

Agenda

Date: Monday 10 June 2013

Time: 1.00 pm

Venue: Conference Room 1, Aylesbury
Vale District Council, The
Gateway, Gatehouse Road,
Aylesbury HP19 8FF



Map and Parking

<http://www.aylesburyvaldc.gov.uk/GetAsset.aspx?id=fAAxADEANgA5ADcAfAB8AFQAcgB1AGUafAB8ADAAfAA1>

– Ample free parking

1. **Apologies for Absence/Changes In Membership**
2. **Declarations of Interest**
To disclose any Personal or Disclosable Pecuniary Interests
3. **Minutes** 1 - 4
Of the meeting held on Friday 11 January 2013
4. **Non-Criminal Complaints against the PCC** 5 - 22
 - a) Complaint 1
 - b) Complaint 2
5. **Exclusion of the Press and Public (if required)**
To resolve to exclude the press and public as the following item is exempt by virtue of Paragraph 1 of Part 1 of Schedule 12a of the Local Government Act 1972 because it contains information relating to an individual

Committee Members

Councillor Mark Booty (West Oxfordshire District Council), Terry Burke (Thames Valley Police and Crime Panel), Councillor Jesse Grey (Royal Borough of Windsor and Maidenhead), Councillor Iain McCracken (Bracknell Forest Council), Pam Pearce (Aylesbury Vale District Council), Councillor Mohammed Sharif (Slough Borough Council) and Rajinder Sohpal (Thames Valley Police and Crime Panel)

Co-Opted Members

Minutes

Minutes of the Thames Valley Police and Crime Panel Complaints Sub-Committee held on Friday 11 January 2013, in Teleconference, commencing at 3.00 pm and concluding at 3.22 pm.

Members Present

Councillor Mark Booty (West Oxfordshire District Council), Terry Burke (Thames Valley Police and Crime Panel), Councillor Jesse Grey (Royal Borough of Windsor and Maidenhead), Councillor Iain McCracken (Bracknell Forest Council) and Pam Pearce (Aylesbury Vale District Council)

Officers Present

Reece Bowman and Clare Gray

1. Election of Chairman

RESOLVED

That Mr T Burke be elected Chairman of the Thames Valley Police and Crime Panel Complaints Sub-Committee for the ensuing year.

2. Apologies for Absence

There were no apologies.

3. Declarations of Interest

There were no declarations of interest.

4. Exclusion of the Press and Public

RESOLVED

That the press and public be excluded for the following item which is exempt by virtue of Paragraph 1 of Part 1 of Schedule 12a of the Local Government Act 1972 because it contains information relating to an individual

5. Non-Criminal Complaints against the PCC

This was the first meeting of the Complaints Sub-Committee. The Sub-Committee had received a copy of the Scrutiny Officer's report. The Thames Valley Police & Crime Panel must handle non-criminal complaints against the Police & Crime Commissioner for Thames Valley; this is a statutory role. Initial complaint handling, recording and various other statutory duties of the Police & Crime Panel were delegated to the Chief Executive of the Office of the Police & Crime Commissioner for Thames Valley (OPCC) at the 6 December 2012 meeting of the Thames Valley Police & Crime Panel.

The report containing these delegations also recommended that a Complaints Sub-Committee of the Panel be formed to handle the informal resolution, on behalf of the Panel, of complaints received directly or referred by the OPCC. A complaint handling procedure for the Panel was also proposed in the report and was adopted at the 6 December 2012 meeting.

Two non-criminal complaints against the PCC for Thames Valley have been referred to the Panel Secretariat by the OPCC; for each, a report has been compiled in accordance with the Panel's complaint handling procedure. The procedure also required the Panel's Scrutiny Officer to secure statements to the Sub-Committee by the respective complainants and the person subject to the complaints (the PCC). These statements were included in the Scrutiny Officer's reports.

The Sub-Committee agreed that in general it was not considered in the public interest to publish these reports.

Complaint One (JS)

The Sub-Committee considered the report submitted by the Scrutiny Officer in relation to Complaint One:-

- A Member commented that rather than send an apology a letter of explanation should be sent to the complainant. There was not sufficient weight to the complaint to offer an apology. Members agreed with this point.
- The documents pre-dated the existence of the Complaints Sub-Committee and the Clerk acknowledged the complaint the day after the complaint was received. As the OPCC had been newly elected it was not unreasonable to expect some 'snagging' at the start, especially as he was setting up his new office and it was a transitional period.
- The Sub-Committee agreed that it would not be reasonable or appropriate for everyone who had received the email to respond individually to the email. There should be a single point of contact who should be the Scrutiny Officer.
- A complainant could reasonably expect a response in 7 days if they were not able to access information about the procedure. The complainant stated that information on the OPCC's complaints procedure was, at the time, not available on the OPCC's web page.
- The OPCC website should be easy to navigate and Complaints Process should be written in plain English with clear response deadlines.

The Complaints Sub-Committee agreed that there was no case to answer and that the complaint should not be upheld but that a letter of explanation regarding the process should be sent to the complainant.

Complaint Two (SP)

The Sub-Committee considered the report submitted by the Scrutiny Officer in relation to Complaint Two:-

- Whilst an apology was required there was no-one at fault.
- It was important that there was only one email address for members of the public that wish to contact the PCC.
- There had been an oversight due to the recent creation of the PCC role which has now been resolved.
- The OPCC Chief Executive has offered to send the complainant an unreserved apology.
- A holding email should ideally have been sent.

The Complaints Sub-Committee agreed that the complaint should be upheld and an apology given. A recommendation from the Sub-Committee should be that the PCC should maintain only a single email address for use by the public.

Members of the Sub-Committee agreed to give delegated authority to the Chairman to finalise the process.

The Sub-Committee agreed that they did not need to re-convene.

RESOLVED (Unanimously)

1. **That the Chairman of the Thames Valley Police and Crime Panel Complaints Sub-Committee be given delegated authority to finalise the report/record of the outcome, in consultation with the Scrutiny Officer which will be sent to the complainants and the PCC.**
2. **That the Chairman be the authorised individual who would determine whether these matters had been resolved satisfactorily.**
3. **The Sub-Committee agreed that in general it was not considered in the public interest to publish these reports.**
4. **That Complaint One should not be upheld but that a letter of explanation should be sent to the complainant.**
5. **That Complaint Two should be upheld with the following actions:-**
 - a. **That the Sub-Committee give its endorsement to the issuance of an apology to the complainant from the OPCC Chief Executive.**
 - b. **That it be recommended to the Police and Crime Commissioner that there should be only a single email address for members of the public that wish to contact him.**

CHAIRMAN

Report to the Thames Valley Police & Crime Panel Complaints Sub-Committee

Title: Complaint 1

Date: 10 June 2013

Author: Reece Bowman, Scrutiny Officer,
Thames Valley Police & Crime
Panel



Details of Complaint

Below are:

- The initial complaint, dated 12/5/13, received from OPCC on 15/5/13 (Item 1A)
- The complainant's supporting statement, received 24/5/13 (Item 1B)
- The OPCC's response to the complainant's supporting statement, received 29/5/13 (Item 1C)

- The OPCC's supporting statement, received 3/6/13, issued in response to the initial complaint, consisting of:
 - The Chief Executive of the OPCC's report to the Police & Crime Panel meeting of 17th May 2013 (Item 2A)
 - The Police & Commissioner's oral statement to the Police & Crime Panel meeting of 17th May 2013 (Item 2B)

Additional comments are in parenthesis [...].

Recommendation

To follow

Item 1A: The Initial Complaint

Dear Chief Executive,

I would like to register a formal complaint against the conduct of the Police and Crime Commissioner, Anthony Stansfeld.

The practices undertaken by Mr. Stansfeld regarding the use of expenses, and the apparent manipulation of the rules seem highly inappropriate when the force as a whole is looking to make savings. This is compounded by the use of a "surplus fleet car" and a "support officer". Both are taxpayer-funded and would appear to many as unnecessary perks for an official who is already paid £85,000 a year.

I refer you to the Mail on Sunday article "£85,000 crime tsar used sham office to hike expenses 6000%" (Beckford, Mail on Sunday, 12 May 2013, p.17).

I hope that you, as head responsible for the Thames Valley Police and Crime Panel shall investigate fully this disturbing incident.

Item 1B: Complainant's Supporting Statement

To whom it may concern,

I am writing this email as a response to a letter I received inviting me to submit to the Complaint Sub-Committee further comments in support of my complaint against the Police and Crime Commissioner, Anthony Stansfeld. (Original letter dated 12th May)

I do not have a copy of my original letter, and so will be basing my supporting comments upon responses made by Mr. Stansfeld to the local press, including the Newbury Weekly News. (See [here](#))

The first comment that I would like to make is that this complaint is in no way "politically inspired", [see Item 1C in response to this] as claimed by Mr. Stansfeld. If it is of any interest to the panel, I had voted for Mr. Stansfeld as my first choice at the Police and Crime Commissioner elections in November 2012, broadly sharing his beliefs outlined in his campaign pledges. To suggest, therefore, that this is politically inspired; as if I intend to smear the Commissioner for political reasons, is a kneejerk reaction and entirely immature. The reason that I made the complaint in the first place was out of concern that funds allocated were being used in an unnecessary manner.

Secondly, I do not doubt Mr. Stansfeld's claims about having to make effective use of time. Kidlington is indeed a long distance from either Kintbury or Hungerford. However, I would suggest that this fact was fully known to the Commissioner before the election. If he believed that he was going to have to change the location of his main office, or going to have to hire a "supporting officer" to be a driver and administrator, he would have made such statements openly and publicly – rather than doing so in a seemingly secretive manner, leaving it to the press to investigate, and placing himself in his current situation. Citizens would have then been able to make a fully-informed decision about the election, in the knowledge that funds were going to be used in that way.

My main point is that any additional services (such as the car and driver/administrator) and expenses (for mileage) could have been justly claimed if there was a wonderful surplus of cash for Thames Valley Police. It might also have been justifiable if the Commissioner was an unpaid or lowly-paid position, raising the need for these extra services and expenses. However, neither situation is the case. As I'm sure the panel is aware, the Thames Valley Police is under financial pressure, with its budget being cut by £12m in 2011. (See here). Furthermore, the Police and Crime Commissioner is paid £85,000 with a sizeable staff. This is over three times the average UK salary. Can such actions, on top of the salary, really be justified at a time of reduced resources and rising council tax receipts for the PCC? (West Berkshire 2012/13 and 2013/14). I suggest that this should be one of the main focuses behind any investigation the Sub-Committee undertakes.

I hope this helps in the process.

Item 1C: OPCC's Response to Supporting Statement

Notwithstanding the substantive issues referred to in the Mail on Sunday article that form the basis of the complaint against the Police and Crime Commissioner, may I offer a clarification on behalf of Mr Stansfeld on the new specific point objected to by [the complainant], below, i.e. the assumption that Mr Stansfeld was denouncing [the complainant's] complaint as being in some way "politically inspired".

I can categorically state on behalf of Mr Stansfeld that this comment to the Newbury Weekly News was not directed at the complainant [...]. It was, in fact, a reference to the Mail on Sunday article itself and, more specifically, one of the commentators named in that article.

Yours sincerely,

Paul Hammond
Chief Executive
Office of the Police and Crime Commissioner for Thames Valley



**REPORT OF THE CHIEF EXECUTIVE OF THE OFFICE OF
THE POLICE AND CRIME COMMISSIONER FOR THAMES VALLEY
TO THE
THAMES VALLEY POLICE AND CRIME PANEL**

17th May 2013

**COMPLAINT AGAINST THE POLICE AND CRIME COMMISSIONER (PCC)
CONDUCT REGARDING EXPENSES – RESPONSE OF THE PCC**

Background Information

1. The Police and Crime Commissioner (PCC) for Thames Valley took up office on the 22nd November 2012. As PCC he is responsible for the totality of policing across the Thames Valley Police force area. This is a large area, covering 2,200 square miles across the three counties of Oxfordshire, Buckinghamshire and Berkshire, which cannot easily or effectively be covered by public transport.
2. The PCC has an office at the Headquarters of Thames Valley Police in Kidlington, Oxfordshire at which his staff are based. In February 2013 he also took up use of a spare office that was made available to him at a local police station at Hungerford, Berkshire.
3. In April the PCC took up the use of a Force ex-fleet car and employed a part-time Support Officer whose role includes general administrative office support duties as well as driving duties for both the PCC and the Deputy PCC.
4. The administration, preparation and submission of the PCC's expense claims are tasks undertaken by his officers. The expense claims were prepared by officers using the PCC's work diary and authorised business journey records. This source documentation is used by officers to identify the eligible mileage personally incurred by the PCC whilst undertaking his functions, and to compile his expense claims. These claims are summarised below:

Month	Net Mileage Claimed	Reimbursement (@ 45p per mile)
	(Miles)	£
December 2012	34	15.30
January 2013	16	7.20
February 2013	1,005	452.25
March 2013	1,334	600.30
Total	2,389	1,075.05

5. In all aspects of the preparation and submission of his mileage expense claims the PCC has acted in good faith, in accordance with the advice and administrative support he has received from his officers, who are responsible for their preparation on his behalf and for ensuring they were compliant with relevant rules and regulations.

Hungerford Office

6. The Hungerford office was made available to the PCC in February 2013 to increase his productivity by having a local base to work from in the south of the force area, near his home. The availability of this local office reduces the amount of avoidable non-productive time the PCC would otherwise spend travelling to his other office at Thames Valley Police Headquarters in Kidlington. The availability of this local office was intended to enable an efficient use of his time.
7. The room the PCC uses at Hungerford Police Station was a spare, unused, office. A small amount of work was undertaken to prepare the office for his use as part of the recent scheduled maintenance and refurbishment at the station. Accordingly, limited additional works and costs were incurred and the total cost of all the building works carried out at Hungerford Police Station was funded from the Force's routine planned maintenance budgets. Furthermore, the allocation of the spare room to the PCC has no operational impact on policing in Hungerford.
8. The PCC's use of the office at Hungerford over the short-term to date has not been as regular or extensive as originally anticipated. The Kidlington office will, therefore, continue to be the PCC's main office. Nevertheless, the use of the Hungerford office will be retained as it is critical to enabling the PCC to have local access to Force systems, equipment and facilities in a secure environment without having to make a 70 mile round trip to Kidlington to undertake office-based business. The availability of this local facility is particularly cost-effective on days when the PCC undertakes local and national duties, away from his office at Kidlington, elsewhere in the Thames Valley and beyond, and especially at weekends.

Appointment of Support Officer and Use of Ex-Fleet Car

9. In April the PCC employed a part-time Support Officer working, on average, three days per week at an annual, pro-rata, cost of £12,000 (not £19,700 as quoted in the Mail on Sunday). The role of this post includes general administrative office support duties as well as driving duties for both the PCC and the Deputy PCC. This post has been put in place to support them both to undertake and discharge their duties efficiently.

10. Since April the PCC has also had the use of a Force ex-fleet car. This is a five-year old, high mileage, low value, vehicle that was scheduled for disposal by the Force. This vehicle, including the use of the Support Officer as driver when required, is available for use as a pool car for both the PCC and the Deputy PCC (and to staff in Office of the PCC when undertaking official business in support of the PCC).

PCC Expense Claims and Tax Position

11. The PCC is eligible to claim expenses that are in accordance with the Home Secretary's determination on police and crime commissioner expenses, which are of the kinds and amounts determined by the Secretary of State.

12. Under the heading of 'travel expenses', the amounts (or rates) of such mileage allowances determined by the Secretary of State are as follows:

"Mileage allowances: As per HMRC rates"

13. With regard to the mileage allowance claims submitted by officers on behalf of the PCC we have received specialist advice from outside specialist tax advisers that has proved contradictory from our own interpretation of the complex HMRC rules which are in themselves different from those of TVP

14. Should it transpire that I and my officer colleagues have misinterpreted relevant HMRC rules concerning expense claims this will be rectified. This will be done either by reimbursing the PCC or clawing back over payment. Initial indications are that the net adjustments would appear to be less than £100

15. The PCC has given an undertaking that he will act in accordance with the advice to be received in order to rectify the situation, as necessary and appropriate.

Paul Hammond

Chief Executive

Office of the Police and Crime Commissioner for Thames Valley

17th May 2013

1. Three issues that I was complained about. I will address the use of the Hungerford office and the use of a part time Support officer and car. The Chief Executive and Monitoring Officer of the Office of the PCC will address the expenses issue.
2. Hungerford Office.
 - a. I am only now at Kidlington about 2 days a week, it varies, sometimes it is more. However In Dec and Jan I spent a great deal of time at Kidlington meeting staff, and writing the Police Plan and dealing with the budget. In Feb and after I travelled extensively around all of the TVPA area, hence much higher claims. The two to three days I am not at Kidlington I am visiting elsewhere in the Thames Valley or in London or some elsewhere on national issues. APCC, ACPO, NPAS, CT, SOC, Home Office, etc etc However I have to go to Hungerford frequently to pick up emails, write papers etc. I go to Hungerford probably more often than Kidlington, but usually for shorter periods of time.
 - b. I can be out of Kidlington for up to 5 days at a time. I have to access the Police IT system. There is a proliferation of emails that require my attention. They are usually far too long to be downloaded onto a Police Blackberry.
 - c. I could use a encrypted lap top. However as I need to download and print documents I need to do so in a secure office environment. These documents can be commercially sensitive, HR sensitive, operationally secure and so forth. I do not regard a corridor in my house as a secure office environment. There is a constant too and froing through it of friends, local Councillors, family, children and animals.
 - d. Hungerford Police Station is the nearest to where I live, it is almost within walking distance, I have walked to Hungerford and bicycled often. It had a spare office which I now use. It required no structural work and was cleaned up under scheduled maintenance. I go into the Hungerford Office as often as I do Kidlington, but usually for much shorter periods of time.
 - e. It was interesting that the reporter who wrote that scurrilous article in the Mail on Sunday appears to have camped outside the office last Thursday. When I did not appear he put in an FOI request as to where I was that day. I think he hoped I would say I had been in Hungerford. I was not, I had 4 meetings at Kidlington that day. Such is the way some national newspapers work.
 - f. After the first 3 months or so using Kidlington as my main office I hoped to use Hungerford as my main base. It would be far more convenient. Kidlington is not on the way to about 2/3rds of the Thames Valley population. I tried it for 2 months. However it was not satisfactory and I reverted to Kidlington. You must remember that this is a new job, I can put the PCC office where I wish, and I am still trying a number of things out. As the job settles down I may revisit this.

3. A Car and Support Officer.

- a. The Thames Valley is huge, it is the largest non metropolitan Police Force in the country. To drive across it and back is nearly 150 miles. Much of my time is spent in a car travelling from one end of the area to the other. I was driving over 500 miles some weeks. To do this while attending meetings, often chairing them, giving speeches, making presentations, finding my way, looking for car parking in towns I was not familiar with became downright dangerous. I was overtired, and wasting a huge amount of time driving that could be better used.
 - b. I am well into my state pension, if I was 30 years younger this pace might be possible. If I have a medical issue, drop dead, or injure myself the bill for replacing me will be into the millions. Having a support officer who can drive is a wise investment and insurance policy.
 - c. When I attend meetings I need someone to take notes and witness what I have said. To go alone to some meetings is unwise. Until I had the use of a support officer I was having to get someone from my office at Kidlington to join me from a completely different direction from where I live.
 - d. The Support Officer is part time, I will only have used him once this week.
 - e. The value of the car I use, which is an ex police fleet car with over 111k miles on the clock, is somewhat optimistically put at 8k at auction, so I am hardly pushing the boat out.
 - f. When this is taken in context with the £500k that my office is underspent this year to April the money I spend on a Support officer and car is money well spent. The huge savings that my office has made I have passed on to all your CSPs.
4. The unpleasant allegations made against me appear to be political. I have behaved with total integrity throughout. I do not even do my own expenses, they are done by the office staff, and I will now hand over to the Chief Executive, who is the monitoring officer and can fill this out..

Report to the Thames Valley Police & Crime Panel Complaints Sub-Committee

Title: Complaint 2

Date: 10 June 2013

**Author: Reece Bowman, Scrutiny Officer,
 Thames Valley Police & Crime
 Panel**



Details of Complaint

Name of complainant:	Ms. Fiona Mactaggart MP
Date received from OPCC:	20/5/13

Below are:

- The initial complaint, dated 15/5/13, received from OPCC on 20/5/13 (Item 1A)
- The complainant’s supporting statement, dated and received 4/6/13 (Item 1B)

- Letter from Chief Executive of OPCC to complainant, dated 20/5/13 (Item 2A)
- The Chief Executive of the OPCC’s written statement on behalf of the PCC, received from OPCC on 3/6/13 (Item 2B)
- The Police & Crime Commissioner’s ‘Statement in response to the conclusion of the Operation Bullfinch trial’ (Item 2C)

Recommendation

To follow

Item 1A: The Initial Complaint

Fiona Mactaggart, Member of Parliament for Slough



HOUSE OF COMMONS

LONDON SW1A 0AA

The Chief Executive
Office of the Thames Valley Police and Crime Commissioner
Police Headquarters
Oxford Road
Kidlington
OX5 2NX

15 May 2013

Dear Chief Executive,

I am writing to complain about the statement by Police and Crime Commissioner Antony Stansfeld, that the Oxford abuse of children took place because "apparently the human rights of these young children are considered more important than safe guarding them. Under the current rules it is almost impossible to safeguard these children whose human rights allow them to go endlessly missing or absent from their care homes".

He is wrong, this is propaganda which mis-states the law and in a person who is responsible for how the law is enforced in our area, the potential consequences of this are significant.

The prime articles of the Human Rights Act guarantee Right to life, Prohibition of torture, Prohibition of slavery and forced labour, all of which should have protected these girls.

Other rights such as Right to respect for private and family life and Freedom of assembly and association are conditional, meaning that they can be interfered with, in the words of the convention if it "is necessary... for the prevention of disorder or crime, for the protection of health or morals" which was clearly the case in relation to the children in Oxford.

Whatever may have gone wrong in this case, human rights laws had nothing to do with it. Indeed the United Nations Convention on the Rights of the Child actually demands that the state properly protects children.

I want to complain that this statement will do harm by implying to people who may be entrusted with the care of vulnerable children that there is legal justification for failing to prevent them mixing with people who pose a risk to their health or morals, let alone who may criminally assault them. I want to know what evidence this statement is based on and what action is being taken in the Thames Valley to prevent such a wilful misinterpretation of the Human Rights Act in future.

It is not acceptable for politicians and bureaucrats to blame human rights for their failings. These tragic cases require us all to be more vigilant for the human rights of children in our care, not less.

Yours ever,

A handwritten signature in black ink, appearing to read 'Fiona Mactaggart'.

Fiona Mactaggart
Member of Parliament for Slough

Item 1B: The Complainant's Supporting Statement

Fiona Mactaggart Member of Parliament for Slough



HOUSE OF COMMONS

LONDON SW1A 0AA

Reece Bowman
Scrutiny Policy Officer
Police & Crime Panel
Buckingham County Council
G9, New County Offices, Walton Street
Aylesbury
HP20 1UA

04 June 2013

Dear Mr Bowman,

You have invited me to provide further comments to support my complaint about the recent statement Anthony Stansfeld made in the wake of the Oxford sex abuse cases and Operation Bullfinch. Mr Stansfeld, the Police and Crime Commissioner for Thames Valley, made the following comment which I regard as both dangerous and contrary to the law;

"We have a rulebook in which apparently the human rights of these young children are considered more important than safeguarding them. Under the current rules it is almost impossible to safeguard these children whose human rights allow them to go endlessly missing or absent from their care homes."

The legislation establishing the role of police and crime commissioner requires that the PCC must, in particular, hold the chief constable to account for 8 separate matters. One of which is "the exercise of duties in relation to the safeguarding of children and the promotion of child welfare that are imposed on the chief constable by sections 10 and 11 of the Children Act 2004."

I suggest that these remarks potentially inhibit the safeguarding of children in the Thames Valley and work against effective collaboration with other agencies to protect children.

In the first response to my complaint sent by Paul Hammond on 20 May he suggested that the word "apparently" in the statement above mitigates its impact. But for it to be apparent there must be some evidence to support it, and in the very short time you have given me to provide further information I have found no such evidence. If in the next sentence Mr Stansfeld had said that this interpretation of "the current rules" is wrong I would not be making this complaint, which is that because someone in authority over the police service in the Thames Valley is promoting a wrong understanding of the law there is a significant risk that this misapplication of the law could occur in other places as well as Oxford (if indeed it ever did occur there).

Fiona Mactaggart Member of Parliament for Slough



In the same letter Mr Hammond suggests that Mr Stansfeld and I should discuss the matter and resolve it informally when he visits Slough (at my invitation) on 22 May. We did discuss it but were unable to resolve the matter. During that discussion Mr Stansfeld told me that this was a conclusion also of the Laming report in the Victoria Climbié enquiry in 2003. I have since reread that report and in its many recommendations I find nothing which suggests that the failure to protect Victoria was because people thought that human rights principles prevented it.

I know of no director of social services or director of children's services who would agree that safeguarding children is less important than their "human rights". But I have been seeking information about what happened in Oxford. I asked Oxfordshire County Council's Adult and Social Care team if they believe human rights legislation makes protecting children as difficult as Mr Stansfeld suggests. I have also asked the Thames Valley Chief Constable's office if, at any point during their investigations, they were informed by social workers that problems related to human rights had contributed to an inability to protect the victims in the case. I have yet to receive responses to these questions. It should also be noted that the presiding judge in this case has yet to sentence the defendants and give his sentencing remarks which may or may not support the allegations which Mr Stansfeld makes.

However, it is not I who should be providing evidence to support my complaint in this matter. It is the duty of the Police and Crime Commissioner to evidence his incorrect comments that human rights legislation makes it almost impossible to safeguard children who go missing from care. In a briefing he gave to several MPs including me he made similar assertions about human rights preventing effective social care for children. On that occasion I privately told him that this is wrong in law and arguably has the opposite effect of that which he intends in terms of assisting the safeguarding of children, I was therefore particularly disappointed that he repeated the same claim publically, still without citing the evidence on which he bases his conclusion after the perpetrators of this outrage had been found guilty.

Has Mr Stansfeld raised his concerns with Oxfordshire County Council's Adult and Social Care team? If not, why not? If, as he claims, human rights legislation is allowing large numbers of children to be subjected to sexual abuse by organised criminal gangs, then surely this should be the most important issue he faces in his post? What other steps has he taken to address the problem? The attorney general is an MP in the Thames Valley area and has a particular responsibility for human rights legislation and its impact, has Mr Stansfeld provided him with evidence which has led him to this conclusion?

Mr Stansfeld's comments are dangerous. I have made my complaint because I believe that the consequences of claiming that human rights hinder child protection are very serious. In my view when someone holding a position of authority says that "the rules" prevent effective protection it inevitably makes people who are charged with such matters fear that this is so and begin to behave as if it is. By saying social workers cannot do their job he is creating a potentially perilous environment within the child social care provisions that are vital to protecting our children.

Fiona Mactaggart Member of Parliament for Slough



In my view the best way to resolve this complaint would be for Mr Stansfeld to issue a public statement which makes it quite clear that such an interpretation of the law and rules is wrong and would put children at risk. I think it would also be useful if he could initiate a discussion with directors of children's services and social services to promote more effective collaboration between the police and them to improve the protection of children in our area.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'Fiona Mactaggart'.

Fiona Mactaggart MP

Item 2A: Letter from Chief Executive of OPCC to complainant



Fiona Mactaggart MP
Member of Parliament for Slough
House of Commons
London
SW1A 0AA

Paul Hammond CPFA
Chief Executive
Office of the Police & Crime Commissioner
for Thames Valley

Tel: 01865 846771
E Mail: paul.hammond@thamesvalley.pnn.police.uk
Our Ref: PH/Complaints/PCC/Mactaggart
Your Ref:
Date: 20th May 2013

Dear Ms. Mactaggart

Re: Complaint dated 15th May against Anthony Stansfeld, Police and Crime Commissioner for Thames Valley regarding his statement in response to the conclusion of the outcome of the 'Operation Bullfinch' Old Bailey trial

With regard to your above complaint (in respect of which a copy of the PCC's statement is attached), as it is made against the Police and Crime Commissioner for Thames Valley (the PCC), the relevant legislation (the Police Reform and Social Responsibility Act 2011) and Regulations (The Elected Local Policing Bodies (Complaints and Misconduct) Regulations 2012) require it to be dealt with by the Thames Valley Police and Crime Panel (the Panel). In accordance with the provisions of the relevant legislation, the Panel has delegated the responsibility for the initial handling of complaints against the PCC to me, as the Chief Executive of the Office of the PCC.

In respect of this complaint, as it does not constitute a serious complaint or a conduct matter that would otherwise require referral to the Independent Police Complaints Commission (IPCC) for investigation, I must record the complaint against the PCC and refer it to the independent Thames Valley Police and Crime Panel for investigation.

Notwithstanding the above requirement, the relevant regulations do provide for police and crime panels to engage in informal resolution of such complaints.

In respect of your complaint against the PCC, I would like to suggest that an attempt be made to resolve it informally. The reason I propose this as a preferred way forward is because I am aware that you are due to accompany Mr Stansfeld on a visit to your Slough constituency on Wednesday, 22nd May, which may provide an opportunity for your concerns to be addressed and, hopefully, resolved informally rather than through a formal investigation conducted by the Police and Crime Panel.

More importantly, I suspect that the PCC's statement may have been misinterpreted. Mr Stansfeld expressed forthright views on the role, responsibilities and failures of those persons and bodies who were entrusted with the care of these vulnerable children. However, his statement includes no direct reference to the Human Rights Act or any other legislation; rather, it expresses a concern over the perception gained from the evidence presented in the trial by those in responsibility that *"We have a rulebook in which **apparently** the human rights of these young children are considered more important than safeguarding them. Under the current rules it is almost impossible to*

safeguard these children whose human rights allow them to go endlessly missing or absent from their care homes” (my italics added).

I note that elsewhere in his statement Mr Stansfeld makes the following points, that *“The state can never be an ideal replacement for good parenting, but when it has to step in it must do so kindly, and with firmness, the two are not mutually incompatible”*; that *“Councils and their social services have a duty of corporate parenthood”*, and that *“Safeguarding is the responsibility of each and every one of us and not just those in authority”*.

Mr Stansfeld's statement also calls for a public inquiry into safeguarding of children nationally, including the making of recommendations as to how the law and guidelines applicable to those in positions of responsibility can be altered to make it easier to protect children from this abuse happening again in the future.

I would be grateful if you could let me know whether this proposed way forward (i.e. to seek an informal resolution to your complaint) is considered acceptable to you and, if yes, what the outcome of your discussions are with Mr Stansfeld, i.e.

- a) whether you have successfully resolved your complaint informally and therefore wish to withdraw it / discontinue further formal investigation by the Panel, or
- b) you have not resolved it informally and you wish the Panel to investigate it formally, and I will advise the Police and Crime Panel accordingly.

Similarly, if this proposed way forward is not considered acceptable to you, please let me know and I will refer your recorded complaint to the Panel for formal investigation.

If you have any queries, please do not hesitate to contact me.

Yours sincerely,



Paul Hammond

Chief Executive

Office of the Police and Crime Commissioner for Thames Valley

cc Reece Bowman (Scrutiny Policy Officer – Thames Valley Police and Crime Panel)
Anthony Stansfeld (Police and Crime Commissioner for Thames Valley)

Item 2B: Chief Executive of the OPCC's written statement on behalf of the PCC

With regard to your invitation to the PCC to submit a written statement to the Panel in response to the complaint received from Fiona Mactaggart MP, may I respond on behalf of the PCC.

Mr Stansfeld did not attempt to present an opinion on the Human Rights Act legislation, whether good or bad, and certainly did not seek to give a “wilful misinterpretation” of the Act in the manner indicated, i.e. that the Act was responsible for the failings in the protection of children,

Rather, what Mr Stansfeld was commenting on in his statement was the *impression* given by some of those officials in positions of responsibility, as borne out by their evidence presented in the Bullfinch case, that their evident inability to protect young children supposedly in their care was somehow *apparently* caused by their conflicting need to take into account the human rights of these children (e.g. their right to leave the care home and mix with adults when it was clear that they were at risk from these very individuals and repeatedly going missing). On occasion it was clear from the trial evidence that the officials responsible for the protection of these abused children had introduced inappropriate, flawed, operating rules reflecting an incorrect interpretation of the children's ‘human rights’ that were afforded a higher priority than their proper responsibility to protect and safeguard the children in their care when it was obvious that they were at risk of abuse and/or were being abused.

Mr Stansfeld's statement on the Bullfinch case makes it clear that everyone, including Councils, Social Services and officials, are responsible for safeguarding children in our collective care and that this should be the first priority for all - and those officials or bodies with a responsibility for protecting and safeguarding young children should not be designing or operating a flawed rule book that affords, inappropriately, a higher priority to the ‘human rights’ of children at risk based on some misinterpretation of the legislation.

Finally, and notwithstanding the above explanation, Mr Stansfeld also considers the complaint received from Ms Mactaggart to be misconceived.

This is because, as an elected crown servant, he has the right to hold and to express opinions on topical relevant matters concerning policing and crime matters – these are opinions that the public will have an interest in as he is their elected representative. This is a right shared and actively exercised by all elected persons, including MPs. Arguably, it would be considered more unusual if he did not express an opinion in a statement on an issue of such importance.

Item 2C: PCC's Statement in response to the conclusion of the Operation Bullfinch trial

[Published on the OPCC website at: <http://www.thamesvalley-pcc.gov.uk/News-and-Events/News-Archive/2013/Bullfinch-Statement-from-the-Police-and-Crime-Commissioner.aspx>
Statement also delivered orally to the Police & Crime Panel meeting of 17th May 2013]

This must be one of the most unpleasant and difficult cases Thames Valley Police have ever had to conduct.

It involved the molestation, rape and torture of very underage girls, on a large scale. We are fortunate it did not include murder. It would appear to have been a serious organised crime business that has extended well beyond Oxford.

The court case has been conducted in full public view in the Old Bailey. The evidence has been so harrowing that we have had both members of the jury and hardened reporters in tears.

I am not going to be an apologist for anyone or any organisation. What I will say is that we have brought this case to justice in the Thames Valley. It may well still be happening elsewhere. This case opens up a number of disturbing questions as to how we look after children in care, and how we conduct our criminal justice system. Both have clearly failed the children. At the moment it almost seems to actively look the other way. This has to stop. The state can never be an ideal replacement for good parenting, but when it has to step in it must do so kindly, and with firmness, the two are not incompatible.

I am calling for a full public inquiry into how we safeguard children nationally.

No organisation comes out of this well. However the victims were brave enough to give evidence which was crucial in bringing this to court and securing a conviction. Firstly schools. Some of these children were often absent from school. Who was this reported to and what action was taken? No one within the education system seems to have woken up to what was happening.

Secondly the NHS. Some of these girls went to Sexual Health Clinics. Did no one notice how young they were? Did the easy excuse of patient confidentiality take precedence over common sense? Why was nothing done?

Social Services. Most of these children were meant to be looked after by Social Services. They were obviously not being looked after properly. Councils and their social services have a duty of corporate parenthood. These girls were constantly going missing, in one girl's case a considerable amount of times. The system was looking the other way while these young girls were being exploited and abused. We have a rulebook in which apparently the human rights of these young children are considered more important than safe guarding them. Under the current rules it is almost impossible to safeguard these children whose human rights allow them to go endlessly missing or absent from their care homes.

The police. This should have been picked up earlier. The indications were there. The police did try on several occasions to bring cases to court but without much success. What has been learned from this case is how to collect the necessary evidence, and I hope this knowledge will now be widely disseminated throughout the UK police forces.

The criminal justice system. It is extremely difficult to bring a case of this nature to court. Not only is it difficult to produce the evidence in a form that will be accepted by the Crown Prosecution Service, but the confrontational system of giving evidence in court to a aggressive inquisitorial legal system is damaging to young witnesses. It is very intimidating for young girls to give evidence like this in court, and that is why prosecutions so often fail.

This case is by no means over. There are other victims. There are also other abusers within our community who I hope can be brought to justice. We need our communities to work with us and our partners. If anyone has suspicions about child sexual exploitation happening in their communities they have a duty to report it to the police. Safeguarding is the responsibility of each and every one of us and not just those in authority. The perpetrators who are still at liberty should not sleep easy; we will not be giving up on the follow up of this case, which will extend well beyond Oxford.

There are immediate actions that all agencies involved in this need to take. There will be an independent Serious Case Review, however it will take time. This is not an isolated case. There are likely to be similar cases going on in all our major cities, and indeed in many towns. It needs to be stopped now, and social services, the police, the NHS, schools and the criminal justice system all need to take immediate action to totally satisfy themselves that this is not going on in their area. We have a finite number of police available to investigate this sort of abuse. However, this year I have been able to significantly increase the number of officers in the Thames Valley dealing with child protection. I believe that to be necessary.

I have nothing but praise for how this very difficult and sensitive investigation was carried out by a team of well led police officers, and which has led to a successful result. However, it begs the question of why did it take so long for all agencies involved to respond to the scale of what was happening. That will be at the heart of the Serious Case Review that is now being undertaken. I am also asking for a full public inquiry into safe guarding of children nationally. Not only about the failings but also to make recommendations as to how the law and guidelines can be altered to make it far easier to protect children from this happening in the future.

Anthony Stansfeld

Police and Crime Commissioner for Thames Valley