the situation was evolving quickly but would expect to see evidence of robust assessment of risk, particularly following receipt of new information or legal developments.

Reinstatement of the temporary Chief Constable

- 6.42 Immediately prior to the Judicial Review the PCC instructed his legal advisors to examine whether he could terminate TCC Rhodes' fixed term contract on 31 March 2013. The legal advisors noted the PCC would "ideally like":
- to confirm the termination of TCC Rhodes' fixed term appointment as Chief Constable on 31/03/13
 - for TCC Rhodes to revert back to Deputy Chief Constable
 - to appoint Alec Wood as temporary Chief Constable for one year 01/04/13 to 31/03/14
- 6.43 The legal advice to the PCC was that it was arguable that, as TCC Rhodes was in a temporary role and would revert back to deputy, the 6 months notice did not apply. The prospects of this argument being successful were assessed between 50% and 60% - it was also pointed out that the PCC's proposals would attract public interest and the possibility of further complaint from TCC Rhodes. Following this, the PCC publicly announced, following the Judicial Review on 28/03/13, that Alec Wood was to remain as acting Chief Constable.
- 6.44 The Task Group notes that the inadequate notice period was the basis of TCC Rhodes' contractual dispute raised in January 2013 and cannot understand why the legal advice was not obtained at that time. It also appears that there was no formal risk assessment undertaken of any potential impact appointing Alec Wood for a year would have on working relationships within the senior leadership team.

The legal advisors subsequently alerted the PCC to a change in their advice – that the PCC could not temporarily appoint Alec Wood as the Chief Constable post was vacant. On the basis of that advice, the PCC then decided to reinstate Neil Rhodes as temporary Chief Constable until the completion of the disciplinary investigation.

- 6.45 We also note that the reinstatement was carried out verbally via a telephone conversation between the Chief Executive and TCC Rhodes' CPOSA Friend.

There has been no written confirmation – we feel this perpetuated the contractual uncertainties.

Conclusion

- 6.46 In the opinion of the Task Group, there is no doubt that the allegations required investigation – the Task Group, however, do not accept that suspension was necessary or proportionate. The Task Group is aware of a number of cases – for example in Hampshire - where PCCs have instigated investigations into the conduct of their Chief Constables without the decision to suspend. We believe there is evidence that the PCC has, on occasion, been badly advised – equally there are times when legal advice has either been ignored or not sought. Our findings show that these issues, together with the failure to carry out preliminary enquiries and the apparent over-reliance on the status of the complainant, resulted, in the view of the Task Group, in unsound decision making by the PCC.
- 6.47 We recognise that the circumstances were exceptional and there was no precedent or procedural guidance to assist the PCC in his decision making. However, the Task Group feels this should have led to a more cautious approach to avoid the compliance issues associated with the new Police Regulations. If the PCC had allowed more time for appropriate research, consultation and advice this would, in our view, have prevented the damaging and costly legal action which followed. As it was, the PCC's actions potentially jeopardised any disciplinary proceedings as they failed to ensure due process.
- 6.48 A fundamental principle in defensible decision making is sound record keeping – we found the lack of formal recording to be a recurring theme with few documents showing the rationale behind key decisions. This impacts on the standard of openness and transparency which in turn reduces the understanding and confidence if or when decisions are later challenged.
- 6.49 The Task Group holds concerns about the handling of the suspension meeting and the lack of information provided to TCC Rhodes. These procedural issues and failure to seek Human Resources advice on due process exposed the PCC to challenge, which could have resulted in a potential breach of the Police Regulations and left TCC Rhodes without the ability to formulate his representations against the suspension.
- 6.50 Following the original decision, the PCC had numerous opportunities to review the suspension – there is no evidence this happened despite the legal advice and IPCC judgement. We understand the PCC and his team regularly discussed the suspension but the lack of record keeping and the ensuing events do not support this and ultimately reduces the confidence in this area. In our view, this is a significant compliance issue.
- 6.51 The PCC's risk assessment was limited and focused only on the potential impact failure to suspend might have on his own reputation. Information and advice was flowing in quickly but we saw no evidence that this led the PCC's team to revisit and add to their risk assessment.

Referral to the Independent Police Complaints Commission (IPCC)

IPCC Advice – 25 February 2013

6.52 The evidence we have seen indicates that the PCC took the decision to refer the complaint about TCC Rhodes to the IPCC on 25 February 2013, at the same time as he took the decision to suspend. The PCC told the Task Group that his reasons for making the referral were:

- seriousness of the issue (significant impact on public confidence)
- need for independent involvement in the investigation
- advice from the IPCC

6.53 Prior to making the referral, the Chief Executive and legal advisor spoke via telephone with their IPCC Commissioner. The IPCC Commissioner had already seen a copy of the allegation from the original complainant and advised the following:

- expected the PCC's office to refer the matter to the IPCC
- *'would not seek to dissuade'* the PCC from his decision to suspend TCC Rhodes
- potential for serious misconduct or criminal charges

6.54 The actual referral was made on 26 February 2013. The day later the IPCC notified the PCC and TCC Rhodes that it intended to issue a press release stating that it did not consider the information supplied amounted to a recordable conduct matter against TCC Rhodes and therefore did not require the IPCC's involvement.

6.55 This IPCC view did not reconcile with their telephone advice on 25 February 2013. The PCC sent a robust challenge to the Chair of the IPCC – the Deputy Chair withdrew the proposed press release and agreed to revisit the referral. The Task Group agrees that these inconsistencies and the overall approach of the IPCC were unhelpful and worsened the situation for all those involved. The PCC told us that he had relied on the IPCC's previous statement although we note that he told TCC Rhodes (in his letter 5 March 2013) *"...the contact with the IPCC did not influence his decision to suspend."*

6.56 On 8 March 2013 the IPCC wrote to the PCC with their final view – it was essentially the same conclusion they reached on 27 February 2013. The only difference we can identify is that the final judgement provided more detail in support of their assessment and noted that the allegations required local investigation.

6.57 The Chief Executive told the Task Group that their expectation was that the IPCC would have taken on the investigation and that it would have been dealt with very quickly after that. In his view the internal difficulties within the IPCC created the 7 day delay in responding to TCC Rhodes' request for the

reasons for the suspension. We do not accept this explanation – we have already explored our concern about the interpretation of the PCC's office of the requirements of the 2012 Police Conduct Regulations, to provide reasonable detail of the reasons for suspension.

6.58 The IPCC has accepted, following this case, that a greater degree of formality is required where the IPCC is being consulted on a proposed suspension. The Acting Chief Executive of the IPCC has since provided guidance to IPCC Commissioners that all consultations are requested in writing and that the IPCC's response should also be in writing. We note the PCC's intention to suspend TCC Rhodes and make an IPCC referral was advised over the phone with both parties keeping their own file notes. The Task Group supports the IPCC's improved process and recognises that PCCs also need to reflect this approach into their own procedures.

6.59 The Task Group believes there was a missed opportunity at this point for the PCC to reconsider the suspension decision following receipt of the IPCC judgement on 8 March 2013. The IPCC's approach to investigation is dependent upon the seriousness of the case and public interest – there is an ascending order of seriousness:

- local investigation
- local investigation under IPCC supervision
- local investigation under IPCC management
- IPCC investigation

In our view this, together with the advice from Counsel, should have informed the PCC on the severity of the conduct (if proven) and the validity of the continued suspension.

Conclusion

6.60 The Task Group recognises that the initial response and approach adopted by the IPCC did not assist the PCC in his decision making. The IPCC accept their process and communications could have been better and have taken steps to rectify this. It is clear to us that if the decision to suspend had been made after the formal referral and written response from the IPCC; this would have avoided any confusion and may have had a greater influence on the PCC's decision making.

Communication

Internal Communication

- 6.61 The evidence shows that the main focus of the PCC's communications throughout the suspension and investigation period has been external. We understand there is a need for openness and transparency and appreciate this was driving the PCC's approach. The PCC believes his communications have been effective and told the Task Group that he had "*...never shied away from press releases or interviews.*" In our view, the PCC failed to address the need for a clear and on-going internal dialogue, ensuring key messages are communicated simultaneously to avoid misunderstanding, mistrust and confusion.
- 6.62 Representatives of various staff associations we interviewed all commented on how little communication was coming out of the PCC's office at the time and the adverse impact that this had, in their opinion, on morale within the police service.
- 6.63 The Police Superintendents' Association said that their members felt the only information they were receiving about the whole matter was from the press. As they put it, '*...information was being sent from the PCC's office to the media but nothing to managers on what they could or could not say to their staff. Staff assumed their managers knew what was happening but weren't saying, when they actually didn't.*'
- 6.64 Lincolnshire Police Federation gave us a similar view. Their representative told us: '*...conducting business in the mediais disappointing*' and '*...it would have been hugely beneficial to have known it was nothing to do with Lincolnshire Police [i.e. that it related to TCC Rhodes' representation of a colleague in another force] because for some time there was quite a cloud cast over Lincolnshire Police...something as simple as that would have been hugely reassuring to my members.*'
- 6.65 The PCC disputed this, explaining that he did meet with the chief officer team to notify them of the suspension – he assumed the information would be cascaded down. He did not believe it was the sort of message that should have been communicated via email. The PCC also told us that he had spoken to the Police Federation and Unison, who could have asked questions of him at any time.
- 6.66 The Chief Executive acknowledged that he was aware of some concerns that the detail of the allegations had been put into the public domain – he explained that this was exactly what they had been trying to avoid but that the Judicial Review forced them to communicate the detail in a press release (26 March 2013).

External Communications

6.67 A number of witnesses have strongly criticised the PCC's approach to communication during the period following the suspension and around the Judicial Review. Following close scrutiny of press releases and interviews, the Task Group shares these concerns.

6.68 One witness felt that the PCC's press release of 26 March 2013 (**Appendix H**), issued the evening before the Judicial Review hearing, was:

'...very partial and seemed at the time intended almost to destroy the Chief Constable's reputation.'

Another witness referred to this press release as *'ill advised'*. The PCC assured the Task Group that legal advice had been taken on this press release before it was issued.

6.69 In our opinion, some of the comments in the press release could be considered inflammatory and we are surprised that the PCC's legal advisors supported the communication given that they had the potential to compromise the hearing taking place the following day. The comments we find of particular concern include:

- *"Sadly, Mr Rhodes is intent on taking legal action against me, thus bringing matters into the public domain."*
- *"It saddens me even more to report that during the course of correspondence since the suspension, Mr Rhodes has argued that even if the allegation made against him were true, he did not believe his actions to be wrong."*
- *"...I am deeply troubled by the views he has expressed in correspondence since his suspension."*
- *"...it would be truly reprehensible for any Chief Constable to seek to exert influence on behalf of another chief officer to secure increased payment of public money..."*
- *"How could I or the public of Lincolnshire have the confidence and trust to leave Mr Rhodes in post while there were such questions over his integrity?"*

This communication appears to the Task Group to be wholly inappropriate and ill-advised. A similar issue arises in the various media interviews following the publication of the Fahy Investigation. On 15 August 2013 the PCC appears to blame TCC Rhodes for the costs of the Judicial Review:

"...the whole matter would have been resolved rather quicker and there would have been minimal cost involved except that the Chief Constable chose to go to court over my decision to suspend him."

The PCC repeated this view in a radio interview at the end of the month – this implies TCC Rhodes was wrong to challenge his suspension decision – a decision which had already been proven to be unlawful. The Task Group is concerned that the PCC holds TCC Rhodes responsible for the Judicial Review and the matter becoming a national case.

- 6.70 The Task Group also found evidence of mixed messages in the PCC's communications – for example, following the Fahy investigation the PCC told the Press that TCC Rhodes had been exonerated and that the investigator's recommendations were the right ones. He followed this with the comment that he still "remained troubled" by the nature of the allegation and that it had not been possible to determine what had happened, a point he re-iterated in his evidence to us.
- 6.71 The Task Group has also noted issues around the reported costs associated with this case – this matter will be examined in detail later in this report. The cost information initially provided to us and reported externally did not reflect the actual costs – this was identified by the local media thereby exposing the PCC to concerns over transparency.

Communication Plan

- 6.72 We have seen no evidence that a communications strategy was considered as part of the suspension planning process. In our view, this was an essential and routine part of managing risk – we also believe this led to the communication issues outlined above.
- 6.73 The Task Group was also surprised that, although the PCC has a wider Communications Strategy, the issues associated with the suspension, Judicial Review and reinstatement all appear to have been dealt with in an ad-hoc way, with no sense of overview. This, in the opinion of the Task Group, is a strategic weakness the PCC should address.

Communication with the Police and Crime Panel

- 6.74 In our opinion, the PCC's communications with the Police and Crime Panel throughout this matter have been poor. The Panel has experienced similar issues to those within the Force – more information was obtained via the media than from the PCC's office direct. This affected the overall communications of the Panel which found itself dealing with matters reactively rather than proactively.
- 6.75 The Task Group acknowledges that there is no statutory obligation for the PCC to notify the Panel in writing of his intention to suspend the Chief Constable. The Chair of the Panel was notified following the suspension meeting, via telephone, at 10pm on 25 February 2013.
- 6.76 The PCC did not share the reasons for the suspension with the Chair of the Panel – only that the suspension had taken place and was associated with potential conduct matters. We acknowledge that the PCC was in "uncharted waters" and was acting, we understand, on the advice of his legal team but believe the Panel should have been fully briefed on such a critical decision.

6.77 The Panel has a responsibility to review or scrutinise decisions made by the PCC. The lack of disclosure at that time made it impossible for the Panel to fulfil its role - this in turn attracted national criticism. Whilst the PCC did call the Chairman of the Panel the night before the Judicial Review the Chairman was not given sufficient time to cascade this information to all Panel members before this information was made public (press release issued on 26 March). No information was provided in writing which made it difficult for the Panel Chairman to accurately relay information to all Panel members.

Communication with TCC Rhodes

6.78 Communication between the PCC and TCC Rhodes from the initial suspension through to reinstatement was, in our opinion, adversarial. This was caused by the fact both parties were communicating via their legal representatives. This method of communication served only to steer them towards the resultant court action and did not provide an environment to reach a satisfactory resolution.

6.79 The Chief Executive told us they did not believe the matter would end in Judicial Review. From the tone and content of the correspondence, particularly originating from the PCC's solicitors, we are not surprised by the events. We believe that little consideration was given to the impact these communications may have on future relationships.

6.80 Following the suspension meeting TCC Rhodes was assigned a welfare officer from Human Resources (HR) for the duration of the suspension and investigation. TCC Rhodes did receive contact from the HR Advisor (who he knew well) but did not utilise this support mechanism – at that time he did not wish to seek assistance from someone internal to the Force.

Conclusion

6.81 Our findings show that communications throughout the suspension, Judicial Review and disciplinary investigation have suffered due to the external focus, lack of planning and poor advice. Some of the issues highlighted in this section of the report, in our opinion, stem from weaknesses in the PCC's overall Communications Strategy and is an area requiring attention. We understand that the communication arrangements within the Force (a shared resource with the PCC) are under review and we hope the lessons learned from this case will inform any revision to strategy and procedure.

6.82 The evidence suggests that the internal communications around this time were more of an afterthought – although there may have been some face to face meetings with staff, these appear to have occurred after information had been released to the press. We have been told that this did, until the reinstatement of the TCC Rhodes, impact on the morale of the workforce.

6.83 The Task Group is concerned by the content of some of the PCC's press releases and media interviews and do not believe they always served to protect the interests of the Force or TCC Rhodes, who was at the centre of the controversy. The PCC himself observed that this whole case became a

"cause celebre" nationally – in our opinion, this resulted not only from the PCC's decisions but also the timing and tone of some of his external communications.

- 6.84 We also believe that the PCC's external focus affected his communications with the Police and Crime Panel – evidence shows the Panel was poorly briefed by the PCC throughout the entire period. This affected the Panel's ability to fulfil its role and respond in a timely way to the ensuing events.
- 6.85 Communications via legal representatives can sometimes be adversarial – it was no different in this case. We note that the content of the PCC's correspondence was not always helpful, in particular the response to TCC Rhodes' representations on 12 March 2013. In our opinion, whilst we accept that it was essential to obtain legal advice, the style and content of legal letters does run the risk of permanently damaging working relationships.

The Judicial Review

- 6.86 This Task Group received a copy of the transcript from the Judicial Review, together with the submission from the PCC and TCC Rhodes. We have reviewed the evidence presented to the Court and the Judge's verdict, along with the evidence we have obtained during our review. The PCC told us he maintains his view on the outcome – he accepts the Judge's decision but he does not agree with it and stands by his original decision to suspend. The Task Group does not share the PCC's view.
- 6.87 We have already explored the decision to defend the Judicial Review, earlier in this report. The original Counsel's advice warned that if a Court was to share his assessment of the underlying substance of the allegation (he had "grave doubts"), it would follow that the Court would find that the basis on which the decision to suspend was itself wrong. We also note that the alternative Counsel advice concluded that the decision to suspend was legally viable – the PCC had conflicting advice at this stage but chose to pursue. We do believe it is relevant that Counsel's advice also included an 'exit strategy' should the PCC be minded to lift the suspension.
- 6.88 The PCC told us that following the alternative Counsel advice he believed that success was not a "*forlorn hope*" and could be properly defended.
- 6.89 The PCC sought leave to appeal the Judicial Review findings but the request was rejected on 22 April 2013. The Task Group noted in particular that the PCC's decision to appeal appears to be based on:
- the PCC's view that the only possible interpretation of the telephone conversation between TCC Rhodes and Fraser Sampson was that it was 'dishonest' – the Court's view was there were other possible interpretations which were not taken into account
 - the PCC's failure to engage at all in an assessment of whether or not the allegations would give rise to a case to answer or that a charge would be found proved
- 6.90 The Task Group takes the view that the Judicial Review could have been avoided had the PCC followed the original Counsel advice. In our view, failure to review and lift the suspension at this point was a fundamental mistake as this could and should have prevented the ensuing legal proceedings.
- 6.91 We have examined the PCC's announcement immediately following the Judicial Review in other sections of this report. The legal advice sought immediately prior to the Judicial Review hearing was to establish whether the PCC could appoint the acting Chief Constable, Alec Wood, as temporary Chief Constable for a year following the hearing (whatever the outcome).

Conclusion

6.92 The Task Group believes that the Judicial Review was avoidable and do not fully understand why the PCC chose to defend his decision in court, when he had received such conflicting legal advice. The original Counsel advice predicted the likely outcome of any court proceedings – the PCC appeared to have disregarded this advice which proved to carry both financial and reputational cost. Under these circumstances we would have expected, as a minimum, to see a robust risk assessment.

Sir Peter Fahy Investigation

- 6.93 Sir Peter Fahy's Report was published on 15 August 2013 and found that there was no cogent evidence to prove the misconduct allegation against TCC Rhodes and that he did not exceed the boundaries of a CPOSA friend.
- 6.94 He noted that there was a lack of clarity and common understanding about the role of 'friends' in employment cases and recommended the publication of a national written protocol. Such a protocol could provide clarity on matters such as 'without prejudice conversations', appropriate negotiating channels and conflicts of interest. The Task Group wholly concur with those views
- 6.95 TCC Rhodes expressed to the Task Group his gratitude to the Fahy investigation for, as he put it, *'giving me my reputation back'*. As a result of that report, TCC Rhodes feels he has maintained a strong reputation and has avoided any credibility issues.
- 6.96 It is not within the remit of this Task Group to revisit the findings of the Fahy investigation – we do believe it was a thorough and balanced investigation and reached the appropriate conclusion. We are, however, surprised that the PCC *'still remains troubled'* by the allegation made by Fraser Sampson, notwithstanding the outcome of the Fahy investigation. He told the media:
- "I remain troubled by the nature of the allegation and that it has not been possible to for the investigating officer to determine exactly what happened in a private conversation between two highly regarded and credible professionals in the policing world."*
- "This was exacerbated by significant inconsistencies in the evidence."*
- 6.97 In the PCC's view the core allegation remains unanswered but leaves two well placed people in policing saying different things about the same set of circumstances. We also note that in his communications he focused on the most negative comment within the investigator's report – that there is *"...an uncomfortable disparity between the two accounts."* Taken in the context of earlier comments that he had no reason to doubt Fraser Sampson we believe that repeating such a statement as a 'sound bite' was unwise, raising uncertainty around the crucial issue of trust. That said, the PCC has assured us he did feel it was now *'water under the bridge'*.

Conclusion

- 6.98 The Task Group has no doubts that the allegations against TCC Rhodes required investigation – Sir Peter Fahy's investigation was thorough and balanced and as such reached the appropriate conclusion. We do remain confused by the PCC's comments on the investigator's conclusions following publication of the report – it suggests to us that the PCC still has some doubts.

Relationship between the PCC and TCC Rhodes

- 6.99 Both the PCC and TCC Rhodes have been at pains to continue with a positive professional relationship throughout what was an extremely difficult and personally stressful situation for both sides. It is a credit to them that they have done so. Their relationship appears strengthened by the experience which we find encouraging and provides assurances for the future.
- 6.100 The Task Group heard evidence that the relationship between the PCC and TCC Rhodes was 'tense' in the early stages. For example, as early as February 2013 there was the threat of legal proceedings from TCC Rhodes' solicitors to the PCC over an unrelated contractual issue. We also note an uneasy tone was set soon after the PCC took up post – the content of those early meetings clearly created uncertainty and misunderstandings which, in our opinion, should have been resolved by an open dialogue between the two parties.
- 6.101 While the Task Group is pleased to see that these relations have greatly improved, it does share the concerns raised by a number of people that legal proceedings should be threatened so often between two people in such senior positions. The PCC gave the Task Group his view that this is a cultural issue within the Police Service, stoked, in his opinion by the funding arrangements of the CPOSA scheme. Whether or not that is the case, the view of the Task Group is that, in this situation, the parties should have tried harder to address the issues informally.
- 6.102 The Task Group noted that the PCC had told the Home Affairs Select Committee that he would apologise to TCC Rhodes if the Fahy investigation found him to be wrong. The PCC explained he did not apologise to TCC Rhodes as the Fahy investigation did not conclude that he was wrong to investigate. He did, however, advise that he and TCC Rhodes had shaken hands, both as '*gentlemen of honour*'. TCC Rhodes told the Task Group that the whole incident was simply now not referred to and both men were just getting on with their respective roles. He confirmed that they had subsequently shaken hands in the course of normal daily business.

Conclusion

- 6.103 We are satisfied that the working relationship between the PCC and TCC Rhodes has changed following the outcome of the Fahy investigation – we find it remarkable and pleasing to note that it appears strengthened by the whole experience. This provides the much needed confidence in Lincolnshire's leadership arrangements for the future which have recently been confirmed by the PCC.
- 6.104 The Task Group was concerned to learn of the events in November 2012 in the months preceding the allegations against TCC Rhodes. The initial meetings between the PCC and TCC Rhodes set an uneasy tone and the actions of the PCC potentially placed TCC Rhodes in an untenable position. We believe more effort should be made, in general, to resolve disputes

informally without the need to involve legal advisors, but also recognise there comes a time when that may become the only option.

6.105 When discussing the working relationship between the PCC and TCC Rhodes, the PCC has stressed to us that the whole process was procedural, rather than personal.

Morale of the Force

- 6.106 The Task Group has heard a great deal of evidence about this important issue and notes in particular the difference of views on the point. Several witnesses have strongly expressed the view that there was an immediate significant adverse impact on morale in the force on the suspension of TCC Rhodes. This is of itself, of course not surprising - suspension of the Chief Constable is a rarity and an 'extreme' action for a PCC to take.
- 6.107 The PCC has always maintained that, technically, suspension is a 'neutral act'. He has also stated on a number of occasions his view that, in fact, there was no impact on operational policing as a result of the suspension, due to the professional approach taken by the whole team.
- 6.108 HMI Billingham advised the Task Group that she felt that the PCC's view that there had been no impact on morale was 'wrong'. In the PCC's view, if HMI Billingham had spoken to as many people as he had, she would not hold that opinion.
- 6.109 The PCC however stressed to the Task Group in his evidence his disagreement with the view of the Home Affairs Select Committee that suspension of a Chief Constable *'is potentially operationally disruptive, costly and damaging to the reputation of the force and individuals concerned'*.
- 6.110 In response to the assertion in the media by the Police Federation that the suspension decision was affecting Police rank and file the PCC advised us he went out and spoke to officers on the ground to satisfy himself that this was not true. Nobody has raised it with him as an issue for a very long time.
- 6.111 The PCC explained to the Task Group that he regularly spoke to a great number of officers in the service and that, if any issues had come up in relation to the suspension or the Judicial review etc., he had always been happy to discuss (subject to the information being suitable for the public domain, of course). However, he stressed that he has never felt that, nor has anyone ever said to him that, it has been an issue. Since that time he had set himself the task of touring all the police stations in Lincolnshire and – at the time of the interview – had done all but 4. Since the Judicial Review no-one had ever mentioned the issue. In his view it was *'not on people's radar'*. This is at odds with the evidence given to the Task Group by the Chair of the Superintendents Association that the situation had led to Lincolnshire Police becoming a *'laughing stock' in the view of members of his Association...*

TCC Rhodes, in his evidence in relation to performance, stressed how proud he is personally of what officers and staff in the police service have achieved over the period at a time of major organisational change.

6.112 Both the PCC and TCC Rhodes have stressed how strong the professional relationship is between them now with no issues outstanding from these events between them.

Conclusion

6.113 In the view of the Task Group, the PCC and his office in their evidence on this have confused performance for morale – it is clear that the Police Service had continued to function extremely well during the particular difficulties of this – generally unprecedented – situation. However, it is clear to the Task Group that morale was in fact affected at the time.

Costs

6.114 The Chief Executive has explained that the PCC's lawyers do a great deal of work for the PCC's office – such that it is not always easy to identify which piece of work relates to which cost. However he advised the Task Group that:

- Just over £37,000 was paid to the PCC's legal advisers prior to the Judicial Review – it is accepted in the initial process of suspension, it was proper to incur some of these costs.
- after the Judicial Review, around £21,000 of costs were incurred with the second firm of legal advisers consulted by the PCC , who advised around the Fahy investigation
- £14,463.55 was paid to Sir Peter Fahy for his investigation
- £72,000 to date for the legal costs of TCC Rhodes – these costs are not yet known in full.

In the view of the Task Group, some of the above costs could have been avoided, for the reasons set out elsewhere in this report. The Task Group also feel it is appropriate to note that there were also a number of opportunity costs arising from these circumstances, such as senior officer time in the PCC's office, senior officer time of TCC Rhodes, and backfilling by the senior team and so on.

6.115 These costs will come out the of the PCC's specific budget for his office.

6.116 It completing this review the Task Group has incurred professional service costs of £20,750.72 and has received support from officers that work with the Police and Crime Panel. The Task Group Members have not received payment for this work other than reimbursement of travelling expenses. The Task Group costs will be paid from the Annual Government Grant provided to the Panel to undertake its statutory duties.

7. Recommendations

Recommendations to the Lincolnshire Police and Crime Commissioner Mr Alan Hardwick
1. Seek expert legal advice regarding the viability of major decisions (e.g. the suspension of a Chief Constable) prior to making the decision.
2. Carry out thorough risk assessments assessing corporate, strategic, legal, financial and reputational risks (and the implications for employment law as well as Police Regulations) before making major decisions and do not focus solely on risks to the PCC.
3. Seek professional advice surrounding media and press releases when an investigation of a senior officer is to be undertaken.
4. Put in place better record keeping/note taking in respect of his decisions, particularly around legal decisions and documentation – by way for example of checklists and decision logs.
5. Implement local HR policies and procedures to follow and take appropriate HR advice when suspending a senior officer.
6. Implement a Communications Strategy, prioritise internal communications and develop as required Communication Plans to deal with key events.
7. Improve communications with the Panel and establish a Memorandum of Understanding regarding the exchange of information.

Recommendations to the Chief Constable/ACPO
1. Agree a best practice procedure for notifying PCC's when acting as a 'CPOSA friend'.
2. Chief Officers when acting as CPOSA friends should be advised to formally record telephone conversations to save future misunderstandings.

Recommendations to the Lincolnshire Police and Crime Panel
1. Establish a Memorandum of Understanding regarding the exchange of information with the PCC's office.
2. Develop the already positive and professional working relationship with the PCC and his staff through training and briefings.

Recommendations to the Independent Police Complaints Commission
1. Request that PCC's submit conduct issues regarding Chief Constables to the IPCC in writing and that all advice to PCC's from IPCC Commissioners is also provided in writing.
2. Assure themselves that their decision making process is robust and consistent.

Recommendations to the Home Office

- | |
|---|
| 1. Create an induction course for new PCC's with a focus on Police Regulations and employment law/human rights legislation. |
| 2. Strengthen the Police Reform and Social Responsibility Act 2011 to give sub-groups of Panels the power to call any persons who in their view could assist Panels to give evidence and provide information, to facilitate proper scrutiny. |
| 3. Utilise the professional expertise of HMIC and require them to be involved in the suspension review process providing the PCC, Chief Constable and Police and Crime Panel with a professional view on the suspension of a Chief Constable before and during the suspension period. |

APPENDIX A

GLOSSARY OF ABBREVIATIONS

ABBREVIATION	FULL NAME
CPOSA	Chief Police Officers Staff Association
HMIC	Her Majesty's Inspectorate of Constabulary
HR	Human Resources
IPCC	Independent Police Complaints Commission
OPCC	Office of the Police and Crime Commissioner
PCC	Police and Crime Commissioner
PCP	Police and Crime Panel
QC	Queen's Council
TCC	Temporary Chief Constable

APPENDIX B

Terms of Reference

for

The Lincolnshire Police and Crime Panel Task Group

examining the events surrounding the decision by the Police and Crime Commissioner for Lincolnshire to suspend the temporary Chief Constable, Neil Rhodes, from duty, to enable the Panel to ascertain whether any lessons may be drawn there from

1. The Suspension

- 1.1 To establish if the Commissioner's internal procedures for suspending the Chief Constable were correctly followed, are suitable and if these procedures could be improved.
- 1.2 To establish what legal and non legal advice the Commissioner sought in suspending and reinstating the Chief Constable and if the advice was followed by the Commissioner.

2. Communication

- 2.1 To establish what communication took place between the Commissioner and the Chief Constable from initial suspension through to reinstatement.
- 2.2 To establish why the reasons for the suspension were not communicated to the Chief Constable, the Organisation, the Panel and the public in a timely manner.
- 2.3 To examine the communications strategy both internal and external of the Commissioner.
- 2.4 To establish what communications/media advice the Commissioner sought both prior to the suspension and post the suspension.

3. Referral to the IPCC

- 3.1 To examine the interaction and decision making between the Commissioner and the IPCC.
- 3.2 To gain an understanding of the rationale for the IPCC's response.

4. The Judicial Review

- 4.1 To gain an understanding of the outcome of the Judicial Review
- 4.2 To investigate the response of the Commissioner following the outcome of proceedings in the High Court.
- 4.3 To review footage of the Commissioner's announcement following the outcome of the Judicial Review and examine the decision making rationale surrounding the Commissioner's announcement.

5. The Sir Peter Fahy Investigation

- 5.1 To gain an understanding of the outcome of the investigation by the Chief Constable of Greater Manchester Police.

6. Relationship between the Commissioner and the Chief Constable

- 6.1 To examine the future implications of the appointment of a substantive Chief Constable in Lincolnshire taking into account the facts and outcomes presented in the Judicial Review and the Sir Peter Fahy report.

7. Costs

- 7.1 To establish the costs relating to this matter.

8. Morale of the Police Force

- 8.1 To establish if there has been any impact on the morale of Lincolnshire Police since the decision of the Commissioner to suspend the Chief Constable.

9. Lessons

- 9.1 To identify any lessons that can be learnt and shared.

Appendix C – Chronology of Events

The purpose of the chronology is to capture relevant information / interactions between the Police and Crime Commissioner for Lincolnshire and the temporary Chief Constable (between 15th November 2012 to date) to enable the Panel to:

"To consider the events surrounding the decision by the Police and Crime Commissioner for Lincolnshire to suspend the temporary Chief Constable, Rhodes, from duty, to enable the panel to ascertain whether any lessons may drawn there from"

Date	Source of information	Person	Details of events	Action Taken
<i>dd/mm/yy</i>	<i>Where did you obtain the information</i>	<i>Who was involved</i>	<i>Summary of the event that occurred</i>	<i>Any actions / decisions that arose from the event.</i>
25/10/08	TCC Rhodes' Judicial Review Application	DCC Rhodes	Rhodes appointed Deputy Chief Constable (DCC) of Lincolnshire – a fixed term appointment which expires 25/10/14	
01/04/12	TCC Rhodes' Judicial Review Application	TCC Rhodes	DCC Rhodes appointed temporary Chief Constable of Lincolnshire – a fixed term appointment (FTA) which expires 31/03/13, unless extended by the PCC	
20/04/12	Judicial Review	Chief Police Officers' Staff Association / TCC Rhodes	TCC Rhodes appointed by Chief Police Officers' Staff Association to act as Police Friend for former Director of Legal Services, West Yorkshire Police.	TCC Rhodes fulfils role of Chief Police Officers' Staff Association friend.
21/04/12 to 27/04/12	TCC Rhodes' Judicial Review Application	TCC Rhodes / CPOSA complainant	TCC Rhodes spoke with CPOSA subject by phone & SMS to develop Friend relationship & obtain outline understanding of the case.	
07/05/12	TCC Rhodes' Judicial Review Application	TCC Rhodes / CPOSA complainant	TCC Rhodes CPOSA complainant – first meeting (Chief Police Officers' Staff Association Friend role)	

Date	Source of information	Person	Details of events	Action Taken
27/06/12	TCC Rhodes' Judicial Review Application	TCC Rhodes/ Complainant / Various staff, West Yorkshire Police	Telephone conversation TCC Rhodes and CPOSA complainant – agreement for TCC Rhodes to introduce himself as Chief Police Officers' Staff Association Friend to key officers at West Yorkshire Police.	
30/07/12	TCC Rhodes' Judicial Review Application	TCC Rhodes / Deputy Chief Constable of West Yorkshire Police.	TCC Rhodes introduced himself as Chief Police Officers' Staff Association Friend to DCC of West Yorkshire Police – DCC provided overview of the case.	
30/07/13	Sir Peter Fahy Report (Op. Redbone Final Report)	TCC Rhodes	<p>TCC Rhodes makes first contact with temporary Chief Constable for West Yorkshire. Followed by a second call two weeks later. West Yorkshire's TCC told investigators that the purpose was to "<i>try and negotiate a settlement to avoid an employment tribunal hearing.</i>" He states he did not find anything unusual about the call.</p> <p>TCC Rhodes told investigators that the conclusion of the call was that the case was unlikely to be settled because of the wide gap between the two parties. TCC Rhodes and West Yorkshire's TCC have a very similar recollection of the call.</p>	
22/11/12	Judicial Review / TCC Rhodes' Judicial Review Application	PCC	Mr Alan Hardwick assumed office as PCC for Lincolnshire.	
11/12/12	Judicial Review	CPOSA complainant/ TCC Rhodes	Alleged agreement for TCC Rhodes to have a without prejudice conversation with Chief Executive and Solicitor to the Office of West Yorkshire's PCC. Purpose – to arrange a meeting to explore	TCC Rhodes contacts Fraser Sampson the

Date	Source of information	Person	Details of events	Action Taken
			possibility of a settlement.	following day (12/12/12)
11/12/12	TCC Rhodes' Judicial Review Application	TCC Rhodes / CPOSA complainant	CPOSA complainant confirmed that TCC Rhodes should have a "without prejudice" conversation with Fraser Sampson. Purpose – to arrange a meeting between parties to explore possibility of a negotiated settlement prior to the hearing scheduled 17/12/12.	TCC Rhodes telephones Fraser Sampson the following day (12/12/12)
11/12/12	Judicial Review / TCC Rhodes' Judicial Review Application	PCC / TCC Rhodes	PCC told TCC Rhodes that he did not want him as Chief Constable of Lincolnshire Police <i>NB. PCC required to give a minimum 6 months notice not to extend Fixed Term Appointment</i>	TCC Rhodes began to apply for posts outside Lincolnshire
12/12/12	Judicial Review	TCC Rhodes / Fraser Sampson	Telephone conversation between TCC Rhodes and Fraser Sampson.	Fraser Sampson raises concerns re. TCC Rhodes with West Yorkshire PCC 15/01/13
12/12/12	Annex to Judicial Review – Fraser Sampson's attendance note	Fraser Sampson / TCC Rhodes	TCC Rhodes calling Fraser Sampson – Fraser Sampson's attendance record states: TCC Rhodes (allegedly) informs: <ul style="list-style-type: none"> • he is Chief Police Officers' Staff Association friend • next step – PTH listed 17/02/12 • proposes face to face meeting Fraser Sampson (allegedly) advises: <ul style="list-style-type: none"> • saw no professional conflict talking to TCC Rhodes • approach of complainant's solicitors "odd" – wanting to trade off conduct allegations against a settlement • by making allegations against senior officers/staff the complainant set 	No immediate action – Fraser Sampson informs West Yorkshire PCC on 15/01/13 (over one month later)

Date	Source of information	Person	Details of events	Action Taken
			<p>the ante very high</p> <ul style="list-style-type: none"> • recognised obvious risks of litigating the case – organisation should not reward failure / give in to undue influence <p>TCC Rhodes (allegedly) says:</p> <ul style="list-style-type: none"> • paltry settlement offered to a senior officer who had been dismissed • the complainant enjoying shield of Chief Police Officers' Staff Association insurance – West Yorkshire had offered nothing • Nothing to work with - a "bloody day" in court ahead <p>Fraser Sampson (allegedly) advises:</p> <ul style="list-style-type: none"> • Police Authority no direct involvement in the litigation • Office of PCC taking responsibility for litigation decisions & general counsel • Reports back from West Yorkshire Police – little chance of settlement agreement <p>TCC Rhodes (allegedly) says:</p> <ul style="list-style-type: none"> • The complainant's lawyers giving unrealistic assessment of compensation – needed realism • In advising Chief Police Officers' Staff Association insurers – needed some leverage – about to sign up to £k costs • Litigation – repercussions & reputational risk • The complainant aware of other substantial settlements – TCC Rhodes wanted to avoid "dirty risks" (tricks?) at the hearing • Did not have ██████████ down as a racist – race element a lever for damages – wider unfairness was real issue • Wanted to broker a sensible & reasonable solution <p>Fraser Sampson (allegedly) gives opinion:</p> <ul style="list-style-type: none"> • The complainant's claim looked "insincere" – to state substantial settlements to "pay off" staff in alleged cases of management failings is wrong & against public policy then seek a similar arrangement himself <p>TCC Rhodes (allegedly) says:</p>	

Date	Source of information	Person	Details of events	Action Taken
			<ul style="list-style-type: none"> • Chief Police Officers' Staff Association would not fund hearing if sensible offer was made – invited West Yorkshire Police to reconsider • PCC's reputation at stake Fraser Sampson (allegedly) advised: <ul style="list-style-type: none"> • He would speak to West Yorkshire's TCC & revert – took TCC Rhodes' contact details. 	
12/12/12	Office of the PCC submission received 09/08/13 – copy of Fraser Sampson's attendance note	Fraser Sampson	Telephone attendance note prepared by Fraser Sampson records (in summary) NR saying: <ul style="list-style-type: none"> • he is CPOSA friend, previous one had relinquished the role in frustration • complainant's solicitors heading helter skelter for a very expensive hearing • wondered if it would be beneficial for a face to face meeting • appreciated Fraser's frankness about the case and would speak equally frankly • he could see a paltry settlement being offered to a senior officer who had been dismissed • the complainant enjoying shield provided by CPOSA insurance • West Yorks Police had offered nothing therefore insurers had to maintain the shield • Nothing to work with...a bloody day in court ahead • The complainant's lawyers giving unrealistic assessment of compensation potential –the complainant needed some realism • In advising CPOSA insurers he needed some leverage as they were about to sign up to £k costs • Litigation would have repercussions and reputational risk • The complainant aware of other people who had received substantial settlements • Wanted to avoid dirty tricks being played at hearing • Never had [REDACTED] down as a racist • Race element in the claim was simply a lever for damages and that a 	

Date	Source of information	Person	Details of events	Action Taken
			<p>wider unfairness was the real issue</p> <ul style="list-style-type: none"> • Wanted to broker a sensible and reasonable resolution • CPOSA would not fund a hearing if a sensible offer were made • Invited West Yorks Police to reconsider • PCC reputation at stake 	
12/12/12	TCC Rhodes' Judicial Review Application	TCC Rhodes / Fraser Sampson	<p>TCC Rhodes contacts Fraser Sampson – Fraser Sampson does not (during the conversation) suggest anything improper about the content of the discussion.</p> <p>TCC Rhodes updates the CPOSA complainant following telephone conversation.</p>	<p>No pre-Employment Tribunal meeting occurs between West Yorkshire Police and the complainant.</p> <p>TCC Rhodes has no further contact with the complainant from 12/12/12.</p>
12/12/03	Sir Peter Fahy Report (Op. Redbone Final Report)	Fraser Sampson / West Yorkshire PCC	<p>Fraser Sampson told investigators that he spoke to PCC for West Yorkshire, on the same day he received the call from TCC Rhodes (12/12/13). He expressed concern about the conversation but did not go into any detail. Fraser Sampson chose to discuss the matter with temporary Chief Constable.</p> <p>Also on the same day he raised issues about CPOSA and the proper role of chief officers with HMIC – he happened to be meeting him. He did not specifically mention TCC Rhodes' conduct.</p>	
06/01/13	Judicial Review /	TCC Rhodes	TCC Rhodes letter to Lincolnshire PCC's Chief Executive, ,Malcolm	PCC's Chief

Date	Source of information	Person	Details of events	Action Taken
	TCC Rhodes' Judicial Review Application	/ Malcolm Burch Chief Executive, Lincolnshire Office of PCC	Burch summarising conversations to date. TCC Rhodes expressing desire to continue to lead the force should PCC "...have a change of heart" and seeks clarity on his future. Letter includes: <ul style="list-style-type: none"> • PCC's alleged comments about 'wanting his own man' • providing TCC Rhodes with adverts of other TCC jobs • request for PCC to reconsider his decision in relation to TCC Rhodes' future • clarity over whether PCC will extend TCC Rhodes' fixed term appointment as temporary Chief Constable 	Executive provides a written response to TCC Rhodes (14/01/13)
14/01/13	Judicial Review	Malcolm Burch / TCC Rhodes	Letter to TCC Rhodes from PCC's Chief Executive – states that fixed term appointment would not be extended when it expired 31/03/13 – decision not to extend irrevocable.	
14/01/13	TCC Rhodes' Judicial Review Application	Malcolm Burch Lincs PCC's Chief Executive	Letter from Chief Executive to TCC Rhodes providing written notice that fixed term appointment would not be extended beyond 31/03/13 – decision regarding future "irrevocable".	Response from TCC Rhodes' solicitors – insufficient notice given to TCC Rhodes of PCC's intention not to extend his fixed term appointment.
15/01/13	Judicial Review / Fraser Sampson's letter to Malcolm Burch 19/02/13	West Yorkshire's Chief Executive,	West Yorkshire's Chief Executive and his PCC had a scheduled telephone conference with HMIC – they notify him of their concerns regarding TCC Rhodes.	Agreed to notify the President of CPOSA to clarify the extent of the

Date	Source of information	Person	Details of events	Action Taken
		Fraser Sampson		proper involvement of chief officers in such matters.
24/01/13	Sir Peter Fahy Report (Op. Redbone Final Report)	West Yorkshire's Chief Executive, Fraser Sampson	<p>Scheduled telephone conference meeting with HMIC – during the call raised concerns about TCC Rhodes' conduct as CPOSA friend and that he'd said he knew the race claim to be false. West Yorkshire's Chief Executive told the investigators that the HMI made no comment on TCC Rhodes' conduct.</p> <p>HMI says there was no complaint from West Yorkshire's Chief Executive about TCC Rhodes – he recalls the conversation to be more about the role of CPOSA friend rather than anything specific about TCC Rhodes. HMI told investigators the issue of misconduct was not raised.</p>	WY Chief Executive told HMI that he intended to raise the matter with President of CPOSA – HMI felt Chief Executive saw this as a learning and development issue for CPOSA.
24/01/13	Judicial Review / Fraser Sampson's letter to Malcolm Burch 19/02/13 / Sir Peter Fahy Report (Op. Redbone Final Report)	West Yorkshire's Chief Executive, Fraser Sampson	<p>Writes a letter to President of CPOSA with his concerns and the proper involvement of chief officers.</p> <p>WY's Chief Executive includes in his email that it raises two points beyond the litigation concerned:</p> <ul style="list-style-type: none"> • scope for chief officers to support litigation against another public body when they know or believe the substance of what is being said is wrong. • issues around insurance and candour with those providing the cover to CPOSA may also be engaged. <p>The Fahy report states that TCC Rhodes and the complainant were</p>	<p>CPOSA president responds – informs WY Chief Executive that he was looking into the matter.</p> <p>Abbey Legal</p>

Date	Source of information	Person	Details of events	Action Taken
			<p>not named in the email to the CPOSA president – the allegations were included. The CPOSA president forwards the email another senior officer involved with CPOSA.</p> <p>CPOSA officer emails the Director of Underwriting for Abbey Legal Protection (CPOSA insurers) on 13/02/13.</p>	<p>responds to CPOSA on the same day. He says QC advice is that it's a good case of race discrimination, their lawyers have always held this view, his view was that the case had merit and he thought a settlement would come (with the change to PCC and embarrassment factor). At no time have CPOSA been told that the race element was pleaded just to give leverage. He said he had spoken with TCC Rhodes about</p>

Date	Source of information	Person	Details of events	Action Taken
				applying pressure to achieve a reasonable settlement (to both sides).
04/02/13	Judicial Review / Fraser Sampson's letter to Malcolm Burch 19/02/13	CPOSA president	CPOSA president informs WY chief Executive that he is looking into the matter.	
07/02/13	TCC Rhodes' Judicial Review Application	Her Majesty's Inspectorate of Constabulary (HMIC) / TCC Rhodes	Her Majesty's Inspectorate of Constabulary report notes TCC Rhodes' proven track record and states TCC Rhodes <i>has "...great personal integrity."</i> The application also notes TCC Rhodes' unblemished disciplinary record.	
10/02/13	Sir Peter Fahy Report (Op. Redbone Final Report)	West Yorkshire's Chief Executive, Fraser Sampson	<p>WY Chief Executive notified the Home Office about his concerns and sought a meeting with the Home Office to discuss his wider concerns about CPOSA 'friending'.</p> <p>He told investigators he wanted to know the proper rules for CPOSA in this type of litigation. At the time of the Fahy Report (05/08/13) the Home Office had not responded.</p>	
14/02/13	Narrative & chronology from the Office of PCC received 09/08/13	West Yorkshire's Chief Executive / Lincs Chief	<p>Concerns raised about TCC Rhodes during a telephone call. WY Chief Executive:</p> <ul style="list-style-type: none"> • outlined the background of the case • confirmed he had shared the concerns with regional HMI, his Commissioner, the president of CPOSA and the Home Office 	WY Chief Executive judged the allegations as a serious matter and

Date	Source of information	Person	Details of events	Action Taken
		Executive	<ul style="list-style-type: none"> Indicated he would set out his allegations in writing 	immediately sought the advice of the PCC's legal advisors at their Lincoln office.
14/02/13	Sir Peter Fahy Report (Op. Redbone Final Report)	West Yorkshire's Chief Executive, Fraser Sampson	<p>Attendance note completed by WY's Chief Executive following telephone conversation with Lincs Chief Executive:</p> <p><i>"role of TCC Rhodes as CPOSA friend wider point has to be addressed following up with HO still no response"</i></p> <p>Lincs Chief Executive's response: <i>"this was consistent with previous conduct"</i></p>	
14/02/13	Narrative & chronology from the Office of PCC received 09/08/13	West Yorkshire's Chief Executive / Lincolnshire's Legal Advisor	<p>Content of the call discussed – Legal Advisor felt the allegation was potentially serious.</p> <p>They agreed:</p> <ul style="list-style-type: none"> Commissioner should be briefed WY Chief Executive should be encouraged to set out allegations as a matter of urgency Given the gravity of the allegation, need to identify a course of action even if Chief Executive did not follow up in writing 	<p>Malcolm Burch briefed the PCC later the same day. Deputy Chief Executive and Chief Finance Officer were also present.</p> <p>PCC at this stage viewed the allegation as "an unwelcome distraction but a</p>

Date	Source of information	Person	Details of events	Action Taken
				serious matter he had to address".
15/02/13	TCC Rhodes	Legal advisors – both parties	Final letter to PCC (prior to suspension) from TCC Rhodes regarding the on-going dispute. Requesting amicable resolution to prevent Judicial Review proceedings.	No response from PCC's Office. Events overtaken by suspension.
15/02/13	Judicial Review / Fraser Sampson's letter to Malcolm Burch 19/02/13	Fraser Sampson / South Yorks Office of PCC	Fraser Sampson speaks to the Office of PCC at South Yorkshire to advise of his conversations and copies them into correspondence.	
15/02/13	Judicial Review / Fraser Sampson's letter to Malcolm Burch 19/02/13	Fraser Sampson / IPCC	Fraser Sampson also spoke to the IPCC and copied her into the letter he writes to Malcolm Burch.	
18/02/13	Narrative & chronology from the Office of PCC received 09/08/13	Malcolm Burch / Legal Advisor	Malcolm Burch asks Legal Advisor to contact Fraser Sampson.	
19/02/13	Judicial Review	Fraser Sampson / Malcolm Burch	Letter sent 19/02/13, received on 22/02/13 from Fraser Sampson to Lincolnshire's PCC's Chief Executive outlining the history of the claim and the alleged actions of TCC Rhodes during the telephone conversation.	
19/02/13	Office of the PCC submission received 09/08/13 – Fraser	Fraser Sampson	Letter from Fraser Sampson to Malcolm Burch, dated 19/02/13 – outlining the background of the case, chronology and concerns which he headed up “potential conduct matter” – the concerns as alleged by Fraser Sampson:	PCC suspends TCC Rhodes with a view to investigating the

Date	Source of information	Person	Details of events	Action Taken
	Sampson's letter		<ul style="list-style-type: none"> • NR agreed with him (FS) when he gave the view that the race element of the claim was entirely unsupported and appeared an obvious contrivance • NR said that it had been pleaded only to provide leverage by which to address other perceived unfairness. • Queries the scope for chief officers to support litigation against other public bodies when they know or believe that the substance of what is being alleged is wrong • He questions the propriety of a chief officer contacting the Office of the PCC in this way and for this purpose • The inter-relationship between different chief officers affected by such proceedings • Issues around insurance and candour with those providing cover to CPOSA and the obligations of those acting in the capacity of CPOSA friends <p>Fraser Sampson indicates he:</p> <ul style="list-style-type: none"> • Notified HMIC 15/01/13, of his concerns at the involvement of TCC Rhodes in this matter and the proper boundaries for CPOSA friends • Agreed with HMIC to notify the president of CPOSA to clarify the extent of proper involvement of chief officers in such matters • Wrote to president of CPOSA on 24/01/13 • Received a reply on 01/02/13 that CPOSA president was looking into the matter • Notified the Home Office of his wider concerns on 10/02/13 and sought a meeting to discuss them • Telephone Malcolm Burch on 15 February 2013 • Informed the Office of the PCC for South Yorkshire to advise of his conversations and to copy into correspondence • Had spoken to IPCC and had copied the letter to her • Understood that his temporary Chief Constable may have raised TCC Rhodes' intervention directly with him 	allegations.

Date	Source of information	Person	Details of events	Action Taken
22/02/13	Narrative & chronology from the Office of PCC received 09/08/13	Mr Sampson / PCC / Legal Advisor / Malcolm Burch / Howard Hunt	Letter from Fraser Sampson, dated 19/02/13 received in Office of PCC. PCC Malcolm Burch, Legal Advisor and Howard Hunt meet to discuss content of the letter.	PCC asks Legal Advisor to prepare a report on matters for consideration & decision, including how to handle the matter if considered recordable conduct.
25/02/13	TCC Rhodes' Judicial Review Application	TCC Rhodes / Malcolm Burch	PCC's Chief Executive telephoned TCC Rhodes asking him to meet with the PCC.	A meeting was arranged for the evening (25/02/13)
25/02/13	Office of the PCC submission received 09/08/13 – Legal Advisor report on conduct issues	Legal Advisor	<p>The legal advisor's report includes background, the complaint & matters for consideration:</p> <ul style="list-style-type: none"> • PCC to consider whether conduct is of such gravity it is appropriate to record the matter • Conduct should be recorded as soon as practicable • Once recorded PCC has four options (NFA, need further information, investigation, voluntary IPCC referral) • If investigation appropriate – need to consider if IPCC referral is also appropriate – advises consideration of mandatory referral criteria of “serious corruption” – i.e. any attempt to pervert the course of justice or conduct likely to seriously harm the administration of justice. • Notes that IPCC are aware of the matter but have not contacted the 	

Date	Source of information	Person	Details of events	Action Taken
			<p>PCC as the appropriate authority – IPCC may not view this as falling within their mandatory criteria.</p> <ul style="list-style-type: none"> • IPCC encourages voluntary referral where the gravity of the matter justifies it, including where conduct could have significant impact on public confidence or there is a need for independent involvement in an investigation • Notes the IPCC has already supervised a ‘related’ investigation • Should then consider whether circumstances justify suspension under Regulation 10 • Should not suspend unless suspension conditions met (redeployment not appropriate, effective investigation may be prejudiced, public interest requires it • Helpful to consider standards of professional behaviour (schedule 2 of Police conduct Regs) • If you decide to suspend & refer matter to IPCC then you must consult with the IPCC before any suspension takes place • You need to form your preliminary view and rationale for suspension • Required to notify Police & Crime Panel of the suspension 	
25/02/13	Narrative & chronology from the Office of PCC received 09/08/13	PCC / Legal Advisor /Malcolm Burch/Howard Hunt	<p>Legal Advisor provides the Commissioner with her report. Options:</p> <ul style="list-style-type: none"> • no further action • obtain further information • investigation • voluntary referral to IPCC <p>Re. suspension- consensus - Fraser Sampson's letter was a complaint as:</p> <ul style="list-style-type: none"> • TCC Rhodes had agreed the race element of the claim was "entirely unsupported and appeared to be a contrivance" • TCC Rhodes had specifically stated race element of the claim "a lever 	Malcolm Burch advises IPCC consultation if suspension was an option.

Date	Source of information	Person	Details of events	Action Taken
			for damages" • If Fraser Sampson's account correct TCC Rhodes representing the interests of a complainant in the knowledge that an unfounded case was being argued to secure additional compensation	
25/02/13	Narrative & chronology from the Office of PCC received 09/08/13	Malcolm Burch / IPCC & Legal Advisor	Malcolm Burch telephones IPCC, Legal Advisor in attendance. IPCC states: • had received copy of allegation from Fraser Sampson • expected the Office of the PCC to refer to IPCC • "...she would not seek to dissuades us" from suspending TCC Rhodes • potential for serious misconduct or criminal charges	Malcolm Burch reports outcome of discussion with IPCC to PCC
25/02/13	Office of the PCC submission received 09/08/13 –Legal Advisor's attendance note	Legal Advisor, Malcolm Burch, IPCC	Attendance note completed by Legal Advisor – conversation via conference phone between Malcolm Burch and IPCC – it is recorded that the IPCC • confirms receipt of Fraser Sampson's letter • is clear they expected PCC to record the matter and refer it to the IPCC • mentions the potential for "serious corruption" • said the suspension decision was for the PCC – personal view was it was necessary to look at the nature and seriousness of evidence as presented • said they had no strong views either way about suspension • they would not seek to persuade you against that (decision to suspend had already been made) • referred to the potential for misconduct or criminal charges • mentioned the 'operation import' if suspended • was told that acting cover was arranged and a media strategy was in place • was told HMIC would be notified	
25/02/13	Narrative & chronology from	PCC	PCC took the decision to suspend TCC Rhodes and refer the matter to the IPCC given the seriousness of the issue and advice from IPCC	

Date	Source of information	Person	Details of events	Action Taken
	the Office of PCC received 09/08/13			
25/02/13	Narrative & chronology from the Office of PCC received 09/08/13	Malcolm Burch	<p>Decision note prepared setting out matters for consideration and rationale – content the same as Legal Advisor's report with the addition of the PCC's rationale:</p> <ul style="list-style-type: none"> • the information presented in the letter of 19/02/13 raises potential breaches in terms of: honesty & integrity, discreditable conduct and challenging and reporting improper conduct <p>Honesty and Integrity</p> <ul style="list-style-type: none"> • potential failure to act with integrity, the potential failure to report improper conduct <p>Discreditable conduct:</p> <ul style="list-style-type: none"> • considered potential implications for Lincolnshire Police and the service as a whole • gravity of the conduct justifies investigation • voluntary referral appropriate due to significant impact on public confidence & the need for independent involvement in the investigation • the referral to be made as soon as practicable • acknowledges suspension as a neutral act but adds (with ref. to Reg 10) that he cannot justify to the public for Rhodes to remain as a police officer pending investigation • Notes he has consulted the IPCC about the decision to suspend 	PCC's legal advisor, Chief executive & Monitoring Officer have been consulted – PCC decides to suspend TCC Rhodes from duty.
25/02/13	Judicial Review	PCC	PCC decision request/report compiled setting out mechanism by which PCC took decision to suspend	Decision to suspend TCC Rhodes
25/02/13	Judicial Review	TCC Rhodes / Malcolm Burch	TCC Rhodes' first day back in the office following a period of leave. PCC's Chief Executive telephoned TCC Rhodes to arrange a meeting the following day (26/02/13).	TCC Rhodes in London on 26/02/13 – meeting

Date	Source of information	Person	Details of events	Action Taken
				therefore arranged for 7pm 25/02/13
25/02/13	Narrative & chronology from the Office of PCC received 09/08/13	PCC, Malcolm Burch, Legal Advisor, TCC Rhodes	TCC Rhodes meets with Commissioner and other two attendees. Commissioner reads from the suspension letter prepared by legal advisor then gives the letter to TCC Rhodes.	PCC telephones Chair of the Police and Crime Panel and informs him of the suspension.
25/02/13	TCC Rhodes' Judicial Review Application)	TCC Rhodes / PCC / Malcolm Burch and PCC's solicitor	<p>Meeting between TCC Rhodes and PCC (Malcolm Burch & PCC's solicitor also present). PCC read out a letter of suspension, then handed it to TCC Rhodes. The reasons for suspension provided in the letter include:</p> <ul style="list-style-type: none"> • Information that suggests TCC Rhodes breached the Standards of Professional Behaviour • Issues arise out of TCC Rhodes' involvement as Chief Police Officers' Staff Association Friend • Information potentially impacts on TCC Rhodes' honesty and integrity, reporting and challenging improper conduct of others • TCC Rhodes' conduct may or could bring discredit on the police service and undermine public confidence <p>PCC also states in the letter that alternatives to suspension were seriously considered – circumstances not appropriate for TCC Rhodes to be temporarily redeployed. Nature of the allegation – public interest requires suspension from duty.</p>	
25/02/13	Narrative & chronology from	Malcolm Burch / TCC	Malcolm Burch accompanies TCC Rhodes to his office – removes TCC Rhodes' warrant card & access cards. Assists / supervises	TCC Rhodes' iPad & phone

Date	Source of information	Person	Details of events	Action Taken
	the Office of PCC received 09/08/13	Rhodes	removal of personal items by TCC Rhodes.	are at home. Malcolm Burch agrees to collect the following day.
25/02/13	Home Affairs Committee 14/05/13	PCC	PCC told Committee he telephoned the Police and Crime Panel Chair shortly after the decision had been made to suspend the Chief Constable.	
25/02/13	Home Affairs Committee 14/05/13	Cllr Ray Wooten	Cllr Ray Wooten received telephone call from PCC 10pm on 25/02/13 – Cllr Ray Wooten told the Committee the PCC said he was due to suspend the Chief Constable. PCC did not disclose the reason for the suspension – told Cllr Ray Wooten it was confidential.	
25/02/13	PCC	Cllr Ray Wooten and the PCC	The PCC informed Cllr Ray Wooten that he had suspended the Chief Constable Rhodes and referred the matter to the IPCC	IPCC consider the matter
25/02/13	TCC Rhodes' Judicial Review Application	PCC	PCC's decision note re. voluntary referral to the IPCC: <i>"I have also decided that voluntary referral to the IPCC is appropriate due to the potential significant impact on public confidence and there is in my opinion a need for independent involvement in the investigation."</i>	
26/02/13	Judicial Review / TCC Rhodes' Judicial Review Application	PCC	IPCC referral letter (dated 25/02/13) sent by PCC, includes copy of PCC decision request/report	IPCC take no further action – matter referred back for PCC investigation.
26/02/13	TCC Rhodes' Judicial Review Application /	TCC Rhodes' Solicitors / PCC's	TCC Rhodes' solicitors telephoned PCC's solicitors for clarity around the reasons for suspension.	No further reasons were provided.

Date	Source of information	Person	Details of events	Action Taken
	Narrative & chronology from the Office of PCC received 09/08/13	solicitors	TCC Rhodes solicitors inform PCC's solicitors they were already in contact with the IPCC	
26/02/13	BBC Look North Transcript	PCC	<p>PCC informed media that he had been made aware of potential conduct matters involving TCC Rhodes. He said his suspension was a neutral act which did not imply that anything had been proven. The matter, he said, has now been referred to the Independent Police Complaints Commission (IPCC).</p> <p>The correspondent reported:</p> <p><i>"There has been no further explanation from the force or from the Commissioner about the suspension decision but the representing rank and file police officers in Lincolnshire have expressed surprise."</i></p>	
26/02/13	BBC Look North Transcript	Jon Hassall	<p>Jon Hassall of Lincolnshire Police Federation stated:</p> <p><i>"Suspensions are a relatively rare occurrence, each case has to be treated on its merits, we have had cases and I'm sure other forces are the same, where people have been able to work within the organisation without being suspended and at other times suspension has been the correct course of action...really, very isolating for the individual concerned though."</i></p>	
26/02/13	BBC Look North Transcript	Paul Lander	<p>Paul Lander – Editor, Police Professional Journal.</p> <p><i>"We don't know the circumstances, we don't know, there's no reason been given by the Police & Crime Commissioner but he has to have regard to proportionality because it takes a lot to secure that public trust."</i></p>	

Date	Source of information	Person	Details of events	Action Taken
26/02/13	Home Affairs Committee 14/05/13	Cllr Ray Wootten	Cllr Ray Wootten took legal advice to see if PCP could establish the reason for suspension – his legal advisor told him it was an operational matter and the Police and Crime Panel were not involved.	Cllr Ray Wootten sought advice from the Local Government Association & acting Minister for Policing
26/02/13	Legal Services Lincolnshire	Anne Heard and Emma Baldwin	Emma Baldwin emails Legal Services Lincolnshire for legal opinion on whether the Panel had any involvement in the suspension process under statute. It was confirmed that the Panel did not have any involvement in the suspension process.	Legal advice issued to all Panel members
26/02/13	Narrative & chronology from the Office of PCC received 09/08/13	Malcolm Burch / regional HMI	Malcolm Burch contacts HMI to outline reason for suspension. Welfare arrangements also discussed	Welfare arrangements put in place by Malcolm Burch – Senior Human Resources Manager – key link for TCC Rhodes.
26/02/13	Narrative & chronology from the Office of PCC received 09/08/13	Malcolm Burch / Home Office	Malcolm Burch informs Home Office of suspension decision and provides an outline of the reason.	
27/02/13	Narrative & chronology from the Office of PCC	Malcolm Burch	Malcolm Burch 'freezes' TCC Rhodes' email account to preserve potential evidence	

Date	Source of information	Person	Details of events	Action Taken
	received 09/08/13			
27/02/13	TCC Rhodes' Judicial Review Application	TCC Rhodes' solicitors / IPCC	TCC Rhodes' solicitors telephone the IPCC to establish the status of the referral. IPCC confirmed the PCC's office had been notified of their decision not to make a determination under paragraph 14 of schedule 3 to the Police Reform Act. IPCC unable to establish the statutory basis upon which the conduct of TCC Rhodes had been recorded.	<p>IPCC email TCC Rhodes' solicitors with their proposed media statement:</p> <p><i>"It is our assessment that the information supplied does not amount to a recordable conduct matter against Mr Rhodes, and therefore does not require the IPCC's involvement."</i></p>
27/02/13	Judicial Review	IPCC / TCC Rhodes	<p>Email from IPCC 4:53pm to TCC Rhodes:</p> <ul style="list-style-type: none"> • Confirmation that IPCC had received voluntary referral from PCC regarding a telephone conversation between TCC Rhodes and Fraser Sampson • IPCC "...unable to establish the statutory basis upon which the conduct of Chief Constable Rhodes has been recorded...the IPCC will not be making a determination under paragraph 14 of schedule 3..." • TCC Rhodes notified of IPCC intended press statement 	

Date	Source of information	Person	Details of events	Action Taken
27/02/13	Judicial Review	IPCC	<p>IPCC press release:</p> <p><i>"The IPCC has completed an assessment of information received by Lincolnshire PCC in relation to a potential conduct matter concerning the force's TCC Rhodes. It is our assessment that the information supplied does not amount to a recordable conduct matter against Mr Rhodes, and therefore does not require IPCC involvement. The IPCC has informed Lincolnshire's PCC of its decision"</i></p>	
27/02/13	Judicial Review	TCC Rhodes / TCC Rhodes' solicitor	Letter from TCC Rhodes' solicitors challenging the suspension, seeking clarity on the reasons for suspension & indicating legal action if suspension remained.	PCC's solicitors respond to letter 01/03/13.
27/02/13	TCC Rhodes' Judicial Review Application	TCC Rhodes' solicitors / PCC	Letter from TCC Rhodes' solicitors to PCC setting out concerns about the suspension, seeking its revocation and the reasons for suspension.	PCC's solicitors respond in writing to TCC Rhodes' letter (01/03/13)
27/02/13	Office of the PCC	PCC and Police and Crime Panel	Letter received from PCC informing the Panel of the Chief Constable suspension	Letter emailed to all Panel members
27/02/13	East Lindsey District Council Communications Dept	Cllr Ray Wooten, James Gilbert, John Medler and Emma Baldwin	<p>Press statement released - <i>The Panel has been informed by the PCC of the suspension of the temporary Chief Constable Rhodes whilst potential conduct matters are being investigated by the IPCC. The Panel does not have any involvement with this investigation and it would be inappropriate for the Panel to make any further comment whilst the IPCC investigation is ongoing</i></p>	Statement emailed to all Panel members
27/02/13	Narrative &	Legal Advisor	Legal Advisor received phone call from IPCC – by chance, MB	IPCC emailed

Date	Source of information	Person	Details of events	Action Taken
	chronology from the Office of PCC received 09/08/13	/ IPCC and Malcolm Burch	present. IPCC informs them: <ul style="list-style-type: none"> • He was not clear it was a recordable conduct matter • Had already made TCC Rhodes' solicitors aware of this view • IPCC had not made a determination • Malcolm asked them to confirm in writing 	Malcolm Burch with his clarification.
27/02/13	Office of the PCC submission received 09/08/13 – email from IPCC	IPCC / Malcolm Burch	Email confirmation to Malcolm Burch of IPCCs view on the referral: <ul style="list-style-type: none"> • Unable to establish the statutory basis upon which the conduct has been recorded • Refers to para. 11 of Schedule 3 and Reg. 7 of Police (Complaints & Misconduct) Act which stipulate the form of conduct which must be recorded • Referral does not say why behaviour meets that criteria • Unclear from information provided why behaviour amounts to recordable conduct • IPCC will not be making a determination under para. 14 of Schedule 3 	
27/02/13	Narrative & chronology from the Office of PCC received 09/08/13	Malcolm Burch / IPCC Press Officer	Telephone call from the IPCC press office – details of proposed press release	
27/02/13	Narrative & chronology from the Office of PCC received 09/08/13	Malcolm Burch / Deputy Chair IPCC	Malcolm Burch tries to contact chair of IPCC, but gets through to Deputy. Malcolm explains the confusion between initial IPCC advice, the latest briefing and the proposed press release.	IPCC Deputy agrees to hold the press release to develop coherent position & to allow PCC to provide more material, if necessary.

Date	Source of information	Person	Details of events	Action Taken
28/02/13	TCC Rhodes' Judicial Review Application	TCC Rhodes' solicitor / PCC's solicitor	TCC Rhodes' solicitor telephoned requesting: <ul style="list-style-type: none"> • a copy of the complaint • the PCC's referral letter to the IPCC 	Copy of complaint provided on 04/03/13 IPCC referral letter refused then provided 05/03/13
28/02/13	Narrative & chronology from the Office of PCC received 09/08/13	PCC / IPCC	Commissioner writes a letter of complaint to the IPCC re. inconsistent advice, confusion and lack of respect. Requests an urgent meeting.	
28/02/13	Narrative & chronology from the Office of PCC received 09/08/13	IPCC deputy / PCC	IPCC deputy telephones the Commissioner: <ul style="list-style-type: none"> • expresses regret at how the matter was handled 27/02/13 given IPCC views expressed on 25 February by IPCC representative • another IPCC Commissioner to review the matter along with a fresh legal advisor • PCC to submit any additional relevant information 	Additional information submitted to IPCC
28/02/13	Narrative & chronology from the Office of PCC received 09/08/13	TCC Rhodes' solicitors / PCC's Legal advisor	TCC Rhodes' solicitors contact PCC's legal advisor, believing that the IPCC had made a determination seeking to have suspension lifted	Office of PCC instruct QC to advise given IPCC's apparent position 01/03/13
01/03/13	Narrative & chronology from the Office of PCC received 09/08/13	PCC / Queen's Counsel	PCC receives QC advice: <ul style="list-style-type: none"> • If IPCC continue to question is this was a conduct matter, PCC may have difficulty justifying continuation of the suspension 	PCC requests additional alternative Counsel advice -

Date	Source of information	Person	Details of events	Action Taken
				Barrister instructed
01/03/13	Office of the PCC submission received 09/08/13 – Counsel advice – QC	QC / PCC	<p>QC asked for advice on the issue of suspension – as the grounds relate to the seriousness of the allegations, the advice considers the grounds for:</p> <ul style="list-style-type: none"> • recording a conduct matter • referral to the IPCC • suspension <p>Conclusion: QC has "grave doubts" TCC Rhodes has in fact behaved in a manner which could be proven to be misconduct.</p> <p>If the IPCC maintains its doubts that the allegation represents a conduct matter then the PCC may have difficulty in justifying any continuation of the suspension.</p> <p>QC recommends the PCC re consults the IPCC formally on whether to continue the suspension.</p> <p>If the suspension is continued and challenged by the issue of court proceedings and the court were to share the QC's own view on the underlying substance of the alleged conduct, it would follow that the court would find that the basis on which the decision to suspend was itself wrong.</p> <p>QC advises that it would be difficult to maintain a need to suspend on public interest grounds.</p>	<p>PCC requests additional alternative Counsel advice</p> <p>Barrister instructed</p>
01/03/13	Judicial Review	PCC / PCC's	Letter from PCC/PCC's solicitors to TCC Rhodes / TCC Rhodes'	

Date	Source of information	Person	Details of events	Action Taken
		solicitors	solicitors – no further information given around the reasons for suspension	
01/03/13	TCC Rhodes' Judicial Review Application	PCC's solicitors / TCC Rhodes' solicitors	PCC's solicitors respond to TCC Rhodes' solicitor's letter of 27/02/13. Response did not expand upon the original reasons for suspension.	
01/03/13	Office of the PCC submission received 09/08/13 – PCC letter to IPCC chair	PCC / Chair of IPCC	<p>PCC indicates that regardless of IPCC's decision, he reserves the right to investigate.</p> <p>PCC questions the public confidence in the IPCC and whether it is fit for purpose.</p> <p>Says wider public interest must prevail. Says a PCC cannot have trust & confidence in an officer to continue in his role faced with such an allegation.</p>	
01/03/13	Office of the PCC submission received 09/08/13 – additional material submitted to the IPCC	Office of the PCC / IPCC	<p>PCC states he is satisfied there are conduct issues which require scrutiny and justify an investigation. The PCC reiterates the circumstances, gives his view if proved and quotes the following Regs:</p> <ul style="list-style-type: none"> • Schedule 3 of the Police reform Act 2002, which covers referral to the IPCC by reason of a) the gravity of the subject matter b) any exceptional circumstances • 7 (1) of Police (Complaints & Misconduct) Regs 2012 covering the recording of conduct matters – the PCC quotes 7c) serious corruption 7f) conduct whose gravity or other exceptional circumstances make it appropriate to record the matter • Schedule 2 of Police (Conduct) Regs 2012 covering standards of 	

Date	Source of information	Person	Details of events	Action Taken
			<p>professional behaviour – the PCC has listed (in other correspondence):</p> <ul style="list-style-type: none"> • Honesty & integrity • Discreditable conduct • Challenging and reporting improper conduct <p>• 12 – assessment of conduct under Police (Conduct) Regs 2012 the PCC has listed 12(3) where the appropriate authority assess the conduct, if proved, would amount to misconduct it will determine whether or not it requires investigation & if so, determine whether (if referred to misconduct proceedings) it should be a misconduct meeting or hearing</p> <p>• PCC also lists 12(4) of the Police (Conduct) Regs which states where the appropriate authority determines that the conduct, if proved, would amount to gross misconduct</p>	
01/03/13	Sir Peter Fahy Report (Op. Redbone Final Report)	PCC	The PCC sent additional information to the IPCC on 01/03/13 – the PCC told the investigators that he took the view that for such a senior public official, a Chief Constable, to attempt to obtain financial damages out of public funds from another force when he knew the substance of the claim was without merit amounted to corruption.	
01/03/13	IPCC letter to PCC on 08/03/13 re. outcome of referral	PCC	<p>IPCC letter states that PCC confirmed that the conduct had been recorded on the basis that it amounted to (or potentially amounted to):</p> <ul style="list-style-type: none"> • serious corruption as defined in guidance issued by the Commission (reg 7(1)(c) Police Complaints and Misconduct Regs. 2012) and • conduct whose gravity or other exceptional circumstances make it appropriate to record the matter in which the conduct is involved (reg 7(1)(f)) 	

Date	Source of information	Person	Details of events	Action Taken
02/03/13	PCC	Cllr Ray Wootten and the PCC	Cllr Ray Wootten emailed Panel Members to inform them that he had spoken twice to the PCC and that any information received from the PCC would be circulated to Panel Members to keep them informed of developments.	
03/03/13	Office of the PCC submission received 09/08/13 – alternative Counsel advice – Adam Clemens	Alternative Counsel Advice / PCC	<p>Alternative Counsel was asked to advise on:</p> <ul style="list-style-type: none"> • whether the suspension of TCC Rhodes is legally sustainable • what should happen in the immediate future, given the threat of Judicial Review <p>He has seen the QC's advice.</p> <p>He advises that Fraser Sampson's letter and attendance note are released to TCC Rhodes. That TCC Rhodes is given opportunity to respond and for the PCC to review the suspension (under Peg 10(7) and (8) upon receipt.</p> <p>He concludes that if the allegation is true & TCC Rhodes assisted the complainant when he knew the race discrimination claim was a "contrivance" then it is a conduct matter under S12 of the Police Reform Act 2012 the continued suspension is justifiable under S10 of Police Conduct Regs 2012.</p> <p>Alternative Counsel does point out the different interpretations but says on the face of it, there was a case to answer.</p> <p>Warns a Judicial Review may go ahead – to "cave in now, and to reinstate, would signal weakness". Warns it may be a rough ride given that TCC Rhodes was given little, if any, detail in the suspension letter.</p> <p>He advises that if TCC Rhodes has assisted in a claim which includes</p>	<p>Suspension remains in place.</p> <p>Attendance note and letter released to TCC Rhodes on 4 March 2013.</p>

Date	Source of information	Person	Details of events	Action Taken
			<p>fabricated allegations intended as a leverage tool, he is potentially perverting the course of justice (would justify disciplinary proceedings).</p> <p>He says:</p> <ul style="list-style-type: none"> • S12(2) threshold is low – uses terms "indication" and "may have" • TCC Rhodes was clearly using his status as Chief Constable when telephoning Fraser Sampson • Proving what happened may be difficult • There is evidence of TCC Rhodes' state of mind from what he told Fraser Sampson • Given the seriousness of the allegation temporary redeployment was unrealistic & suspension was in the public interest • He disagrees with the QC's view – says there is not much of a disconnect between Fraser Sampson's letter & attendance note & he is not concerned by the time delay of 2 months for referral • The PCC always has an "exit strategy" from a Judicial Review – he could change his suspension decision based on what TCC Rhodes says or Fraser Sampson <p>Concludes – decision to suspend "legally viable" and nothing has changed.</p> <p>Notes that competing interpretations can be placed on the combined effect of the Sampson attendance note and letter – says the PCC's interpretation was rational (at the point he suspended)</p>	
04/03/13	Judicial review	TCC Rhodes / TCC Rhodes'	Pre-action protocol letter from TCC Rhodes' solicitors – includes intention for Judicial Review proceedings & repeats request for suspension reasons	PCC's solicitors respond to letter same day

Date	Source of information	Person	Details of events	Action Taken
		solicitors		
04/03/13	TCC Rhodes' Judicial Review Application / Narrative & chronology from the Office of PCC received 09/08/13	TCC Rhodes' solicitors / PCC	<p>TCC Rhodes' solicitors sent a Judicial Review Pre Action Protocol letter to the PCC. Four key issues:</p> <ul style="list-style-type: none"> • failure to give reasons • denial of due process • suspension under s38.2 unlawful • suspension under reg. 10 unlawful and irrational 	<p>PCC's solicitors responded to the Pre Action Letter on 05/03/13</p> <p>Further advice requested from alternative Counsel</p>
04/03/13	Judicial Review	PCC / PCC's solicitors	Letter from PCC/PCC's solicitors to TCC Rhodes / TCC Rhodes' solicitors – copy of Fraser Sampson's letter of 19/02/13 and attendance note.	
04/03/13	Narrative & chronology from the Office of PCC received 09/08/13	PCC / IPCC Deputy Chair	<p>PCC reviews letter from IPCC Deputy Chair confirming telephone conversation and IPCC apology</p> <p>IPCC Deputy Chair acknowledges that they "...clearly communicated very poorly with you and your office last week"</p>	PCC respond to IPCC requesting a meeting.
04/03/13	Narrative & chronology from the Office of PCC received 09/08/13	Alternative Counsel	Advice from Alternative Counsel – decision to suspend "legally viable". Advises disclosure of Fraser Sampson's letter of 19/02/13.	Fraser Sampson's letter sent to TCC Rhodes' solicitors
04/03/13	BBC Look North Transcript	PCC & reporters	Mr Peter Levy reports that PCC unable to give more details of the suspension, the PCC didn't think Officers had been unsettled by the decision and the IPCC still hasn't decided whether it will formally investigate.	

Date	Source of information	Person	Details of events	Action Taken
04/03/13	BBC Look North Transcript	PCC & reporters	<p>PCC on matter of impact on force:</p> <p><i>"I'm going to meet senior officers at the force as soon as I leave here. My indication is that it is not unsettling in that it is business as usual for the policing of Lincolnshire."</i></p>	
04/03/13	BBC Look North Transcript	PCC & reporters	Question over source of allegations. PCC provides no information as <i>"...detrimental to any enquiry that's going on."</i>	
04/03/13	BBC Look North Transcript	PCC & reporters	Question on length of investigation – PCC informed reporter that it was completely out of his hands – no word yet from the IPCC as to whether it will conduct a formal investigation.	
05/03/13	Narrative & chronology from the Office of PCC received 09/08/13	Alternative Counsel	Alternative Counsel advises a response is required to the pre-action protocol setting out the view of the Commissioner	Counsel draft a response letter – sent to TCC Rhodes' solicitors
05/03/13	Judicial Review Office of the PCC submission received 09/08/13 – copy of letter (Annex O)	PCC / PCC's solicitors	<p>Letter from PCC/PCC's solicitors to TCC Rhodes / TCC Rhodes' solicitors – response to TCC Rhodes' Judicial Review protocol letter of 04/03/13, includes:</p> <ul style="list-style-type: none"> • PCC confirmation suspension will not be revoked • Confirmation that information in the documents (provided) underpinned the decision to suspend • PCC consulted with PCC's Chief Executive, legal advisor and IPCC (<i>IPCC contact did not influence suspension decision</i>) • TCC Rhodes potentially complicit in pursuit of racial discrimination claims which are a 'contrivance', knows to be untrue & pursued as leverage • Honesty & integrity – conduct matter 	

Date	Source of information	Person	Details of events	Action Taken
			<ul style="list-style-type: none"> • Discreditable conduct • Challenging & reporting improper conduct • Fraser Sampson received unsolicited contact from Mr Rhodes (source an external force) • PCC view – serious case to answer • Copy of PCC decision request/report dated 25/02/13 attached • Copy of letter sent to IPCC • Central allegation sufficiently serious – redeployment not appropriate – public interest requires suspension • Suspension in public domain – untenable for Chief Constable to remain in post 	
05/03/13	TCC Rhodes' Judicial Review Application	PCC's solicitors	<p>PCC's solicitor's response denies that the decision to suspend was irrational and refuses to revoke the suspension. PCC's reasons for the suspension decision were provided:</p> <ul style="list-style-type: none"> • PCR Reg. 10(4)(b)(ii) – <i>"having regard to the nature of the allegation and the wider public interest"</i> • The way in which TCC Rhodes had allegedly conducted himself as Chief Police Officers' Staff Association Friend • <i>"...if Fraser Sampson is right – and the PCC has no reasons to doubt him – Rhodes has been complicit in the pursuit of racial discrimination claims which are a "contrivance" and which he knew to be untrue and only pursued as leverage"</i> • <i>"...an extremely serious allegation going to fundamental honesty and integrity."</i> <p>PCC agreed for the time for making representations on TCC Rhodes' suspension to run from receipt of full reasons for the suspension.</p>	<p>PCC solicitors provided TCC Rhodes with the following documents on 4 and 5 March 2013:</p> <ul style="list-style-type: none"> • Fraser Sampson's letter to PCC Chief Executive, Fraser Sampson's attendance note and ToR for Chief

Date	Source of information	Person	Details of events	Action Taken
				<p>Constable investigation West Yorkshire Police officers (arising out of complainant's Employment Tribunal claims)</p> <ul style="list-style-type: none"> • 2 documents, dated 25/02/13 – recording the request from PCC's Chief Executive for a decision on suspension of TCC Rhodes and the PCC's decision to suspend • IPCC referral letter
08/03/13	Judicial Review / Office of the PCC submission received 09/08/13 (copy of Rhodes' response to the allegations (Annex Q))	TCC Rhodes / TCC Rhodes' solicitor / PCC	<p>Letter from CCRhode's solicitor to PCC / PCC's solicitor making representations:</p> <ul style="list-style-type: none"> • Explained his role as Chief Police Officers' Staff Association friend – wanted parties involved to explore possibility of negotiated settlement • West Yorkshire & complainant had their own legal representatives • Not his role to evaluate or advocate the claim • Discrimination – accepted the subject came up – believed Fraser Sampson used the words "contrivance" and "lever" – TCC Rhodes had 	12/03/13 – PCC solicitors responded

Date	Source of information	Person	Details of events	Action Taken
			<p>remained silent and did not agree</p> <ul style="list-style-type: none"> • Accepted he said West Yorkshire Police PCC's reputation (& wider force) at stake • Queries why he was not asked for his version of events prior to suspension • He refutes all four allegations against him • He confirms he has authority from complainant to approach Mr Sampson • Purpose of phone call was to attempt to arrange a meeting between the parties – explore negotiated settlement – a sensible solution • Says he was not supporting litigation he knew to be wrong • He didn't know the case well enough to make a judgement • Mr Sampson did not stop the conversation or challenge him • He did say there was a potentially "bloody day" in court and did talk of damage to the reputation of complainant, the PCC and the wider police service (which he was trying to avoid) • They did talk about settlements – he did say if they were to find common ground both parties would need to be realistic • There was some discussion about the race element of the claim – says he was careful not to say anything critical • He is confident the complainant believes his treatment was underpinned by racism – therefore he is not complicit in a false claim 	
08/03/13	TCC Rhodes' Judicial Review Application / Narrative & chronology from the Office of PCC received 09/08/13	TCC Rhodes / PCC	<p>Letter from TCC Rhodes to PCC – TCC Rhodes' account of conversation with Fraser Sampson:</p> <ul style="list-style-type: none"> • TCC Rhodes telephone Fraser Sampson to attempt to arrange settlement meeting • TCC Rhodes recalls Fraser Sampson's views on complainant's claims • TCC Rhodes did not offer any view on the merits of complainant's claim, or agree with Fraser Sampson • Fraser Sampson referred to complainant's race claims as a "contrivance" and "lever" 	<p>TCC Rhodes' letter referred by PCC to Alternative Counsel for advice.</p> <p>PCC reluctant to lift suspension &</p>

Date	Source of information	Person	Details of events	Action Taken
			<ul style="list-style-type: none"> • TCC Rhodes did not express a personal opinion • TCC Rhodes did not say he believed or knew complainant's race claims to be untrue • TCC Rhodes was not supporting race claims he knew to be wrong • TCC Rhodes confident that complainant genuinely & honestly believes he has been victim of race discrimination 	<p>troubled by TCC Rhodes' comment that even if allegation were true TCC Rhodes did not consider it as misconduct.</p> <p>Narrative states that suspension <i>is a neutral act protecting TCC Rhodes from public scrutiny while investigation ongoing.</i></p>
08/03/13	Narrative & chronology from the Office of PCC received 09/08/13	PCC/IPCC Chair /IPCC Commissioner	<p>PCC meets with IPCC Chair and IPCC Commissioner at London IPCC offices. IPCC agree that it's a recordable complaint, not amounting to serious corruption – requires local investigation.</p> <p>Deputy Chair informs PCC that IPCC would like to take on all serious complaints but current insufficient resources. Standard practice to refer cases like this back for local investigation.</p>	
08/03/13	IPCC letter	IPCC Commissioner / PCC	<p>IPCC Commissioner response to PCC on referral regarding TCC Rhodes' alleged conduct:</p> <ul style="list-style-type: none"> • Confirmed IPCC satisfied investigation is necessary 	No change to suspension decision.

Date	Source of information	Person	Details of events	Action Taken
			<ul style="list-style-type: none"> • IPCC not satisfied TCC Rhodes' alleged conduct could amount to serious corruption • IPCC's view is that the allegation TCC Rhodes failed to take appropriate action in response to complainant's claim cannot constitute perverting the course of justice as inaction is insufficient for the offence in question • IPCC view, based on Fraser Sampson's attendance note, is that the alleged conduct does not amount to a criminal offence • Satisfied the IPCC does not need to investigate • IPCC view is that Mr Rhodes' approach to his CPOSA Friend duties and proper parameters of that role need to be investigated • IPCC state that local investigation appropriate • Advise need for an investigator from another force • IPCC leaves option open for re-referral if evidence suggests TCC Rhodes' conduct is more serious. 	<p>PCC appoints Sir Peter Fahy to investigate.</p>
11/03/13	Judicial Review / TCC Rhodes' Judicial Review Application	IPCC / TCC Rhodes	<p>IPCC released a further media statement:</p> <p><i>"The IPCC has now completed a detailed assessment of the referral of a potential conduct matter concerning the forces TCC Rhodes.</i></p> <p><i>The outcome of the IPCC assessment is that we are satisfied the matter requires investigation but does not amount to serious corruption or misconduct which would merit an IPCC investigation.</i></p> <p><i>The decision to return this matter for local investigation has been communicated to the LPCC. It will now be for him to determine the way forward.</i></p> <p><i>The IPCC has advised that if further concerns come to light in the course of the investigation the matter should be re-referred to us."</i></p>	

Date	Source of information	Person	Details of events	Action Taken
11/03/13	IPCC		The IPCC issued a press release stating that whilst they believed the potential conduct matter required investigation it did not amount to serious corruption or misconduct which would merit an IPCC investigation. The matter was referred back to the PCC for local investigation and for him to determine the way forward.	
11/03/13	Narrative & chronology from the Office of PCC received 09/08/13	Alternative Counsel	Verbal advice received from Counsel. Repeats there is an "exit strategy" if the Commissioner is minded to lift the suspension. There remains a viable defence against any Judicial Review.	<p>Commissioner meets with his legal advisor, Malcolm Burch and Howard Hunt.</p> <p>PCC minded not to lift the suspension. Considers that it remains a serious allegation that went to the heart of TCC Rhodes' trust & integrity.</p> <p>PCC prefers suspension to remain as a neutral act until a full investigation into TCC</p>

Date	Source of information	Person	Details of events	Action Taken
				<p>Rhodes' behaviour is completed.</p> <p>PCC discusses appointment of investigator with HMI.</p>
12/03/13	<p>Judicial Review / Office of the PCC submission received 09/08/13 – letter to Rhodes' solicitors from PCC's solicitors (Annex R)</p>	<p>PCC / PCC's solicitor to Rhodes' solicitors</p>	<p>Letter to TCC Rhodes in response to representations made in his letter dated 08/03/13. Suspension reasons essentially the same.</p> <p>The letter states the PCC has reviewed the suspension – he maintains the suspension conditions remain satisfied.</p> <p>Confirms the investigation and that redeployment remained unrealistic.</p> <p>PCC responds to some of TCC Rhodes' representations:</p> <ul style="list-style-type: none"> • Finds it "remarkable" that TCC Rhodes was silent when the issue came up about the race element of the claim. If he believed complainant's claim was being properly pursued, why didn't he articulate that? • Notes that, based on TCC Rhodes' account that Mr Sampson must have fundamentally misremembered the telephone conversation and that the letter and attendance note are "plain wrong" • PCC remains of the view that continued suspension is necessary and proportionate. • States that it is not the CPOSA scheme itself but the <i>"way in which your client has conducted himself which is at issue"</i> 	<p>PCC maintained the suspension</p>

Date	Source of information	Person	Details of events	Action Taken
			<ul style="list-style-type: none"> • States the reasons articulated in the letter 5 March 2013 hold good "in the PCC's eyes". <i>"Nothing in the representations causes him to doubt the veracity or accuracy of what Mr Sampson – who had time to properly consider and reflect on the matter – has alleged"</i> • Suggests TCC Rhodes has attempted to <i>"blur the distinction between knowledge and belief"</i> • States TCC Rhodes' tenure as temporary Chief Constable comes to an end 31/03/13 – PCC cannot see the Administrative Court ordering a temporary reinstatement 	
12/03/13	TCC Rhodes' Judicial Review Application	PCC's solicitors / TCC Rhodes' solicitors	PCC's solicitors wrote to TCC Rhodes' solicitors in response to TCC Rhodes' representations on his suspension. The PCC had determined the suspension would not be revoked and the suspension conditions remained satisfied. The letter included a summary of the PCC's decision for continued suspension.	
13/03/13	East Lindsey District Council (ELDC) Communications Dept	Cllr Ray Wootten, James Gilbert, John Medler and Emma Baldwin	Press statement released – <i>'The Lincolnshire Police and Crime Panel was informed of the suspension of the Chief Constable on Tuesday, 26th February 2013. The Panel is unaware of the reason for the Chief Constable's suspension. It is understood that the Independent Police Complaints Commission has informed the Police and Crime Commissioner for Lincolnshire, Alan Hardwick, that they don't intend to investigate the matter further and that the matter is best dealt with locally. Until the local investigation is completed it is inappropriate for any further comment to be made by the Panel.'</i>	Statement emailed to all Panel members
13/03/13	Narrative & chronology from the Office of PCC received 09/08/13	PCC	Sir Peter Fahy appointed as investigating officer. Terms of Reference agreed	Severity assessment by investigation team concludes that if proved the allegation is

Date	Source of information	Person	Details of events	Action Taken
				<p>misconduct.</p> <p>Aligns with IPCC and PCC view.</p> <p>TCC Rhodes' solicitors notified of Sir Peter Fahy's appointment 14/03/13</p>
13/03/13	Sir Peter Fahy Report (Op. Redbone Final Report)	PCC/ Sir Peter Fahy	The PCC appoints Sir Peter Fahy, Chief Constable of Greater Manchester Police, as investigator.	
14/03/13	BBC Look North Transcript	Mr Peter Levy / PCC	<p>PCC confirmed that Sir Peter Fahy had received all the documentation – the timing of the enquiry would be down to Sir Peter Fahy.</p> <p>PCC refused to provide any more detail on the reason for suspension.</p>	
14/03/13	BBC Look North Transcript	Peter Levy / PCC	<p>Peter Levy query over seriousness – IPCC did not consider it serious.</p> <p>PCC confirmed IPCC view was there should be an investigation – responsibility for investigation passed back to PCC.</p>	
14/03/13	BBC Look North Transcript	Mr Peter Levy / PCC	Mr Peter Levy raises issue around "closed doors" and likelihood of affecting Police morale.	

Date	Source of information	Person	Details of events	Action Taken
			<p>PCC's response:</p> <p><i>"I have absolutely no evidence at all that police morale has been affected. As far as I am concerned, my primary obligation is to the people of Lincolnshire to ensure their safety and security and it is business as usual for the policing of Lincolnshire."</i></p>	
14/03/13	BBC Look North Transcript	Mr Peter Levy / PCC	<p>Mr Peter Levy challenges PCC on information received by the Police Federation that the decision is affecting Police rank & file.</p> <p>PCC states Police Federation have not spoken to him about morale. He states that he has spoken to officers (all levels) about morale & they agree with him <i>"...it is business as usual."</i></p>	
14/03/13	BBC Look North Transcript	Mr Peter Levy / PCC	<p>Mr Peter Levy questions whether PCC considers the allegations to be serious.</p> <p>PCC responds: <i>"I consider the allegations to be of such a nature that it was necessary to suspend the temporary Chief Constable, yes."</i></p>	
14/03/13	Office of the PCC	PCC	<p>PCC issued a press release stating – <i>'I am pleased to appoint Sir Peter Fahy to conduct an independent and rigorous investigation and I look forward to receiving his findings in due course'</i></p>	<p>The PCP issued a press release stating – <i>'The Police and Crime Panel is aware of a local investigation being carried out into Chief Constable'</i></p>

Date	Source of information	Person	Details of events	Action Taken
				<p><i>Rhodes of Lincolnshire Police but is unaware of the circumstances surrounding his suspension from duty. The Police and Crime Panel's role is to scrutinise the performance of the Police and Crime Commissioner for Lincolnshire to help ensure that policing remains effective in Lincolnshire. This scrutiny will be based on fact and not speculation. The Panel is not in a position to take a view on the matter until the Commissioner</i></p>

Date	Source of information	Person	Details of events	Action Taken
				<p><i>has concluded his investigation and an outcome is reached. Where an issue with performance is identified we will hold the Commissioner to account.'</i></p>
15/03/13	PCP	Cllr Ray Wootten, John Medler, Emma Baldwin	The Panel wrote to the Commissioner to request that it be kept informed of the progress of the independent investigation and of any actions the Commissioner may take as a result of its findings.	
19/03/13	Judicial Review	TCC Rhodes / PCC	<p>Claim form issued by TCC Rhodes challenging PCC decision to:</p> <ul style="list-style-type: none"> • suspend him from post of temporary Chief Constable of Lincolnshire • continue that suspension <p>Claim includes 4 grounds of challenge</p>	<p>PCC instructed to file & serve detailed grounds for contesting the claim by 26/03/13.</p> <p>Hearing 27/03/13</p>
19/03/13	East Lindsey District Council Communications Dept	Cllr Ray Wootten, James Gilbert,	Panel Chairman issues a press statement – <i>'On behalf of the Panel, I have written directly to the Home Secretary, Teresa May, to make her aware of the current situation with the Chief Constable in Lincolnshire and to seek reassurance that the Panel's view that it</i>	John Medler emailed (Chairman) Cllr Ray Wootten to

Date	Source of information	Person	Details of events	Action Taken
		Mr John Medler	<i>should scrutinise performance as opposed to operational process is correct.'</i>	confirm written legal advice regarding calling an extraordinary meeting of the PCP was being sought.
20/03/13	Legal Services Lincolnshire	Eleanor Hoggart, John Medler, Cllr Ray Wootten, Emma Baldwin	Written legal advice from the Panel's legal adviser confirmed the Panel could hold a meeting but it was a matter of when it was safe to do so.	Legal advice emailed to all Panel members.
20/03/13	Narrative & chronology from the Office of PCC received 09/08/13	PCC	Court orders hearing for 18/04/13. PCC decision to defend the Judicial Review.	Counsel instructed to draft in respect of hearing. Barrister not available for 18/04/13 – another QC to deal with hearing.
21/03/13	Narrative & chronology from the Office of PCC received 09/08/13	PCC / Legal advisors	Legal advice sought regarding fixed term appointment for Rhodes Court issues further order for 'rolled up' hearing for 27 March 0213	

Date	Source of information	Person	Details of events	Action Taken
22/03/13	Narrative & chronology from the Office of PCC received 09/08/13	PCC	Commissioner applies for hearing date to be changed.	Court decides to hold 'rolled up' hearing on 27 and 28 March 2013. PCC has two day to submit papers.
24/03/13	Office of the PCC submission received 09/08/13 – legal advice on Rhodes' fixed term appointment (Annex T)	Legal Advisors	<p>PCC's legal advisors asked to provide advice (prior to the Judicial Review hearing) on whether the PCC can terminate TCC Rhodes' fixed term contract on 31/3/13. It reads that the PCC "would ideally like" to:</p> <ul style="list-style-type: none"> • confirm the termination of TCC Rhodes' fixed term appointment as Chief Constable on 31/03/13 • for TCC Rhodes to revert back to deputy Chief Constable • to appoint Alec Wood as temporary Chief Constable for one year 01/04/13 to 31/03/14 <p>The advice warns that there will be public interest in the decision and it may prompt further complaint from Rhodes to use in pending Judicial Review</p> <p>TCC Rhodes' temporary Chief Constable letter states that any extension of the fixed term appointment pending a permanent appointment to the role of Chief Constable will be a matter for the incoming PCC.</p> <p>PNB Circular 10/3 requires that a Chief Constable gets 6 months notice of the intention not to extend the contract.</p>	PCC confirms publicly on 28/03/13, after the Judicial Review, that TCC Rhodes' contract expires on 31/03/13 and he will revert back to deputy Chief Constable and that Alec Wood will remain as acting Chief Constable.

Date	Source of information	Person	Details of events	Action Taken
			<p>The legal advisor favours the argument that as TCC Rhodes was in a temporary role and would revert back to Deputy Chief Constable then the 6 months notice does not apply.</p> <p>The advice states that the arguments are "finely balanced" - the prospects of this argument being successful are between 50% and 60%.</p> <p>The advice does not specifically cover whether it is legal to appoint Alec Wood as temporary Chief Constable for one year.</p> <p>Legal advisors also advise that whoever takes on the temporary Chief Constable role will manage TCC Rhodes' case when he drops down to Deputy Chief Constable.</p>	
25/03/13	Office of the PCC	Cllr Ray Wootten and the PCC	The PCC informed Cllr Ray Wootten of the reason for the suspension of the Chief Constable and that the details will be made public the following day.	Cllr Ray Wootten emailed this information to Panel members on the 26/03/13.
26/03/13	Police and Crime Panel and East Lindsey District Council Communications Dept	James Gilbert, Cllr Ray Wootten	The PCP issues a press release – <i>'The role of the Police and Crime Panel is to scrutinise the performance of the Police and Crime Commissioner. Where a performance related issue is found to be affecting Policing in the county we will rigorously challenge the Commissioner and hold him to account. On behalf of the Panel, I have already written directly to the Home Secretary, Teresa May, to make her aware of the current situation with the Chief Constable in Lincolnshire and to seek reassurance that the Panel's view that it shouldn't be involved in an internal police investigation is correct. It</i>	Cllr Ray Wootten emails Panel members to confirm an open meeting will take place after the court case is concluded.

Date	Source of information	Person	Details of events	Action Taken
			<i>would be inappropriate for the Panel to comment further at this time given the ongoing investigation.'</i>	
26/03/13	PCC's Website	PCC	Press Release on the subject of the suspended Chief Constable. PCC comments on the allegations and content of correspondence.	
26/03/13	Narrative & chronology from the Office of PCC received 09/08/13 – Annex U Summary of Grounds for Contesting the Claim	PCC / QC	<p>Commissioner's response to Judicial Review and witness statements finalised, served and filed.</p> <p>Précis of defendant's summary grounds for contesting the claim:</p> <ul style="list-style-type: none"> • PCC had credible information that TCC Rhodes had been complicit in the pursuit of false race discrimination allegations – used as leverage to force a settlement. • Redeployment not appropriate & the public interest required suspension • Rationality of the decision to suspend – a conduct matter requires only an "indication" that a police officer "may" have behaved in a manner which would justify the bringing of disciplinary proceedings. • Mr Sampson's allegations (<i>on reasonable interpretation</i>) amounted to matters which would justify the bringing of disciplinary proceedings • Inappropriate to redeploy within the Lincolnshire force, equally inappropriate to redeploy within another force • The attendance note & letter, taken at face value, amount to "considerably more" than a (mere) expression of belief or opinion on the race discrimination allegations. • As TCC Rhodes had discussed the case with the complainant he would have had a basis for knowing that the allegations were untrue • If TCC Rhodes was complicit – professional standards are engaged • The timing of Mr Sampson's letter is of no consequence, nor the IPCC stance • The result or likely result of any investigation does not impact on the 	

Date	Source of information	Person	Details of events	Action Taken
			<p>legality or rationality of the original decision</p> <ul style="list-style-type: none"> • There is no obligation for the PCC to seek Rhodes' account before suspension • There were no grounds for thinking the information provided by Mr Sampson was anything other than accurate • When the suspension was reviewed – this position remained the same (i.e. no reason to doubt the source of the allegation) • Any lack of reasons provided at the time of suspension does not mean there were insufficient grounds to suspend and does not affect the legality of the decision 	
26/03/13	Office of the PCC submission received 09/08/13 – PCC's witness statement for the Judicial Review (Annex U)	PCC	<p>In his witness statement, the PCC states:</p> <ul style="list-style-type: none"> • Fraser Sampson was "so concerned" about the content of the conversation with TCC Rhodes, he shared his concerns with his PCC, CPOSA and the Home Office • He interpreted the allegations as TCC Rhodes approached West Yorkshire PCC on behalf of the complainant for the purpose of persuading him to settle the claim • TCC Rhodes had drawn attention to the reputational risk of contesting the claim • TCC Rhodes had agreed the race discrimination allegations were unsupported and a contrivance – he volunteered that they were only made in order to increase the prospect of a settlement • He did not think Fraser Sampson's allegations were open to any other interpretation (a reasonable one) • Fraser Sampson did not indicate that what TCC Rhodes said was "an irrelevant expression of opinion" • He does not agree that the length of time Fraser Sampson took to refer the concerns, lessens the seriousness in any way – the PCC believe Mr Sampson "no doubt thought long & hard" about it and plainly considered 	

Date	Source of information	Person	Details of events	Action Taken
			<p>it to be a serious matter.</p> <ul style="list-style-type: none"> • Fraser Sampson's allegations were supported by his attendance note, TCC Rhodes did not have a record • The allegations, if true, raised serious concerns about TCC Rhodes' conduct & integrity (professional standards which would lead to disciplinary proceedings) • He took legal advice & discussed the matter with his chief executive – he say human rights considerations were taken into account in terms of proportionality • The allegations were so serious they had to be investigated – no viable or appropriate alternative to suspension (redeployment within or to another force not appropriate given senior status of Rhodes and the nature of the allegations) • Took the view not to consult with TCC Rhodes prior to suspension – believes no requirement to do so • He thought he had provided a "summary of reasons" – accepts the suspension letter could be more detailed • TCC Rhodes account of the telephone conversation did not change his mind (regarding the suspension decision) • He reviewed TCC Rhodes' account with an open mind, carefully and thoroughly & communicated his decision on 12/03/13 • Did not think it appropriate to revert to Fraser Sampson – he did not want to prejudice the investigation • He remained of the view, if true, TCC Rhodes had been complicit in the pursuit of untrue allegations • He did not consider the letter & attendance note as TCC Rhodes merely expressing a view – it was more than that • He was perfectly entitled to continue to believe that Mr Sampson's account was "entirely capable of being regarded as accurate on investigation" • He finds it "remarkable" that TCC Rhodes was silent when Mr Sampson 	

Date	Source of information	Person	Details of events	Action Taken
			<p>said the race claim was a contrivance, did not make any reference to it at all & did not express his view that the complainant had been discriminated against</p> <ul style="list-style-type: none"> • He questions TCC Rhodes' account as Mr Sampson had the benefit of an attendance note, TCC Rhodes did not • He questions how he or the public could have confidence & trust to leave Rhodes in post when there were "such question marks" over his integrity • He believes suspension will not prejudice TCC Rhodes within the Police Service if he is exonerated • He makes no secret of the fact that, after his appointment, he was "not comfortable" with the idea of TCC Rhodes being the permanent Chief Constable • His relationship with TCC Rhodes was "cordial" – he told him he would make an effective Chief Constable in a larger force • In his view TCC Rhodes is not entitled to 6 months notice • He has no concerns about the CPOSA police friend scheme or TCC Rhodes' involvement – he is concerned about the perception that influential & powerful office holders can influence litigation or employment matters "behind the scenes" on behalf of others • He was unhappy with the IPCC stance but following proper evaluation, they now agree that the allegations do raise conduct matters. • He is puzzled why suspension should affect TCC Rhodes' applications for other Chief Constable posts 	
27/03/13	Judicial Review / Narrative & chronology from the Office of PCC received 09/08/13	TCC Rhodes / PCC	<p>Hearing proceeds on a rationality challenge to PCC's two decisions (decision to suspend and maintain suspension). Outcome – "fundamental errors" in PCC's approach and assessment:</p> <ul style="list-style-type: none"> • PCC's preferred interpretation of Fraser Sampson's letter was not the only possible interpretation • PCC took no account of TCC Rhodes' character and standing • PCC took no account of likelihood or lack of likelihood that his 	<p>Decision to suspend quashed</p> <p>Narrative indicates that the</p>

Date	Source of information	Person	Details of events	Action Taken
			<p>assessment of Fraser Sampson's letter would be proved correct</p> <ul style="list-style-type: none"> • PCC addressed the public interest criterion on the basis of an inadequate and unjustifiable assessment of the case as it stood <p>Judicial Review conclusion – decision to suspend "irrational and perverse"</p>	<p>Judge agrees the issue should be investigated and says he cannot predict the outcome.</p>
27/03/13	Legal Services Lincolnshire	Eleanor Hoggart, John Medler, Cllr Ray Wootten, James Gilbert	<p>Cllr Ray Wootten contacted the Panel's Legal Adviser for further advice prior to the conclusion of the Judicial Review. The advice received states that the current legal action may not be the last of any legal action the Chief Constable may take against the PCC and also that the Judicial Review may state that the suspension was only unlawful due to a procedural defect which the PCC could correct and then re-suspend the Chief Constable. It outlines the risk of holding an extraordinary meeting during continuing legal proceedings and in the run up to County Council elections.</p>	<p>The Panel releases a press statement – <i>'The Police and Crime Panel is well aware of its responsibilities and they are to support the effective exercise of the functions of the Police and Crime Commissioner for Lincolnshire and to scrutinise the PCC's performance. It is not the role of the Panel to challenge the Police's internal HR processes.'</i></p>

Date	Source of information	Person	Details of events	Action Taken
				<p><i>Where a performance related issue is found to be affecting Policing in the county we will rigorously challenge the Commissioner and hold him to account. It would be inappropriate at this time for the Panel to comment further given the ongoing investigation.'</i></p>
28/03/13	Multiple press sources		Outcome of the Judicial Review which overturns the suspension of the Chief Constable is made public.	
28/03/13	BBC Look North Transcript	Mr Peter Levy / PCC / TCC Rhodes / reporter	Mr Peter Levy reports that judge ruled the decision to suspend the Chief Constable was "irrational and perverse". Peter Levy confirms TCC Rhodes can go back to work & that TCC Rhodes states proceedings were unnecessary. Reference to taxpayers having to pay the costs.	
28/03/13	BBC Look North Transcript	TCC Rhodes / reporter	TCC Rhodes comments that he is pleased with the decision of the judge – he confirms the suspension was declared " <i>irrational, perverse and therefore unlawful</i> ". TCC Rhodes states he will return to work and " <i>...continue to serve the Lincolnshire Police with the</i>	

Date	Source of information	Person	Details of events	Action Taken
			<i>personal and professional integrity that I believe I've displayed over the past 27 years."</i>	
28/03/13	BBC Look North Transcript	PCC / reporter	<p>PCC states that the PCC rules don't envisage this sort of thing – more guidance is needed. He goes on to say:</p> <p><i>"...PCCs, if they make any decisions at all, are going to have to be looking over their shoulder because this decision, certainly, has been made by a judge."</i></p>	
28/03/13	BBC Look North Transcript	Reporter	<p>Reporter gives overview of the reasons behind TCC Rhodes' suspension. Report includes the outcome of the Judicial Review – PCC failed to consider other interpretations of the facts and failed to ask TCC Rhodes for his version of events prior to suspension. Judge said that the PCC interpreted TCC Rhodes' involvement in the West Yorkshire Police case in a negative way.</p> <p>Reporter questions how well PCC/TCC Rhodes can work together in the future.</p>	
28/03/13	BBC Look North Transcript	Mr Peter Levy / PCC	<p>Mr Peter Levy asks whether PCC agrees with the judge's decision. PCC respects the decision of the judge but states that the case rested on a different interpretation of the same document. PCC does not accept he made the wrong call.</p>	
28/03/13	BBC Look North Transcript	Mr Peter Levy / PCC	<p>PCC confirms TCC Rhodes' suspension has been quashed, denies any embarrassment – says TCC Rhodes is "a thorough professional" as is he – they can work together.</p> <p>PCC accepts that "...things may have been able to have been done differently in some way, shape or form."</p>	
28/03/13	BBC Look North Transcript /	Mr Peter Levy / PCC	<p>PCC confirms TCC Rhodes' temporary Chief Constable position ends on 31/03/13.</p>	PCC states this announcement

Date	Source of information	Person	Details of events	Action Taken
	Narrative & chronology from the Office of PCC received 09/08/13		PCC confirms that TCC Rhodes will go back to his substantive post of DCC and that the acting Chief Constable (Alec Wood) will remain in post as Chief Constable.	was based on legal advice.
30/03/13	Home Affairs Committee 14/05/13	PCC	PCC confirmed (publicly) that Chief Constable's contract due to expire 31/03/13 and would not be renewed	
30/03/13	Narrative & chronology from the Office of PCC received 09/08/13	Legal Advisor / Malcolm Burch	<p>Legal Advisor alerts Malcolm Burch to a change in her legal advice:</p> <ul style="list-style-type: none"> Combination of two Police Acts dictate that PCC cannot make a TCC appointment when the post is vacant. 	<p>Malcolm Burch instructs legal advisor to seek counsel's advice.</p> <p>Malcolm Burch informs PCC of change in advice. PCC had been reflecting on Judicial Review, had consulted HMI & was seeking an alternative course of action in the interests of Lincolnshire.</p>
30/03/13	Narrative & chronology from	PCC / Malcolm	PCC agrees with Malcolm Burch that for the good of Lincolnshire while the Fahy investigation is on-going, that TCC Rhodes should	Malcolm Burch contacts TCC

Date	Source of information	Person	Details of events	Action Taken
	the Office of PCC received 09/08/13	Burch	return to the Force as temporary Chief Constable.	Rhodes' CPOSA friend
31/03/13	Narrative & chronology from the Office of PCC received 09/08/13	Office of PCC & Rhodes	Extensive discussion over 30 and 31 March to reach agreement between the PCC and TCC Rhodes about the next steps.	Joint statement agreed and issued to the Force and to the press.
31/03/13	Office of the PCC submission received 09/08/13 – Annex V – email to TCC Rhodes' CPOSA friend	Malcolm Burch / Chris Eyre	<p>Email containing proposed shared statement from the PCC and TCC Rhodes (following discussions) – Statement states:</p> <ul style="list-style-type: none"> • The PCC & TCC Rhodes agreed it would be in the best interests of Lincolnshire police if TCC Rhodes continues as temporary Chief Constable. • This was to continue until the conclusion of the investigation and potential consequent procedures • Recruitment of a permanent Chief Constable would also be delayed pending the outcome • The importance of the stability in the leadership of the force was the primary concern in reaching the decision 	PCC announces the reinstatement of TCC Rhodes as temporary Chief Constable.
01/04/13	Office of the PCC	PCC	The PCC announces that TCC Rhodes will continue as temporary Chief Constable until the completion of the investigation into allegations about his conduct and any consequent procedures were complete.	Cllr Ray Wootten asked the PCP support officers to organise an Extraordinary Meeting of the Panel to take place on the 26 th April to look into

Date	Source of information	Person	Details of events	Action Taken
				<p>the effect the suspension of the Chief Constable has had on the performance of Lincolnshire Police and also to look at establishing a Task and Finish Group to look into the events surrounding the suspension of the Chief Constable. John Medler highlighted to Cllr Ray Wootten the legal advice given on 27th March which advised of the potential risks of holding a Meeting prior to the County Council Election.</p>

Date	Source of information	Person	Details of events	Action Taken
01/04/13	Home Affairs Committee 14/05/13 / Narrative & chronology from the Office of PCC received 09/08/13	PCC	PCC announced the Chief Constable had got his job back. PCC confirmed to the Committee he made his U-turn after High Court judge's decision and discussions with legal advisers	Narrative indicates working relationship is professional and cordial between PCC and TCC Rhodes.
03/04/13	Cllr Ray Wootten	Cllr Ray Wootten, John Medler	The Chairman of the Panel emailed the Panel's Corporate Support Officer stating that the PCC has informed him that the initial report of the Sir Peter Fahy investigation should be ready in the next two weeks.	
10/04/13	Sir Peter Fahy Report (Op. Redbone Final Report)	Office of the PCC	Terms of reference for TCC Rhodes investigation were finalised. The severity of the alleged conduct was also decided upon by the appropriate authority (Office of the PCC) at this time as misconduct rather than gross misconduct	
14/04/13	Cllr Ray Wootten	Cllr Ray Wootten, John Medler, Emma Baldwin	Cllr Ray Wootten emailed John Medler calling for an Extraordinary Meeting of the Panel to be held on Thursday 9 th May at East Lindsey District Council to consider setting up a Task and Finish Group to look into the events surrounding the suspension of Chief Constable Rhodes.	An extraordinary meeting of the PCP is organised for Thursday 9 th May at East Lindsey District Council to start at 1pm.
19/04/13	TCC Rhodes	PCC, Mr Justice Stuart-	Letter and submission to Judge – PCC seeks to appeal the Judicial Review outcome. Judge notified of PCC's intention to file an appeal	Appeal not successful.

Date	Source of information	Person	Details of events	Action Taken
		Smith	notice with the Court of Appeal if his application for leave to appeal is unsuccessful.	No evidence that PCC took his appeal any further.
29/04/13	Home Affairs Select Committee	Cllr Ray Wootten, John Medler, Emma Baldwin	The Police and Crime Panel received an email from the Second Clerk to the Home Affairs Select Committee to call the Chairman of the Panel (Cllr Ray Wootten) to give oral evidence about the work of the Police and Crime Panel on Tuesday 14 May at 3.30pm in the House of Commons, Westminster.	The invitation was accepted by Cllr Ray Wootten.
09/05/13	PCP	All Panel members	An Extraordinary Meeting of the Panel is held. The Panel agreed to establish a Task Group to <i>“examine the events surrounding the decision by the Police and Crime Commissioner for Lincolnshire to suspend the temporary Chief Constable, Neil Rhodes, from duty, to enable the Panel to ascertain whether any lessons may be drawn there from”</i> .	
14/05/13	Cllr Ray Wootten	Cllr Ray Wootten	Cllr Ray Wootten gives evidence to the Home Affairs Select Committee	
16/05/13	Cllr Ray Wootten	Cllr Ray Wootten	Cllr Ray Wootten issues a press release which states that he will be resigning as Chairman of the Panel at the Panel’s June AGM and will be clarifying the evidence he gave to the Home Affairs Select Committee.	A letter is sent to the Home Affairs Select Committee alongside a timeline of events from the point of view of the Panel and the legal advice

Date	Source of information	Person	Details of events	Action Taken
				received.
17/05/13	PCC letter to Home Affairs Select Committee	PCC / Keith Vaz	<p>Letter to Keith Vaz – PCC comments on his suspension decision:</p> <ul style="list-style-type: none"> • Allegation came from a “very senior and credible” source • Source had shared it with HMI, IPCC, CPOSA, Home Office and “other senior police colleagues” prior to referring to Lincolnshire • PCC consulted his IPCC Commissioner <p>IPCC allegedly told PCC:</p> <ul style="list-style-type: none"> • They’d received a copy of allegation letter • Expected PCC to “record “ the matter • Refer immediately to IPCC • Believed TCC Rhodes’ conduct, if proven, was serious and potentially criminal • Would not dissuade PCC from decision to suspend <p>PCC states:</p> <ul style="list-style-type: none"> • He took “careful advice” • IPCC response was delayed • Involved IPCC chair and Deputy otherwise advice would be “completely contrary” to advice given by original IPCC representative 	
08/07/13	IPCC letter	IPCC / Emma Baldwin	<p>Letter from Commissioner of IPCC stating:</p> <ul style="list-style-type: none"> • IPCC conclusion based on information received on 25/02/13 from PCC – not immediately clear why the behaviour amounted to recordable conduct • 01/03/13 PCC submitted additional information – IPCC determined that investigation was necessary but based on their evaluation of seriousness, concluded local investigation appropriate 	
Jul 2013	HMIC Report – Lincolnshire Police’s response to the funding	HMIC	<p>In the conclusion the report includes reference to :</p> <p><i>“...there is a level of uncertainty and instability within the force. The decision by the PCC to suspend the temporary Chief Constable was</i></p>	

Date	Source of information	Person	Details of events	Action Taken
	challenge		<i>unsettling for the workforce. Since HMIC's on-site inspection, key members of the top team have moved to other forces, with a consequent loss of expertise and leadership capability."</i>	
20/07/13	Home Affairs Committee Report – Police and Crime Commissioners: power to remove Chief Constables		<p>Possible relevant extracts:</p> <ul style="list-style-type: none"> • If the PCC suspends the Chief Constable, he is required only to notify the police and crime panel that he has done so • ...the role of the panel is purely advisory. The final decision to dismiss a Chief Constable rests with the commissioner alone, though clearly it could in certain circumstances be very difficult for him to do so in the face of firm objection from the panel, particularly if the panel's view were supported by HMIC • Suspension or removal of a Chief Constable is a radical step, and not one which should be undertaken lightly. ...it is potentially operationally disruptive and costly, and damaging to the reputation of the force and individuals concerned. • Mr Rhodes was invited to re-apply for his job at the end of his contract... • Early indications are that it is very easy for a police and crime commissioner to remove a Chief Constable, even when the stated concerns of a PCC are about operational policing matters or are of an insubstantial nature. The statutory process provides little safeguard, since there is nobody...who can over-rule a commissioner... • ...it is notable that the reasons given by commissioners who have suspended or dismissed Chief Constables so far have been unpersuasive..."irrational and perverse", in Lincolnshire (according to the High Court)... • ...evidence [from the 3 cases considered in the report] that the checks and balances on police and crime commissioners are too weak. • Re. Gwent example – Some will argue that it represents an undermining of the independence of the office of Chief Constable if it becomes too easy for their political masters to dismiss them over any minor 	

Date	Source of information	Person	Details of events	Action Taken
			<p>disagreement or personality clash.</p> <ul style="list-style-type: none"> It is right that commissioners should have the initiative in removing a Chief Constable, but we recommend that police and crime panels should fully exercise their powers of scrutiny in examining and deciding whether the proposed removal of a Chief Constable is justified. 	
02/08/13	Police and Crime Panel	PCC	<p>Letter from PCC to Chief HMIC on inspection report "Lincolnshire Police's Response to the Funding Challenge".</p> <p>PCC does not accept HMIC's conclusion that the changes in the chief officer team de-stabilised or unsettled the Force – does not accept there has been an adverse impact in terms of capability and resilience.</p>	
05/08/13	Sir Peter Fahy Report (Op. Redbone Final Report)	Sir Peter Fahy	<p>The Investigation Report notes that Mr Sampson (or any other party) did not allege that TCC Rhodes had conspired or attempted to conspire with the complainant or any other person to make a false claim for damages against West Yorkshire Police. It was not alleged that TCC Rhodes acted in any way for his own financial gain.</p>	
05/08/13	Sir Peter Fahy Report (Op. Redbone Final Report)	Fraser Sampson	<p>Fraser Sampson told investigators that he is of the view that the process of a chief officer entering into this type of negotiation is "simply wrong" and may well represent a conflict of interest, duty or conduct for a senior police officer.</p> <p>The Fahy report concludes that it was legitimate course of action by TCC Rhodes in accordance with his code of conduct as a police officer and role as CPOSA friend.</p>	
05/08/13	Sir Peter Fahy Report (Op. Redbone Final Report)	Fraser Sampson	<p>The Fahy report states that it is important to note that when TCC Rhodes spoke with Fraser Sampson, Mr Sampson held the opinion that the race element of the claim was unfounded. The report says this gives a clear indication of the mindset of Fraser Sampson at the</p>	

Date	Source of information	Person	Details of events	Action Taken
			<p>time of the phone call.</p> <p>They conclude that there is an "uncomfortable disparity between the two accounts"</p> <p>The report also highlights the views of Fraser Sampson regarding the CPOSA role and his strong opinion that the race claim was a "contrivance". Investigators are open minded to the possibility that Fraser Sampson could have consciously or subconsciously misinterpreted or misconceived things said by TCC Rhodes.</p> <p>Fahy concludes there is no evidence to show that TCC Rhodes agreed that the race claim was false.</p>	
05/08/13	Sir Peter Fahy Report (Op. Redbone Final Report)	CPOSA president	<p>President told investigators the role of CPOSA friend is "<i>...to negotiate in terms of employment and misconduct regulations</i>" and "<i>...to represent the interest of officers and police staff of chief officer rank in relation to the conduct of employment matters.</i>"</p> <p>President also states "<i>At all times the approach of a friend is to balance the needs and expectations of the individual with the needs and expectations of the wider membership and police service.</i>"</p> <p>President is supportive of the role of CPOSA friend to negotiate and seek settlement in employment cases – direct negotiation with chief executives can be a proper course of action.</p> <p>Fahy report concludes that TCC Rhodes did not exceed the established scope and parameters of a Police friend.</p>	

Date	Source of information	Person	Details of events	Action Taken
05/08/13	Sir Peter Fahy Report (Op. Redbone Final Report)	TCC Rhodes	TCC Rhodes confirmed to investigators that he had no knowledge of the outcome of the investigation into Mr Crompton until he was told by Fraser Sampson. He told them this aspect of the case was not his specific concern and he was unable to recall the exact detail in which Mr Crompton had been named.	
05/08/13	Sir Peter Fahy Report (Op. Redbone Final Report)	Sir Peter Fahy	<p>The report concludes the following:</p> <ul style="list-style-type: none"> • The case has attracted considerable media attention and legal interest • The Judicial Review gave a very detailed finding of the issues raised by both sides • The investigation is fully aware of the strength of feeling the allegation [race discrimination] has generated in West Yorkshire Police • They find no evidence to support the view that TCC Rhodes' contact with Fraser Sampson was inappropriate or unprecedented. The purpose was to negotiate a "sensible and sane" settlement to avoid costly and damaging court proceedings. The approach is legitimate and proper. • They find no "cogent" evidence to corroborate the core element of Mr Sampson's allegation – the central thrust of the misconduct allegation is not proven. • They note that Mr Sampson held a strong belief the race discrimination element if the complainant's litigation was without foundation and that it was likely he expressed this view during the conversation. • The investigators are satisfied TCC Rhodes did not say or intend to say anything which suggested he agreed with Fraser Sampson's view. • Fraser Sampson's understanding and interpretation of what TCC Rhodes actually said was in fact a misunderstanding or misinterpretation. • TCC Rhodes did not exceed the boundaries of a CPOSA friend • There is a lack of clarity and common understanding about the role of 	<p>Mr Rhodes informed that the allegation has been thoroughly investigated and no proof has been found to substantiate the allegation.</p> <p>Misconduct allegation formally withdrawn.</p> <p>Mr Sampson informed of the outcome.</p> <p>CPOSA to agree a written protocol and clear definition of the</p>

Date	Source of information	Person	Details of events	Action Taken
			<p>'friends' in employment cases – this is unhelpful – written protocols are recommended</p> <ul style="list-style-type: none"> • It is understandable why some feel there is the potential for a conflict of interest when a Chief Constable takes on this 'friend' role against another force – it acknowledges that a force may resent this in a case which was causing "great hurt & potential damage" – that a chief officer would be "privy to material which is injurious to that organisation" • At the heart of the case is Fraser Sampson's attempt to investigate and resolve the "conundrum" over the conflict of interest and proper involvement – Fraser Sampson felt this had not been resolved and so reported in to the PCC of Lincolnshire who then interpreted the concerns Mr Sampson raised as justifying the action he then took. • For a police officer acting as 'friend' their duty as a police officer must come first, the oath and their adherence to the code of conduct must never be compromised. • The PCC, Mr Sampson and others believe that TCC Rhodes was unwise in taking on this role of trying to encourage a compromise – the investigator states he had complete confidence that Mr Rhodes acted from the best motives to protect not only the interests of the complainant but to try an achieve a reasonable compromise and to reduce damage to the reputation of policing through a public hearing. 	<p>role of CPOSA friends – to specifically cover without prejudice conversations, appropriate negotiating channels and conflicts of interest.</p>
08/08/13	Temporary Chief Constable	TCC Rhodes	<p>Outcome letter from PCC to TCC Rhodes.</p> <p>PCC maintains the suspension was appropriate and a neutral act.</p> <p>Points out that he shares Sir Peter Fahy's view that there is an "uncomfortable disparity between the two accounts".</p> <p>PCC notes the wider debates about the CPOSA friending role, notes the professional and productive relationship during the difficult time</p>	<p>No further action regarding the allegations against TCC Rhodes.</p>

Date	Source of information	Person	Details of events	Action Taken
			and welcomes TCC Rhodes' participation in the forthcoming selection process for a permanent Chief Constable.	

APPENDIX D

LIST OF INTERVIEWEES AND WRITTEN SUBMISSIONS

INTERVIEWEES

NAME	ROLE	DATE OF INTERVIEW
Chief Superintendent Russ Hardy	Chairman of Lincolnshire Police Superintendents Association	1 st July 2013
Inspector Jonathan Hassall	Chairman of the Lincolnshire Police Federation	1 st July 2013
Debbie Parker	Unison Branch Secretary, Lincolnshire Police	23 rd July 2013
Paul West	Retired Chief Constable and former Chair of CPOSA	23 rd July 2013
Neil Rhodes	Chief Constable	25 th September 2013
Zoe Billingham	Her Majesty's Inspector of Constabulary	26 th September 2013
Alan Hardwick	Police and Crime Commissioner for Lincolnshire	30 th October 2013
Malcolm Burch	Chief Executive to the Police and Crime Commissioner	30 th October 2013
Julie Flint	Chief Finance Officer to the Police and Crime Commissioner	30 th October 2013

WRITTEN SUBMISSIONS

Independent Police Complaints Commission dated 19th June, 18th July and 5th September 2013.

APPENDIX E

The Police Reform and Social Responsibility Act 2011

Section 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.

APPENDIX F

The Police (Conduct) Regulations 2012

Suspension

10. (1) The appropriate authority may, subject to the provisions of this regulation, suspend the officer concerned from his office as constable and (in the case of a member of a police force) from membership of the force.

(2) An officer concerned who is suspended under this regulation remains a police officer for the purposes of these Regulations.

(3) A suspension under this regulation shall be with pay.

(4) The appropriate authority shall not suspend a police officer under this regulation unless the following conditions (“the suspension conditions”) are satisfied—

(a) having considered temporary redeployment to alternative duties or an alternative location as an alternative to suspension, the appropriate authority has determined that such redeployment is not appropriate in all the circumstances of the case; and

(b) it appears to the appropriate authority that either—

(i) the effective investigation of the case may be prejudiced unless the officer concerned is so suspended; or

(ii) having regard to the nature of the allegation and any other relevant considerations, the public interest requires that he should be so suspended.

(5) The appropriate authority may exercise the power to suspend the officer concerned under this regulation at any time from the date on which these Regulations first apply to the officer concerned in accordance with regulation 5 until—

(a) it is decided that the conduct of the officer concerned shall not be referred to misconduct proceedings or a special case hearing; or

(b) such proceedings have concluded.

(6) The appropriate authority may suspend the officer concerned with effect from the date and time of notification which shall be given either—

(a) in writing with a summary of the reasons; or

(b)orally, in which case the appropriate authority shall confirm the suspension in writing with a summary of the reasons before the end of 3 working days beginning with the first working day after the suspension.

(7) The officer concerned (or his police friend) may make representations against his suspension to the appropriate authority—

(a)before the end of 7 working days beginning with the first working day after his being suspended;

(b)at any time during the suspension if he reasonably believes that circumstances relevant to the suspension conditions have changed.

(8) The appropriate authority shall review the suspension conditions—

(a)on receipt of any representations under paragraph (7)(a);

(b)if there has been no previous review, before the end of 4 weeks beginning with the first working day after the suspension;

(c)in any other case—

(i)on being notified that circumstances relevant to the suspension conditions may have changed (whether by means of representations made under paragraph (7)(b) or otherwise); or

(ii)before the end of 4 weeks beginning with the day after the previous review.

(9) Where, following a review under paragraph (8), the suspension conditions remain satisfied and the appropriate authority decides the suspension should continue, it shall, before the end of 3 working days beginning with the day after the review, so notify the officer concerned in writing with a summary of the reasons.

(10) Subject to paragraph (12), where the officer concerned is suspended under this regulation, he shall remain so suspended until whichever of the following occurs first—

(a)the suspension conditions are no longer satisfied;

(b)either of the events mentioned in paragraph (5)(a) and, subject to paragraph (11), (5)(b).

(11) Where an officer concerned who is suspended is dismissed with notice under regulation 35 he shall remain suspended until the end of the notice period.

(12) In a case to which paragraph 17, 18 or 19 of Schedule 3 to the 2002 Act (investigations) applies, the appropriate authority must consult with the Commission—

(a)in deciding whether or not to suspend the officer concerned under this regulation;
and

(b)before a suspension under this regulation is brought to an end by virtue of
paragraph (10)(a).

APPENDIX G

The Police (Conduct) Regulations 2012

Assessment of conduct

12. (1) Subject to paragraph (6) the appropriate authority shall assess whether the conduct which is the subject matter of the allegation, if proved, would amount to misconduct or gross misconduct or neither.

(2) Where the appropriate authority assesses that the conduct, if proved, would amount to neither misconduct nor gross misconduct, it may—

- (a) take no action;
- (b) take management action against the officer concerned; or
- (c) refer the matter to be dealt with under the Performance Regulations.

(3) Where the appropriate authority assesses that the conduct, if proved, would amount to misconduct, it shall determine whether or not it is necessary for the matter to be investigated and—

- (a) if so, the matter shall be investigated and the appropriate authority shall further determine whether, if the matter were to be referred to misconduct proceedings, those would be likely to be a misconduct meeting or a misconduct hearing;
- (b) if not, the appropriate authority may—
 - (i) take no action; or
 - (ii) take management action against the officer concerned.

(4) Where the appropriate authority determines that the conduct, if proved, would amount to gross misconduct, the matter shall be investigated.

(5) At any time before the start of misconduct proceedings, the appropriate authority may revise its assessment of the conduct under paragraph (1) if it considers it appropriate to do so.

(6) Where the appropriate authority decides under this regulation to take no action, take management action or to refer the matter to be dealt with under the Performance Regulations, it shall so notify the officer concerned in writing as soon as practicable.

APPENDIX H

The Police and Crime Commissioner for Lincolnshire

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Alan Hardwick

The Police and Crime Commissioner for Lincolnshire

PRESS RELEASE

26 MARCH 2013

SUSPENDED CHIEF CONSTABLE

Today, the Police and Crime Commissioner for Lincolnshire, Alan Hardwick, commented on the allegation that led to his decision to suspend from duty Temporary Chief Constable Neil Rhodes.

Mr Hardwick said, “I received an allegation that Mr Rhodes was involved in the pursuit of allegations of racial discrimination which he knew to be a contrivance. It was claimed this was in an attempt to force settlement of another individual’s employment tribunal claim with another police Force.”

“As suspension is a neutral act I had hoped that the nature of the allegation would not be made public until the independent investigation, led by Sir Peter Fahy, was complete. This would have protected Mr Rhodes from undue public scrutiny. Sadly, Mr Rhodes is intent on taking legal action against me, thus bringing matters into the public domain.”

“It saddens me even more to report that during the course of correspondence since the suspension, Mr Rhodes has argued that even if the allegation made against him was true, he did not believe his actions to be wrong.”

“When I was elected I took an oath of office in which I declared I would always act with integrity. Police constables make a similar commitment. It would be completely unacceptable for anyone to behave in the way Mr Rhodes is alleged to have behaved and I am deeply troubled by the views he has expressed in correspondence since his suspension. I believe anyone in public office must exhibit a strong sense of right and wrong, no one more so than a police officer. And it would therefore be truly reprehensible for any chief constable to seek to exert influence on behalf of another chief officer to secure increased payment of public money in compensation awards and to do so based on an untruth.”

“How could I or the public of Lincolnshire have the confidence and trust to leave Mr Rhodes in post while there were such questions over his integrity? The public interest and the interests of the people of Lincolnshire are paramount to me and will always remain so.”

ENDS

Notes for editors:

1. Temporary Chief Constable Neil Rhodes was suspended from duty on 25 February 2013 after the Police and Crime Commissioner for Lincolnshire was made aware of potential conduct matters.
2. On 11 March 2013, the Independent Police Complaints Commission confirmed that the alleged conduct matters concerning Mr Rhodes required investigation and a local investigation should be conducted.
3. On 14 March 2013, the Police and Crime Commissioner appointed Sir Peter Fahy, Chief Constable of Greater Manchester Police, to conduct an independent investigation into the conduct matters
4. Mr Rhodes's solicitors made an application for judicial review of his suspension. The hearing takes place in the Administrative Court, Manchester on 27 March 2013 at 12.00.
5. Alan Hardwick, Police and Crime Commissioner for Lincolnshire will not be available for interview prior to court proceedings, but will be making a further statement to journalists following the conclusion of the hearing.