

POLICE REFORM AND SOCIAL RESPONSIBILITY ACT 2011
POLICE REGULATIONS 2003
POLICE AND CRIME PANEL FOR SOUTH YORKSHIRE
VIEWS OF HM CHIEF INSPECTOR OF CONSTABULARY
IN THE CASE OF CHIEF CONSTABLE DAVID CROMPTON

Summary

1. By a letter dated 2 September 2016, the police and crime panel (“the PCP”) for South Yorkshire invited me to provide my views on the decision of the Police and Crime Commissioner for South Yorkshire (“the PCC”) to maintain his call for Chief Constable David Crompton (“CC Crompton”) to resign or retire. On 15 June 2016, I provided my views on the PCC’s proposal in a report to the PCC (“the Report”). In particular, the PCP has asked me to consider whether the responses of the PCC to that Report cause me to alter my views.
2. My Report, which has been provided to the PCP, was in clear and unambiguous terms. I considered that it was unreasonable and disproportionate for the PCC to consider that his trust and confidence in the chief constable had been seriously damaged. The efficiency and effectiveness of the force did not require the removal of the chief constable. Nothing the PCC has subsequently produced causes me to revise or alter that conclusion, or the views set out at length in my Report.
3. In summary:
 - (1) The PCC’s responses to my Report persistently fail to read the Second Statement fairly, objectively and as a whole. It is wholly inappropriate to seek to remove a chief constable on the basis of something he did not say, whether or not some people believe that he did say it. The PCC unreasonably treats the issuing of the Second Statement as unjustifiable, when there is a plainly a rational basis for having done so.
 - (2) I do not accept that my views are too ‘detached’, or that I have failed to appreciate the context in South Yorkshire, in so far as that is relevant.

- (3) The conduct of the Hillsborough inquest is not a basis of the PCC's section 38 proposal and it is unnecessary to address it any detail. In any event, the chief constable is better placed to do so.
- (4) The Peer Review should form no basis of the PCP's consideration. If it is being relied upon, that reliance is unfair. It is irrelevant to the PCC's proposal. In any event, it is consistent with and complements HMIC's own inspection reports.
4. In light of these factors, it remains my view that the PCC's proposal to call upon CC Crompton to resign or retire should be rescinded, and that the PCP should so recommend.

Introduction

5. On 17 May 2016, the PCC for South Yorkshire Police ("SYP"), Dr Alan Billings, wrote to me to seek my views on his proposal to call upon CC David Crompton to resign or retire. Under section 38 of the Police Reform and Social Responsibility Act 2011 ("the 2011 Act") and regulation 11A of the Police Regulations 2003, the PCC is obliged to seek the views of Her Majesty's Chief Inspector of Constabulary ("HMCIC"), as part of a process which involves the police and crime panel and CC Crompton himself. I emphasise, as I did in my Report, that the final decision is one for the PCC alone; he is obliged to consult, but he alone will decide, subject to the limitations imposed on him by public law.
6. As I understand it, upon receipt of my Report the PCC produced his own further document: 'Commissioner's response to the views stated by HM Chief Inspector', dated 4 July 2016 ("the First Response"). As required by paragraph 13 of Schedule 8 to the 2011 Act, the PCC then provided his proposal to CC Crompton, along with my Report and his Response. CC Crompton provided the PCC with his own representations on 22 July 2016.
7. I am aware that on 15 August 2016 a letter was sent on behalf of the PCC to CC Crompton to inform him that having considered the Report and the representations of the chief constable, the PCC had decided to maintain his proposal to call upon CC Crompton to resign or retire.

By virtue of paragraph 14(2) of Schedule 8, he was also obliged to inform the PCP of this decision.

8. With that letter of 15 August 2016, the PCC provided a further document: 'The Police and Crime Commissioner's consideration of the Chief Constable's response and reasons for continuing to believe that the proposal is an appropriate one for the PCP to consider' ("the Second Response"). The Second Response is the written explanation of the reasons why the PCC still proposes to call for the retirement or resignation of the chief constable, as required under regulation 11A(2)(a). (I note that I have been provided a copy of this document by the solicitors to CC Crompton in the course of correspondence making me an Interested Party to proposed judicial review proceedings against the PCC. Regrettably, the PCC did not provide me with a copy of his 15 August 2016 notification letter and the accompanying Second Response as he was required to do by regulation 11A(2)(b).)
9. In accordance with the provisions of paragraph 15 of Schedule 8 to the 2011 Act, the PCP is now considering what recommendation to make to the PCC in respect of the PCC's proposal. As part of that process, it has elected to exercise its power to seek my further views under paragraph 15(4)(a) of Schedule 8. I had indicated my willingness in the Report to assist the PCP if I could so, and I am pleased to be given the opportunity to respond to the further comments of the PCC. I understand the PCP proposes to hold a scrutiny hearing on 16 September 2016.
10. I intend to publish this document on the website of HMIC upon the completion of the section 38 procedure. There is the highest possible public interest in understanding the basis for any proposed use of section 38 by a PCC, and I consider that all parties to the process should try to be as open as possible. Unless required to do so under lawful authority, I think it would be inappropriate for me to release this document into the public domain before the conclusion of the procedure, as the statutory regime requires me to provide my views to the PCC and to the PCP. It is a matter for the PCC, the PCP and the chief constable whether any of them considers it appropriate to release this document into the public domain at any earlier stage. In the interests of efficiency, given the proximity of the PCP hearing, I have, however, sent copies of it to the PCC and CC Crompton's legal advisers.

11. I do not intend to repeat what I have already said in my Report. This document should be read with that Report, and focuses on the points made by the PCC in his First Response (which focussed on my Report) and, to a lesser extent, his Second Response.

The Second Statement

12. Subject to the issue of the Peer Review I address at the end of this document, it remains the case that the basis of PCC's proposal is an extremely narrow and specific one: namely the issuing by CC Crompton of a second press release on 27 April 2016, the day after the Hillsborough Inquest verdict ("the Second Statement"). The PCC is not proposing to remove the chief constable because of the conduct of the inquest, or because of his leadership of SYP.
13. I have seen the PCC's concern that I have viewed this matter in too "*detached*" a manner (e.g. paragraph 9 of the First Response) and that I have failed to appreciate the position the PCC faced at the time (paragraph 12). He suggests that I have not understood "*how a narrative was forming*" (paragraph 12).
14. I do not accept this. I have certainly sought to approach the PCC's reasons in an impartial manner. I made a number of references in my Report to my keen awareness of the impact of the Hillsborough verdicts on the families (paragraph 2) and on SYP (e.g. paragraph 68), but I remain of the view that the PCC has failed in his duty to separate uncomfortable political and public pressure on him (as his reference to his own position reveals) from the need to ensure he acts fairly and proportionately in deciding whether or not to end the career of a senior police officer. To the extent that I am 'detached' from the immediate situation in South Yorkshire, that is self-evidently precisely the purpose of requiring the views of HMCIC to be sought.
15. I find it particularly difficult to understand the reference to a narrative forming and mounting criticism as justification for the suspension of the chief constable. The PCP will recall that CC Crompton was told he would be suspended if he did not resign within an hour and a half of

issuing the Second Statement. I am aware that in a modern media world stories can build rapidly, but the apparent suggestion that in that time the chief constable's position had become untenable because of the Second Statement is simply unreal. It is certainly unevicenced. I am not so detached from the context of South Yorkshire to be unaware that SYP had faced some difficult recent publicity on child sexual exploitation (about which HMIC has been critical of SYP), and that the Hillsborough verdicts would inevitably create a significant focus of criticism because of the appalling policing in 1989. But those matters are not ones for which the PCC proposes to call upon CC Crompton to resign or retire. It is only the Second Statement which forms the basis of that proposal.

16. It seems to me that there is a significant risk, based upon the reasoning of the PCC, that he saw the aftermath of the Hillsborough inquest verdict as placing considerable public scrutiny and pressure upon SYP as a result of its policing of the disaster, and that the best way for what he opaquely describes as "the narrative [being] regained" in the immediate prelude to the PCC elections was to suspend the chief constable. But requiring the chief constable to take the blame carries with it an obligation to ensure that the chief constable's actions were properly and sufficiently blameworthy.
17. The PCC's First Response sets out a number of matters by which he seeks to answer my Report, and I shall briefly address them. It does not seem to me that the Second Response materially adds anything on these points, and so paragraph references are to the First Response unless otherwise stated.
18. I have set out my view as to the objective and fair reading of the Second Statement, including the phrase "*other contributory factors*", in paragraph 74 of my Report. Although the PCC asserts that readers 'understood' that to mean the fans, I simply cannot see how it could be read as meaning that by anyone approaching the matter fairly (as the PCC surely must). The verdicts made very clear that there were a number of other contributory factors, in addition to the conduct of SYP officers on the day, from a number of different institutions. That is what the Second Statement refers to. It could not even be interpreted as meaning that SYP had wanted to explore other potential contributory factors, including the fans, during the inquest because had it meant that it would have said "*potential*" factors. The only established factors

were those set out in the verdict, which did not include the fans. A reading which includes reference to the fans would also be plainly inconsistent not only with the repeat of the apology at the very outset of the Second Statement, but also the sentence preceding that containing “*other contributory factors*”: “*We have never sought, at any stage, to defend the failures of SYP or its officers*”.

19. Nor do I understand how the PCC’s references to questions about the opening of Gate C assist his position. As both the comments from Andy Burnham MP and the Liverpool Echo headline quoted by the PCC show, even if one reads the Second Statement by reference to a draft statement prepared by the chief constable which was not published and not available to the public (which I do not agree is fair or appropriate), the opening of Gate C was not a matter being suggested as being attributable to the fans. From the material I have seen, and as set out in the Liverpool Echo headline, the questions concerned whether a steward had opened Gate C with or without police instruction. No-one suggested the fans opened it.
20. Although the PCC asserts that his, unfair, interpretation was widespread, the only material advanced in support of this provides no such support. The comments of Andy Burnham MP, or Chris Heaton-Harris MP, or the Liverpool Echo do not interpret it in that way. He provides no detail or specifics of conversations with members of public (or any other forum) in which criticism was made of the chief constable for the Second Statement (as opposed to any other Hillsborough-related matter more generally). Although the PCC relies upon the position of MPs, it continues to be the case that the only MPs to have called for the resignation of CC Crompton prior to the PCC having pre-empted the situation were Mr Burnham and Mr Perkins. In particular, although the PCC places reliance on the comments of the-then Home Secretary (paragraphs 8 and 24 of the First Response), he fails to deal with the point that the Home Secretary at no point called upon the chief constable to resign or anything similar (see paragraph 60 of my Report). Nor does he deal with the other points I made about the Home Secretary’s limited comments (paragraphs 61 and 73 of my Report).
21. I do not doubt that there may be some people who have misinterpreted the Second Statement, but ‘perceptions’ cannot form the basis for dismissing a chief constable if they are unfair and incorrect. The PCC must apply a fair and objective reading. I do not believe he has done so.

22. The PCC seeks, in paragraphs 8-9, to expand the objection into a more general concern about SYP being seen as reacting defensively. This fails to recognise the expressly unequivocal apology issued on 26 April 2016 and reiterated at the outset of the Second Statement. The Second Statement seeks additionally to explain SYP's position, in response to a specific public question from the then Shadow Home Secretary. It is not defensive for SYP to explain that their admitted failures formed part of an overall picture, as the verdicts clearly found. I find it hard to see how SYP – or any other organisation – could materially learn from an exercise in which every participant pretends that everything which happened at Hillsborough was the fault of SYP and no-one else.
23. This, it seems to me, is linked to the PCC's insistence that there was no need to respond to Mr Burnham's call for an explanation (which was a direct demand and not simply "*rhetorical*", not least given the PCC's own awareness that Mr Burnham was going to call for the resignation of CC Crompton in any event: see paragraph 51 of my Report) and to issue the Second Statement (paragraph 13). I dealt with this in my Report: I agree that either responding or not responding would have been rational and defensible (see paragraph 70). The PCC appears unwilling to accept even that. He does not address the points I make in paragraphs 71-72, and particularly that responding to such a call is consistent with the Code of Ethics generally, and consistent with a desire to move away from the local perception (which the PCC had quoted to me in his reasons) that SYP had tended to hide from difficult issues. He is entitled to have preferred not to issue a responsive statement, but he is not entitled to refuse even to understand why the chief constable could take a different view. Moreover, having concluded that a response was appropriate, CC Crompton reasonably decided that it needed to be issued to avoid a build-up of criticism for ignoring Mr Burnham's call, or an inaccurate picture being painted.
24. I emphasise that the chief constable was in a difficult position. There was not one clearly correct course of action and it is unfair to punish the chief constable as though there was. Most significantly, the PCP and PCC must ask themselves whether even if it is the case that they believe that issuing the Second Statement was an error on the part of CC Crompton, his decision to do so was so egregious and so unjustifiable as to require the termination of his

career. I made clear in my Report that I did not think that could be answered in the affirmative in any fair or proportionate way. I maintain that view.

The conduct of the inquest

25. I touched briefly on the conduct of the inquest by SYP's legal team in paragraphs 40-42 of my Report, principally to emphasise that (despite his references to it) the PCC was not proposing to call upon the chief constable to resign or retire because of the conduct of the Hillsborough inquest by SYP's legal team.
26. I am not in a position to express any view on that conduct; the PCC has provided me with very little evidence relating to it. I did note paragraphs 10-12 of the PCC's reasons to me, which set out leading counsel's own account of the extremely minimal involvement she had in asking questions concerning fan behaviour. To the extent that it is relevant – or becomes relevant – it seems to me that it must be for CC Crompton to address.
27. I do, however, note CC Crompton's representations (at paragraph 10) that the PCC was "*fully aware*" of the limited lines of questioning adopted by SYP during the inquest, specifically including the opening of the perimeter gates. I also note that the PCC's Second Response does not dispute that account, although it does dispute other matters in subsequent paragraphs.
28. My comments were essentially restricted to an observation that I did not consider it surprising that the PCC was not seeking to rely on the conduct of the inquest (despite some public comments from him inconsistent with that) because he shared responsibility for it. I do not depart from that view, although I see that the PCC takes great exception to the suggestion in paragraphs 16-18 of the First Response. I do not understand why the PCC disagrees with me: I do not suggest he was solely responsible, but responsibility is inherent in his function of holding the chief constable to account, as set out in paragraph 17(j) of the Schedule to the Policing Protocol Order 2011. Either the PCC believes he was unable to hold the chief constable to account for his conduct of the inquest because he was misled about that conduct at the time (which is not the basis of his section 38 proposal, as I have pointed out), or in his

weekly meetings with CC Crompton at which the inquest was discussed as a standing item he was able to hold the chief constable to account and had no material concerns.

29. The conduct of the inquest is, however, a distraction for the PCP, as it is not the basis upon which the PCC actually relies in order to justify his proposal to call upon CC Crompton to resign or retire: namely the issuing of the Second Statement.

The peer review

30. One further matter which I should address is the ‘Peer Support Briefing Paper: South Yorkshire Police’, produced under the auspices of the College of Policing and the National Police Chiefs’ Council, and published on 28 June 2016 (“the Peer Review”).

31. I have very considerable concerns about the PCC’s use of the Peer Review. I address these in four parts:

- (1) The legality of the PCC’s reliance on the Peer Review;
- (2) The relevance of the Peer Review to the points made in my Report;
- (3) The conclusions drawn from the Peer Review;
- (4) What the Peer Review could add to the process, in any event.

Legality

32. The PCP is not a court of law, and I do not wish to lengthen this document with unnecessary legal arguments. However, the relevance and utility of the Peer Review must be considered in the light of the legal restrictions on what the PCC may do.

33. Paragraph 13(2) of Schedule 8 to the 2011 Act requires the PCC to give the chief constable a written explanation of the reasons why the PCC is proposing to call for his retirement or resignation. Regulation 11A(1)(a) obliges the PCC to seek the views of HMCIC on any proposal to call for the retirement or resignation of the chief constable. The purpose of seeking the views of HMCIC is to obtain an independent and impartial opinion on the

appropriateness of the proposal. That purpose is undermined if the reasons for the proposal, communicated to HMCIC in order that he understands why it is made, are altered after HMCIC has provided his views. It would also be contrary to the fairness of the process mandated under section 38 of the 2011 Act: the chief constable is entitled to know why he has been suspended and the proposal made without being required to meet an ever-changing case. In my view, if the PCC wishes to rely upon material which only becomes available later in the process as a basis for his proposal, he must commence a fresh process in order that the views of HMCIC are obtained¹ and that the chief constable has the opportunity to comment.

34. It is doubtless for this reason that the PCC has been extremely vague as to what use he is making of the Peer Review. In his First Response, he says at paragraph 29 that “*I do not dwell on this*”. In his Second Response, he says at paragraph 27 that the Peer Review “*did not impact on my decision to suspend the Chief Constable and instigate the s38 process*”. This is obviously correct: it could not have done so because it post-dated those decisions.
35. However, in the Second Response the PCC nonetheless asserts that “*I cannot ignore what has happened subsequently*” (paragraph 25) and that the Peer Review points “*to a serious failure of leadership*” (paragraph 28). It is extremely unsatisfactory that CC Crompton is left unclear to what extent the PCC is placing positive reliance on the Peer Review as a basis to support the proposal to require him to resign or retire.
36. If the PCC is seeking to bolster his proposal by use of the Peer Review, I consider that to be illegitimate. If he is not seeking to place any positive reliance upon it, it is irrelevant and should not be considered.

Relevance to my Report

37. The PCC seeks to justify reference to the Peer Review because, as he puts it at paragraph 29 of the First Response, “*I think it paints a rather different picture from what [the Report]*

¹ I recognise that in this case the PCP has given me the opportunity to set out any further views I have, but it was not required to do so and there may be cases in which the PCP does not exercise that power.

says”. He expands on this in the Second Response at paragraph 27 to say that he wishes to counter positive assertions I made in my Report which he believes are “*unreliable*”, and criticises HMIC in paragraph 29 on the basis that the failings “*should have been picked up by HMIC’s inspectors*”.

38. However, nothing I set out in paragraphs 32-36 of my Report could be deemed as giving SYP a ‘clean bill of health’; indeed paragraph 36 expressly recognises some specific areas of criticism HMIC has made in the recent past of SYP. By reference to the PCC’s own reasons, I pointed out that HMIC’s targeted inspection work on legitimacy – which considers public and internal workforce views – did not support the picture painted more generally of SYP. The Peer Review does not address, or pass comment upon, that topic.
39. The only more general comment upon SYP I made was in paragraph 33, in which I said that CC Crompton “*has not been leading a force which could fairly be described as fragile or dysfunctional*”. This is quite clearly not a suggestion that SYP has been performing impressively or without any concern in all areas. It has not. The PCC must know perfectly well from HMIC’s recent reports into SYP that we have raised a number of issues which require improvement or need monitoring (which I address a little more in the next section). The point I was making was a simple one: I did not (and do not) agree with the assertion that there was a systemic fragility in SYP. The understanding of HMIC is that CC Crompton was a well-respected leader within his force.
40. It was not necessary for me to address wider HMIC inspection outcomes because the performance of the force was not a matter upon which the PCC relied to justify his proposal. If he had wished to call upon CC Crompton to resign or retire because he felt the force was failing or was incompetently led, he would have set that out in clear terms and sought to justify his view. He did not. The basis of his proposal was the issuing of a press release on 27 April 2016. Unsurprisingly, the Peer Review says nothing whatsoever about that incident or anything even remotely connected to it.
41. In those circumstances, I take the very strong view that the Peer Review is utterly irrelevant to the proposal of the PCC and the role of the PCP. It should be given no regard.

The Conclusions of the Peer Review

42. Notwithstanding my clear view as to the irrelevance and inappropriateness of further reference to the Peer Review, I feel obliged briefly to address the substance of it. It is appropriate that I address the criticism made by the PCC in his Second Response, and that the PCP has the benefit of knowing my views.

43. As the PCC himself notes in the Foreword to the Peer Review (written with the interim chief constable), a peer review is “*very different from the formal inspections*” undertaken by HMIC. HMIC inspects forces against set standards to make graded judgments of practice, moderating its reports nationally to ensure all forces are being held to the same standards. In contrast, a peer review is invariably commissioned by the force to address a particular area of concern; they are intended to focus attention on problems and weaknesses, rather than reinforcing existing strengths. For this reason, HMIC is supportive of peer reviews as a valuable tool for police forces to gain a more specific or focussed insight into a particular area. They complement the more general statutory inspections.

44. As the PCC rightly notes at paragraph 29 of his First Response, the fieldwork which underlay the PEEL inspection reports published by HMIC in October 2015 and February 2016 took place in the spring and autumn of 2015 respectively. It takes some time to collate and analyse the material and moderate the conclusions from the national inspection regime. I would certainly accept that the Peer Review would have addressed a situation which had developed since HMIC’s previous inspection work.

45. However, as the PCP is doubtless aware, HMIC graded SYP as requiring improvement overall in relation to both the Efficiency and the Effectiveness inspections. Much of the detail in those inspection reports highlights areas of risk which would require ongoing attention. It appears from the Peer Review (and from the fieldwork undertaken for HMIC’s, not yet published, PEEL 2016 inspection reports) that some of those risks have indeed materialised.

46. Two important examples of this are in workforce planning and the force operational model. At pages 6 and 7, the Peer Review made a number of adverse comments in relation to the way SYP had planned and allocated its workforce. Our Efficiency report highlighted the same concerns.² We expressly concluded that SYP required improvement in the sustainability and affordability of its workforce because there were “*a number of risks associated with the force's workforce model and future plans*” (pages 5-6) which had not been fully evaluated or anticipated. This was in part because SYP was developing a new operating model with which HMIC had concerns. Significant criticism was levelled by the Peer Review at the change in operating model adopted by SYP in the face of the funding cuts it faced (pages 7-8). Our Effectiveness report, from fieldwork in autumn 2015, had noted that although the new model had been introduced well, it was not yet clear whether it would work effectively.³ HMIC warned that it was “*too early to say if this is sustainable and some local policing team staff have reported that their workload and shift patterns are such that meaningful community engagement has become difficult*” (pages 4-5). Our most recent inspection work supports the conclusion of the Peer Review that it is now possible to say that the change of model has not been successful.
47. The Peer Review made a number of critical comments concerning SYP’s planning in relation to demand (pages 5 and 7). In our Efficiency report, we noted (at page 10) that although understanding was good, work was “*ongoing*” to improve that understanding and more effectively target resources. Unfortunately, and as borne out by HMIC’s most recent inspection, that work has not progressed in the manner anticipated. The Peer Review raised significant concerns about the pressures on the Public Protection Unit and the need for urgent support (page 10). This finding was a matter of particular concern to HMIC given that the Efficiency report had specifically highlighted a concern that workloads in the Unit were too high (page 20) and that SYP needed to assess demand on the Unit to ensure adequate capacity and capability (page 23).

² <https://www.justiceinspectorates.gov.uk/hmic/wp-content/uploads/south-yorkshire-police-efficiency-2015.pdf>

³ <https://www.justiceinspectorates.gov.uk/hmic/wp-content/uploads/police-effectiveness-2015-south-yorkshire.pdf>

48. Our Legitimacy report (which I referred to my Report)⁴ identified problems of staff morale within SYP (see page 16 of that report), although our overall rating was Good. Our Leadership conclusions (published online rather than as a formal report) noted that “*many staff still feel that they do not see enough of senior leaders and would welcome more regular updates from chief officers on the longer-term vision for the force*”.⁵ This is consistent with the comments made in the Peer Review on page 6 under ‘Ethics and Integrity’.
49. There are, of course, differences in emphasis, tone and focus between the Peer Review and the various HMIC inspection reports for the reasons I have already highlighted. Nor would I suggest that every issue covered by the Peer Review has previously been addressed in precisely the same terms by HMIC; it would be surprising if it had. However, I cannot accept the assertion of the PCC at paragraph 29 of his Second Response that the “*failings*” identified by the Peer Review “*should have been picked up by HMIC’s inspectors ... but were not*”. That is simply incorrect. Failings, or areas of risk (which subsequently developed into failings), were highlighted by HMIC in its inspections. The senior leadership of SYP – which has of course been lacking a permanent chief constable for much of 2016 – and the PCC should have addressed those failings and risks. I find it disturbing that the PCC either did not carefully read HMIC’s reports into the force for which he is responsible, or did read those reports but is nonetheless happy to mischaracterise what they show.

What the Peer Review Process could add in any event

50. Even if the PCC was entitled to have regard to the Peer Review in making his decision to maintain the call for CC Crompton to resign or retire, I do not consider that it would justify the decision that has been taken whether looked at alone, or with the reason that has actually been given (i.e. the Second Statement).
51. The Peer Review process does raise a number of important points for SYP, which will need to be addressed by the PCC and the senior leadership team of SYP. The Peer Review process does not indicate, however, a force that is in such difficulties that only a change in the senior

⁴ <https://www.justiceinspectorates.gov.uk/hmic/wp-content/uploads/peel-police-legitimacy-2015-south-yorkshire.pdf>

⁵ <https://www.justiceinspectorates.gov.uk/hmic/peel-assessments/peel-2015/south-yorkshire/leadership/>

leadership (namely, a new chief constable before CC Crompton's retirement date in November 2016) can address those points. SYP is not a force in crisis, whether looked at from an internal perspective or from a point of view of public confidence. The issuing by CC Crompton of the Second Statement did not, in my view, exacerbate or aggravate the force's problems (whether indicated by the HMIC reports, or the Peer Review process) to such an extent that calling for the resignation or retirement of CC Crompton was justified.

52. It would simply be wrong for the PCC to take the view that the Peer Review somehow justifies or vindicates his otherwise unfair and disproportionate decision.

Conclusion

53. I continue to take the view that the reasons relied upon by the PCC come nowhere close to the sort of concerns I would expect to see section 38 used for. To propose to remove a chief constable for issuing a press release the contents of which cannot fairly be criticised and which was made in direct response to a call by a senior politician for a public explanation of the actions of his police force is, in my view, conspicuously unfair, disproportionate and so unreasonable that I cannot understand how the PCC has reached this view, even in the context described by the PCC.
54. For the reasons given in this document and in my Report, it remains my clear view is that this is not an appropriate case for the use of section 38, that the PCC's proposal to call upon CC Crompton to resign or retire should be rescinded, and that the PCP should so recommend.

12 September 2016

(Sgd.) Thomas P. Winsor

SIR THOMAS WINSOR
HER MAJESTY'S CHIEF INSPECTOR OF CONSTABULARY