

**Report for the attention of the Appropriate Authority into the Gross Misconduct Hearing
concerning the former Chief Constable of Cheshire Constabulary Simon Byrne**

8 November 2018

Introduction

1. This report is to be submitted to the Appropriate Authority (AA) for Cheshire in compliance with Regulation 33(16)(a)-(d) of the Police (Conduct) Regulations 2012 (the 2012 Regulations). It arises out of a gross misconduct hearing concerning former Chief Constable Simon Byrne. The authors are Panel Chair Rachel Crasnow QC, HMI Matthew Parr CB, and independent member Mansoor Shah.

Background to Misconduct Hearing

2. After Mr Byrne was suspended and an investigation commenced North Yorkshire Police, Mr Byrne was served with a Regulation 16 Notice on 1 March 2017 to which he replied on 4 June 2017 denying any breach of the standards of professional behaviour (SPBs). Following North Yorkshire Police's investigation into allegations of misconduct by Mr Byrne, an Investigatory Report dated 14 June 2017 was produced which alleged misconduct only.

3. The AA then brought charges which alleged gross misconduct in its Regulation 21 Notice dated 27 September 2017. It was said there that Mr Byrne had breached the SPBs in relation to Authority, Respect and Courtesy and Discreditable Conduct. In summary those allegations stated Mr Byrne lacked self-control and exhibited volatile, unpredictable and offensive behaviour towards subordinate officers and staff over a number of years. Mr Byrne's defence denying all the allegations was put forward in his Regulation 22 Response of 3 November 2017.

4. The charges were amended prior to the April 2018 hearing commencing and additional evidence was served by the AA. Mr Byrne did not claim to have insufficient time to consider these changes to the case against him prior to the hearing commencing. Mr Byrne in turn produced a witness statement and a large number of character statements.

5. The persons appointed to conduct the proceedings were Rachel Crasnow QC, HMI Matt Parr and Mansoor Shah. Before the substantive hearing which took place in July 2018, we convened in April 2018 to hear evidence and legal argument concerning an abuse of process argument on behalf of Mr Byrne. At the end of this part of the hearing we ultimately we rejected the application to dismiss the proceedings and ordered that the hearing continue. Our decision on Mr Byrne's abuse application should be read as an appendix to this report as we do not intend to repeat factual matters in relation to the investigation into the initial allegations by North Yorkshire Police.

6. For our April 2018 hearing Sir Robert Boyd formed the third member of our panel, but he was unable to sit in July 2018 so Mr Shah kindly agreed to replace him.

7. The July 2018 hearing lasted from 2-13 July. After it ended both parties produced long written closing submissions on 1 September which they supplemented with oral submissions on 17 September 2018. Since we as a panel knew we could not produce this report as soon as we

would have liked, we asked the parties if they would wish to know our determination on the allegations prior to receiving our written report containing reasons. They indicated they would, and were informed of our decision on 20 September 2018. We have endeavoured to produce this report as soon as is practicable.

Burden and Standard of Proof

8. It is not contentious that the AA bears the burden on the civil standard, of proving:
- a. the facts alleged;
 - b. that the facts alleged amount to a breach or breaches of the Standards of Professional Behaviour (“SPB”); and
 - c. that any such breaches amount to gross misconduct or misconduct.

9. Since finding of gross misconduct would have very serious consequences for Mr Byrne, this brings into play the Home Office Guidance (HOG) at para 2.265 that *“the more serious the allegation of misconduct that is made or the more serious the consequences for the individual which flow from a finding against him or her, the more persuasive (cogent) the evidence will need to be in order to meet that standard. This does not mean that the standard is higher. It means only that the inherent probability or improbability of the conduct occurring is itself a matter to be taken into account when weighing the probability and deciding whether on balance the conduct occurred”*.¹

10. We have born in mind that the Guidance reminds us at 2.266 to *“exercise reasonable judgement and give appropriate careful consideration to the evidence”*. We believe we have followed that guidance at all times.

Code of Ethics

11. We have applied the College of Policing’s 2014 Code of Ethics (replicated in the Home Office Guidance on Police Misconduct (most recently updated in June 2018)). We note the scope of and statutory basis of the Code set out in its Preamble, and further draw attention to the reference in the Code to Chief Officers, at para 1.4.3 of the Preamble, which makes it clear that such an officer must challenge those around him or her courageously and fairly, with consistency and with courage even where actions may provoke criticism. We have born this in mind when considering if there have been any breaches of these standards.

“1.4.3 As the head of your force or organisation (chief officers) will:

- *show by personal example how the principles and standards in this Code apply*
- *promote, support and reinforce ethical behaviour at all times*
- *show moral courage to do the right thing even in the face of criticism*
- *be consistent in what you do and say*
- *promote openness and transparency within policing and to the public*
- *promote fairness and equality in the workplace*
- *create and maintain an environment where you encourage challenge and feedback*

¹ <https://www.gov.uk/government/publications/circular-0172018-updated-home-office-guidance-on-police-misconduct>

- *be flexible and willing to change a course of action if necessary.”*

The specific Standards of Professional Behaviour

12. We have particularly reminded ourselves of the sections of the Code of Ethics on the two standards alleged to have been breached here: Authority, Respect and Courtesy, and Discreditable Conduct. With respect to the Authority, Respect and Courtesy standard, the College of Policing’s 2014 Code of Ethics states:

“2.1 According to this standard you must:

- *carry out your role and responsibilities in an efficient, diligent and professional manner*
- *avoid any behaviour that might impair your effectiveness or damage either your own reputation or that of policing*
- *ensure your behaviour and language could not reasonably be perceived to be abusive, oppressive, harassing, bullying, victimising or offensive by the public or your policing colleagues.*

2.2 The reasons for your actions may not always be understood by others, including the public. You must, therefore, be prepared to explain them as fully as possible. Examples of meeting this standard are when you:

- *remain composed and respectful, even in the face of provocation*
- *retain proportionate self-restraint in volatile situations*
- *recognise the particular needs of victims and witnesses for policing support*
- *step forward and take control when required by the circumstances*
- *keep an open mind and do not prejudge situations or individuals*
- *use your authority only in ways that are proportionate, lawful, accountable, necessary and ethical.”*

13. When looking at examples of Mr Byrne exercising his judgment or behaviour in a way which in hindsight might be open to criticism, we need to understand the context and examine the situation in all its circumstances before deciding on any actual breach that has taken place and then if a breach then amounts to misconduct or gross misconduct. The questions are whether the reason for the action by Mr Byrne (eg a criticism or a reprimand) has been explained and what our view is about that given reason. The responsibilities of leadership involve challenging others’ behaviour in ways which those on the receiving end could perceive as negative. We emphasise again the Code at para 1.4.3 above.

14. The Code of Ethics says about the Discreditable Conduct standard:

“9.1 As a police officer, member of police staff or other person working for the police service, you must keep in mind at all times that the public expect you to maintain the highest standards of behaviour. You must, therefore, always think about how a member of the public may regard your behaviour, whether on or off duty.

9.2 You should ask yourself whether a particular decision, action or omission might result in members of the public losing trust and confidence in the policing profession.

9.3 It is recognised that the test of whether behaviour has brought discredit on policing is not solely about media coverage and public perception but has regard to all the circumstances.”

Examples of meeting this standard are when you:

- *avoid any activities (work-related or otherwise) that may bring the police service into disrepute and damage the relationship of trust and confidence between the police and the public*
- *comply with the National Crime Recording Standard*
- *avoid any activities that may compromise your or any colleague's position in policing or compromise a police operation*
- *start work on time and are punctual while at work*
- *maintain a high standard of appearance when at work, whether in uniform or plain clothes – unless your role requires otherwise."*

15. One area we will address below is a concern about Mr Byrne's late arrival at work. Our perception, having heard the evidence, was that those who worked in the ACPO office may not have appreciated either the range of duties in and out of the office Mr Byrne was involved in, nor the particular domestic responsibilities Mr Byrne took on at specific, finite times. There is no evidence that Mr Byrne kept this information from those he worked with; rather we find that with the passage of time between these events and the 2018 hearing, those who were once familiar with Mr Byrne's diary have grown understandably less familiar.

16. We are aware that the HOG recognises *"a breach of the Code of Ethics will not always involve misconduct or require formal action"* [§1.4 June 2018].

17. The Code of Ethics provides at paragraph 5.1 in relation to the heading "Breaches of the Code":

"5.1.1 Breaches of the Code of Ethics will not always involve misconduct or require disciplinary proceedings. Breaches will range from relatively minor shortcomings in conduct, performance or attendance through to gross misconduct and corruption. Different procedures exist according to the type of unprofessional behaviour or misconduct alleged.

5.1.2 Relatively minor breaches of the Code may be simply and effectively dealt with through peer or team challenge. Others may require local management action – for example, by a line manager. More significant failures may require formal action by the individual's force or organisation – such as, in the case of police officers, the application of the Police (Conduct) Regulations or the Police (Performance) Regulations."

Thus, even if we find a breach of the SPB, it is not necessarily the case that such a breach amounts to misconduct.

18. Whether the facts amount to a breach of the SPB will depend upon the context and all surrounding circumstances. It is possible for there to be occasions where behaviour was open to criticism, but the conduct was not unprofessional or notable. There might be behaviour where words or conduct were unfortunate, but do not fall sufficiently below the standard to amount to a breach. Not every shortcoming is a breach.

Bullying vs. firm management

19. We have reminded ourselves of the ACAS publications on workplace bullying including the ACAS Guide for Managers and Employers on bullying and harassment. We are well aware that

what amounts to a bullying is a matter of perception, and different witnesses can perceive the same events very differently.

20. In this case the AA alleged that rather than Mr Byrne simply utilising a firm management style, he went too far; and that his behaviour towards his office staff over long periods breached the SPB and amounted to bullying.

21. When considering this case we have applied these factors when analysing the charges and arriving at our determinations, particularly taking into account the guidance in the Code of Ethics we have referred to above. These factors seem to us to be appropriate behavioural principles for us to apply, bearing in mind the weight of responsibility and leadership upon a Chief Constable:

- A chief officer has the right to demand excellent performance from working under him or her.
- Where staff do not fulfil those expectations, or produce work which is substandard or tardy, the chief officer has a right to follow this up or admonish them constructively, as appropriate to the circumstances of the case.
- How demanding a chief officer should be on any given occasion will depend upon the specific circumstances of the case, including his or her familiarity and relationship with the colleague concerned.
- Lapses of good manners, careless behaviour, thoughtless comments and even sharp retorts are to be avoided and are far from commendable, but will generally not amount to misconduct. Such behaviour is not sufficiently serious or inappropriate to amount to professional misconduct, according to the case-law we have been taken to and which we summarise below. Whether such behaviour amounts to a breach of the SPB is a fact sensitive decision in each and every case.
- Crossness and moodiness does not necessarily denote a breach of the SPB – it depends upon the circumstances and the reasons for the behaviour.
- Not suffering fools gladly and being frustrated at poor and inexcusable performance may occur sometimes when trying to raise standards in a challenging environment. Natural human reactions do not breach the SPB *per se*, although care should always be taken to be professional.

Misconduct

22. For an appropriate definition of what is meant by “misconduct” in these professional disciplinary proceedings, the parties referred us to the case of *Walker v Bar Standards Board* (unreported, an appeal to the Visitors to the Inns of Court, 19th September 2013).

23. The touchstone referred to in this barrister disciplinary case can be applied across the professional disciplinary regimes. In *Walker v Bar Standards Board*, Sir Anthony May, the former Lord Justice of Appeal, considered the meaning of “professional misconduct”. He concluded that on a literal interpretation, any breach of the Bar Code of Conduct however trivial would constitute professional misconduct. He held that this could not be the correct approach, saying:

“11. ...consistent authorities (including, it appears, other decisions of Bar Standards Board Tribunals) have made clear that the stigma and sanctions attached to the concept of professional misconduct across the professions generally are not to be applied for trivial

lapses and, on the contrary, only arise if the misconduct is properly regarded as serious ...

16. *...the concept of professional misconduct carries resounding overtones of seriousness, reprehensible conduct which cannot extend to the trivial."*

24. We were also taken to *Khan v Bar Standards Board* [2018] EWHC 2184 Admin (24th August 2018) per Mr Justice Warby at [§36]:

"The authorities make plain that a person is not to be regarded as guilty of professional misconduct if they engage in behaviour that is trivial, or inconsequential, or a mere temporary lapse, or something that is otherwise excusable, or forgivable. There is, as Lang J put it, a 'high threshold'. Only serious misbehaviour can qualify ... in Walker Sir Anthony May was ... reaching for a touchstone to help distinguish the trivial or relatively unimportant from that which merits the 'opprobrium' of being labelled as professional misconduct."

We agree with this statement made by Counsel for Mr Byrne in written closing submissions and it follows from the cases we have been taken to by both sides:

"438. Given the clear stigma that attaches to a finding of misconduct for a professional and the implications such a finding has for the individual concerned, such a finding mandates that any misconduct must properly be regarded as "serious" before it can properly be regarded as misconduct."

25. Here there have been different interpretations of what was reasonable behaviour by Mr Byrne in Cheshire Constabulary. What one person considers ill treatment has been considered strong management by another. We have heard evidence from many witnesses, all of whose different perspectives have informed their view of Mr Byrne's behaviour. We have been in a position to weigh up and assess the credibility of those witnesses, having heard their testimony challenged as against (for example) contemporaneous documents and communications, and earlier or later statements whether made in documents or orally.

Appointment of Mr Byrne

26. Mr Byrne has over 35 years of policing experience: he successfully progressed through the ranks and served in Chief Officer roles in Merseyside Police, Greater Manchester Police and the Metropolitan Police Service. In May 2014 he was seconded to Cheshire Constabulary from the Metropolitan Police Service where he was serving as an Assistant Commissioner, and was appointed Chief Constable following the retirement of Chief Constable Whatton in June 2014.

27. We heard clear evidence that Mr Byrne was appointed to make a difference and raise standards in Cheshire. The previous PCC (by whom he was appointed) must have been aware of Mr Byrne's reputation as a reformer and a driver of high standards. For Mr Byrne it was (at most) something of a sideways move, explained by his desire to serve closer to his family home.

28. The question of Mr Byrne's reputation was raised by the AA; in particular, it was implied that it stemmed from a 'pattern of behaviour' in previous roles, and also that it showed he was aware of the negative sides of his personality and thus was able to change them. We agreed that Mr Byrne's reputation undoubtedly preceded him. This was noted from the evidence of John

Armstrong and also that of Sonia Peacock. It seemed to us likely that some members of staff may have viewed his appointment with a degree of trepidation.

29. It is probable that this reputation coloured the views of staff against him from the outset. Although, with the arrival of a new Chief Constable, there was an expected change in the way business was conducted, it seemed to us likely that Mr Byrne's reputation created further resistance to that process of change. The staff office was open plan; it was easy for grumbles to be transmitted from person to person.

30. Mr Byrne's leadership and management style certainly differed from his predecessor. He attended very frequent meetings away from his office, and his schedules often changed at short notice. This, we concluded, created extra pressure on the staff office (which may not always have been aware of the reasons for such changes) but was attempting to keep pace with Mr Byrne's new organisational structures and pace of working. This, along with his more energetic and challenging style, inclined his support team from away from giving him their fullest support as he sought to raise the level of professionalism in the office.

31. During Mr Byrne's term of office at Cheshire Constabulary, a vacancy became available for the post of Chief Constable of Greater Manchester Police. Mr Byrne applied, seeing it as an opportunity for him to progress his career, whilst enabling him to remain close to home. He was unsuccessful in his application; but it was used by counsel for the AA to suggest a degree of selfishness and unrestrained ambition on Mr Byrne's part, as well as a lack of loyalty towards Cheshire Constabulary. We found this attack – which was peripheral to the main allegations against Mr Byrne – to be both unfair and unnecessary. In our view Mr Byrne was perfectly entitled to apply. It is right that those selecting for such posts have the widest possible field from which to choose. Mr Byrne had never given the impression that Cheshire was likely to be his last job in policing. And a job as attractive to him as Greater Manchester was likely to become vacant very infrequently.

Cross admissibility and gaps in evidence

32. We were addressed by the AA about the principle of cross admissibility. It was suggested that, in effect, it would be incredible for so many similar complaints to be made about Mr Byrne, and for them not be both accurate and significant. It would be harder to argue that they had been exaggerated, both in the substance of what happened and the effects on those involved. Whilst we were invited to draw conclusions from the cross admissibility of evidence about Mr Byrne from difference witnesses and involving different occasions, we have not needed to do that: we have been able to determine each allegation on its merits.

33. We did not find the 'tip of the iceberg' the AA suggested existed.

34. It was suggested to us that the inadequate investigation had prejudiced both sides, and meant that we would have to work harder to fill in pieces of the jigsaw that were missing – as North Yorkshire Police had not obtained all the evidence they might. But we have decided the allegations on the evidence before us. We do not think either side has been at a disadvantage because, for example there was no initial interview for Mr Byrne, or because North Yorkshire Police did not interview all those who worked in the ACPO office. It would be wrong to fill in the gaps where we do not have evidence by imagining what unseen witnesses might say. However, we are entitled to make inferences where they are backed up by evidence

Our findings on the allegations

35. We looked in detail at all 74 allegations made by the AA. In none did we find misconduct (or gross misconduct) proved. Rather than go through these in numerical order, we have grouped them into categories. A small number of allegations appear in more than one category. We also stress that we have found that in none of the allegations were any breaches of the Standards of Professional Behaviour (as set out in the Code of Ethics and derived from the Police (Conduct) Regulations 2012) proven: we have considered this issue specifically at category 5 below.

Category 1: The incident did not happen

36. In the first category we include those allegations where we have concluded that the incidents described, on the balance of probabilities, **did not happen**. The inclusion of 7 such allegations, we concluded, did little to enhance the credibility of the AA's case. The following allegations fall into this category:

Allegation 1

The allegation is that Mr Byrne berated and belittled Mr Herndlhofer. We accept that there was a difficult relationship between Mr Byrne and the head of his IT department. We accept that Mr Byrne's insistence on using an iPad created extra work for the department. But no evidence was given that Mr Herndlhofer was berated or belittled.

Allegation 2

This allegation is that Mr Byrne permitted his children to use his iPad. The basis for this assertion appears to be that Jane Orme found the device to be in airplane mode, and told the IT department that "Mr Byrne's sons may have changed the settings". Whether or not she said this, we heard no evidence to support the allegation that it actually happened.

Allegations 3 & 4

These concern Mr Byrne's alleged failure to attend a meeting to thank an officer for his work, and a subsequent email to Jane Orme asking why the meeting had not been arranged. No diary entry or email was produced to support this allegation. It does not follow that we believe Jane Orme has fabricated this episode. We accept that Mr Byrne was, in some respects, not the most punctilious or well-organised senior officer. It may be that Jane Orme has confused this incident with another hastily rearranged meeting. However, even if Jane Orme's account were accepted as true, Mr Byrne's behaviour could not reasonably be interpreted as misconduct.

Allegation 9

This accuses Mr Byrne of failing to attend Chief Constables' Council, and of wasting public funds. But it is clear that Mr Byrne did attend, and that no public funds were wasted. This allegation does, however, tend to imply a degree of inefficiency amongst those working in Mr Byrne's office: it arose because he was 'double booked', being obliged to attend the Cheshire Show at the same time. This appears to have been highlighted relatively late, forcing Mr Byrne to make a last-minute change of plans.

Allegation 10

This allegation was withdrawn by the AA.

Allegation 20

This allegation concerns a meeting at which, according to Witness C, Mr Byrne threatened Jane Orme. In particular he is said to have told her to improve or “be in the office with her PDR”. There was clearly a meeting which discussed Jane Orme’s performance on 1 July 2014 (see Allegation 21); but only Witness C claims these words were used. Jane Orme could not remember them being used; and Mr Byrne denies using them. On the balance of probabilities, we believe Mr Byrne’s account to be the more reliable.

Category 2: The incident did not happen as alleged

37. In the second – and largest – category, although we accept that the incidents happened, we have concluded that they have been **described – usually through exaggeration – inaccurately**; a more balanced view of these incidents would fail to find any reasonable fault with Mr Byrne’s behaviour. Again, the volume and nature of these allegations tended to undermine the credibility of the case against Mr Byrne. The following allegations fall into this category:

Allegation 8

It is clear that a Chief Constable, in any police force, will occasionally miss appointments or make short-notice changes to his or her diary. In this allegation it is claimed that this happened repeatedly over a 2-month period in 2014. There is little in the way of diary entries or emails to support this assertion. And we concluded that the effect on Jane Orme of changes to appointments had also been exaggerated: it is the PA’s role to make new arrangements, and when necessary explain why changes have been made. There is no convincing evidence that Mr Byrne asked Jane Orme to provide false explanations for any absence.

Allegation 11

This resembles Allegation 10; the differences are in the dates, and in the additional allegation that public funds were wasted. On the latter subject, it is clear that Mr Byrne’s approach to public money was entirely appropriate: there are numerous email examples of him seeking to avoid unnecessary expenditure. As to his failure to attend meetings, again we find this to have been exaggerated. Where his plans changed, there was usually a perfectly reasonable explanation.

Allegation 14

This concerns a PowerPoint presentation Mr Byrne asked Jane Orme to prepare. The assertion is that Mr Byrne refused to cooperate with Jane Orme, and then criticised her for the standard of what she produced. We do not believe Mr Byrne “set her up to fail”. We believe the evidence for this allegation was inconsistent. On the balance of probabilities we prefer Mr Byrne’s account: that he gave reasonable guidance to Jane Orme, but that she failed to complete the task to a satisfactory standard. He was entitled to be dissatisfied and to express his frustration.

Allegations 18 & 22

These accuse Mr Byrne of being vindictive and bullying towards Jane Orme, in particular by telling her to leave if she did not like her job. For the first allegation the evidence came from PS Mace; for the second from Witness C. We accept Mr Byrne spoke to Jane Orme,

but not that the conversation was objectionable – there was no evidence from Jane Orme that it was. Both her evidence and that of Witness C appear exaggerated: our perception of these witnesses is that their evidence here is coloured by their dislike of Mr Byrne. We favour the account of this incident given by Mr Byrne – even without the corroboration given by Nicola Bailey.

Allegation 19

This concerns a meeting with Richard Muirhead, at which it is alleged that Mr Byrne's actions were intimidating and caused distress. There is no doubt the meeting occurred, but we do not believe it was as Jane Orme recalled. We believe she was asked to come in to take minutes, and not to be berated about papers. The clearest recollection of the meeting is from Mr Muirhead, who made some critical observations about her manner in the meeting. This accords with our impression of her as a witness as both defensive and prone to exaggeration.

Allegation 21

Here it is alleged that Mr Byrne was aggressive towards Jane Orme and slammed papers on her desk. We find it difficult to accept the testimony of both Jane Orme and Witness C regarding this incident, largely because we observed that where there is some question about the performance of either, their accounts are so obviously prone to exaggeration. This may have been a difficult meeting. But difficult meetings are nothing abnormal in the workplace, and we do not accept Mr Byrne behaved in the way described.

Allegation 24

It seems to us perfectly reasonable for Mr Byrne to have sought potential replacements for Witness C as his Staff Officer. Witness C's account of her conversation with PS Friend seems to us to have been exaggerated beyond credibility, and casts some doubt on Witness C's state of mind and the reliability of her evidence more widely. The account of PS Friend came across as measured and reasonable: it is impossible to find any measure of fault in Mr Byrne's conduct within this allegation.

Allegation 27

This allegation, and the two which precede it, relate to Mr Byrne's involvement in an arrest on 21 July 2014. The key charge under allegation 27 is that Mr Byrne's time as a Chief Officer was misapplied where he sought to participate in frontline duties, and that such participation served no policing purpose. Under questioning, Witness C's account of the event was revealed to be incorrect. And regardless, it seems to us impossible to argue that Witness C is a better judge of how a Chief Constable's time should be applied than Mr Byrne.

Allegation 31

This relates to a telephone call made to Mr Byrne when he was at [REDACTED]. We found Mr Byrne's account of this conversation more compelling than that of Witness C. He may have invited the call; but he was entitled to curtail it given the circumstances. The suggestion of "aggressive ranting" seems to us most likely to have been an exaggeration on Witness C's part.

Allegation 32

This contains another allegation of a phone call in which Mr Byrne was said to be abrupt and rude. We accept that he was frustrated with IT problems – but not to the extent that Witness C (from her later statement) described, and not to an extent that could possibly constitute misconduct. A further accusation – that Mr Byrne failed to express any gratitude for Witness C’s assistance – shows, we believe, a readiness to find any grounds, however tenuous, on which to criticise Mr Byrne.

Allegation 36

After Mrs Byrne broke her foot, Mr Byrne’s diary came under predictable pressure. It does not appear to have been particularly well managed by his office staff. So whereas we accept the meeting with the Women’s Network Association was missed, no blame can be attached to Mr Byrne.

Allegation 40

This is an allegation that Mr Byrne, in referring to Witness C, said he could not have someone who wasn’t committed. The facts were not proven: Sonia Peacock was the chief witness, but could not say by whom she had been told that such a comment was made. In any event, we found her evidence tended towards exaggeration, and made too much of office gossip. We cannot attach any real weight to this evidence.

Allegation 42

This relates to a ‘vision document’ for the special constabulary, and an allegation that Mr Byrne’s attitude to Witness C’s work on it involved him setting an unnecessary and unreasonable deadline. This appears to us to be a disproportionate response (by Witness C) to a perfectly normal request for work from her (see Allegation 44 below). This interpretation was supported by the evidence of Ch Supt Bailey. In this instance, we concluded that its inclusion as an allegation says more about the attitude of Witness C than about the conduct of Mr Byrne.

Allegation 47

This is one of the group of allegations concerning the production of Witness C’s PDR. We believe Mr Byrne acted entirely correctly in warning Ch Supt Bailey that the PDR would contain some negative comments. This strikes us as good management practice. That Ch Supt Bailey spoke about them to Witness C cannot be blamed on Mr Byrne and is, in any case, not an unreasonable course of action. It cannot seriously be argued that Mr Byrne intended to cause Witness C worry and distress.

Allegation 50

Again regarding the PDR, here it is alleged that Mr Byrne intended to cause Witness C worry and distress, and to undermine her. We do not accept this. The draft report certainly contains criticisms; it struck us as unlikely that they were not justified. Other witnesses – most notably DCC McCormick – saw the draft of the report, and appear to have viewed it as reasonable. The allegation, in contrast, seems to consider any form of unflattering PDR a breach of acceptable behaviour. But this cannot be: police leaders must have discretion in the views they form of others’ performance. The draft report is mixed in tone – it is not wholly negative. It seems likely to us that Witness C was unable to accept any criticism from Mr Byrne by this stage. It is not reasonable for her to conclude that his intention was to cause worry distress or to undermine.

Allegation 53

In this allegation Mr Byrne is said to have shouted over the telephone at Witness A when stuck in traffic. Again, we find the account given by Witness C to be unreliable. The alternative explanation given by Mr Byrne – that he rang Witness C so that his lateness could be communicated to those expecting him – appears to us a more credible description of the incident.

Allegation 54

This alleges that Mr Byrne gave (by email) Witness A unreasonable tasks to perform, and then criticised her work. We believe, again, that this incident has been inaccurately described. Witness A did not complain about the email to her; it is clear that Mr Byrne was thinking ahead and expected someone else to compile the briefing.

Allegation 55

This blames Mr Byrne for asking about the circulation of a magazine around the office. Even were the allegation accepted at face value it seems a remarkably trivial matter to describe as misconduct; but it seems to us more likely that no circulation sheet was produced, and so Mr Byrne's inquiry was fair and reasonable.

Allegation 57

This wide-ranging allegation accuses Mr Byrne of bullying and humiliating behaviour towards Insp Buckingham. The main evidence for this is a statement from him that she "should be watching my back". We agree with Mr Byrne that this remark was taken out of context; it originated in a perfectly reasonable question within an email. That this remark can constitute, or contribute to, bullying and humiliating behaviour seems to us to suggest that Insp Buckingham's sensitivity to any criticism is heightened. She has, therefore, exaggerated both the behaviour of which she complains and its effect.

Allegation 58

This concerns the incident known as "Puddlegate". We were wholly unpersuaded by Insp Buckingham's account of the incident. It is contradicted by Supt Cleworth. It appeared to us an example of Mr Byrne's approach to leadership of his force: demanding high performance, and challenging his staff to produce the best for the public. It is, we believe, wrong to attribute malevolent intent to Mr Byrne's actions during this incident. Again, to do so says more about the attitude and mindset of Insp Buckingham than it does about Mr Byrne.

Allegation 60

This describes a number of incidents in autumn 2015 where, it is alleged, Mr Byrne's exhibited mood swings as a consequence of failing to secure an appointment as the Chief Constable of Greater Manchester Police. Counsel for the AA criticised Mr Byrne for making this application, harshly questioning his motivation and drawing derogatory conclusions about his character. We reject this. Taking each incident in turn:

- a. Here is alleged that Mr Byrne failed to deal with a number of enquiries made by Insp Buckingham. It is unclear which actions are said to have been ignored or omitted by Mr Byrne.
- b. This concerns a missed train to a London conference and is covered by Allegation 11. It is not clear how the behaviour alleged by Insp Buckingham would have

constituted bullying regardless. Clearly it was unfortunate that Mr Byrne missed the train; his decision-making and conduct thereafter was, we believe, satisfactorily explained by his oral testimony.

c. This concerns an email from Mr Byrne to Insp Buckingham. The email concerned was, we concluded, perfectly reasonable.

d. Here Mr Byrne is criticised for sending an email complaining about the lack of office cover at the start of the working day. We believe this email to be both justified and measured.

e. In this allegation Mr Byrne is said to have sent a critical email regarding a telephone call to Sara Thornton. There is nothing in the saga of missed calls with her that can possibly be seen as evidence of unprofessional behaviour by Mr Byrne.

f. Here Mr Byrne is criticised for sending a late email. Out of hours emails – not just from Mr Byrne – were clearly a feature of work in Cheshire Constabulary and especially in the ACPO office. This one is unobjectionable, and can just as easily have benign intent attributed to it. The innocent interpretation is the one we prefer.

g. Here Insp Buckingham complains about an email from Mr Byrne expressing (mild) dissatisfaction with work presented to him. Again, we find it impossible to find fault in Mr Byrne’s behaviour: the relevant email is perfectly polite and professional.

h. Again Mr Byrne is criticised for sending an email: this one asked Insp Buckingham why she had not forwarded his biography, when in fact she had. This was explained in Mr Byrne’s account as a confusion between “blog” and “biog”. We accept his version of events.

i. Again, we believe Mr Byrne explained this incident (where he is accused of blaming Insp Buckingham for various minor shortcomings) and we concluded his evidence was compelling. It is a further example, we believe, of Insp Buckingham’s tendency to exaggerate, so that normal everyday events are elevated beyond reasonable interpretation.

j. This is another objection to a critical email from Mr Byrne, in this case relating to incorrect handling of a classified document. We saw this incident as a clear example of Mr Byrne trying to raise standards – relating to a serious matter – in an office that was not functioning as professionally as it should.

k. Here Mr Byrne is said to have emailed Insp Buckingham about a document he could not find. We agree with counsel for Mr Byrne that it is not clear what is being alleged.

Allegation 61

This incident was sometimes referred to as “Hotelgate”. Our reading of this incident is that it reflects badly on Insp Buckingham’s diligence as a staff officer. Mr Byrne was entitled to be irritated. Emma Smithies described Insp Buckingham’s conduct in this incident as “unprofessional” and we are inclined to agree. Having noted her tendency to exaggerate, we also reject Insp Buckingham’s account of what Mr Byrne said – and how he said it.

Allegation 62

The evidence we heard led us to believe that a discussion with Insp Buckingham, in which shortcomings in the ACPO office were highlighted, was justified. Any criticism of her was neither unfounded nor inappropriate. The allegation that the door was slammed was not supported by ACO Gill, who was present. Moreover, we heard testimony from a number of witnesses that Mr Byrne, although capable of being critical and firm with staff, was never

aggressive and never swore or shouted. In this case we did not accept Insp Buckingham's evidence as neutral.

Allegation 65

This allegation concerns a speech prepared for an awards ceremony. It is claimed that Mr Byrne was aggressive, red in the face, spat and waved his arms in the air when berating Witness E. We do not accept this version of events which, again, appears to have been exaggerated by those witnesses whose professional conduct seems open to criticism – and indeed was criticised by other witnesses. Mr Byrne asked for the speech to be prepared in good time; that it was not, is the fault of others. Witness D made this clear in evidence. Mr Byrne regretted having been agitated by the situation, but his response has been heavily exaggerated and cannot reasonably be interpreted as misconduct.

Allegation 68

Here it is alleged that Mr Byrne caused Mary Hough fear and embarrassment. We have concluded that he did not. It is notable that, after the period in which his bullying is said to have occurred, she applied for the job on a permanent basis. It is not disputed that Mr Byrne was at times critical of Mary Hough; but there was strong evidence that her performance in this role, which was in a new and challenging area for her, was below that which might have reasonably been expected.

Allegations 70 & 72

These concern the feedback given to Mary Hough after a job interview and the allegation that it was delivered cruelly and was intended to distress. There is nothing wrong with giving negative feedback after an unsuccessful interview; indeed, to do so is commonplace. We believe Mary Hough was never going to accept reasonable feedback at face value; it is noteworthy that the other unsuccessful candidate, Andrea Beedles, found a similar interview helpful and took it without offence.

Allegation 73

Here Mr Byrne is criticised for causing difficulties for Mary Hough by making short notice diary changes, and for then blaming her for having to make them. The emails presented to us do indeed show changes being made. This cannot be objected to: it is difficult to imagine any chief constable not having to make such adjustments. There is no evidence that Mr Byrne blamed Mary Hough for having to make such changes.

Allegation 74

In this allegation Mr Byrne is said to have shouted at Mary Hough after failing to attend a function in Chester. But defence emails 358 and 388 make it clear that he had told Mary Hough a week ahead that he would be unable to attend the event. He had a right to be frustrated that it had not been dealt with. And we reject any suggestion that he shouted. We give less weight to the evidence of Mary Hough: her credibility is undermined by, for example, her description of Mr Byrne having withdrawn at short notice.

Category 3: The incident did happen but there is no misconduct

38. There are then some allegations where both sides agree that the incident happened largely as described but where, we have concluded, the behaviour of Mr Byrne **cannot possibly be construed as misconduct**. In this category we include the following allegations:

Allegations 6 & 7

These concern Mr Byrne's failure to attend a meeting about knife crime. The defence argued that no such meeting was arranged; the AA that Jane Orme would have no reason to invent such an incident. We make no judgement on who is right; regardless, it cannot be misconduct not to attend a meeting.

Allegation 12 & 13

These allegations (which we return to in the following category) relate to teleconference calls for chief constables in the region. Mr Byrne is under no obligation to participate in calls such as these; asking his deputy to stand in for him is reasonable and unremarkable. We were surprised to see the inclusion of allegations such as this in a hearing for gross misconduct.

Allegation 23

This concerns (then) ACC McCormick's hairclip, and that it was unfair and inappropriate to direct Witness C to intervene. We disagreed. There is nothing serious in this allegation; and anyway, a staff officer should be expected to deal with issues such as this. We can find nothing here to criticise in Mr Byrne's conduct.

Allegations 25 & 26

It is alleged that Mr Byrne wrongfully interfered in the arrest of a suspect; and that there was some form of inappropriate competition among chief officers to 'clock up' arrests. We disagree that the evidence shows such a competition existed: Mr Hindle confirmed that there was no competition. And in the events described, we found nothing objectionable in Mr Byrne's behaviour. It seems to us entirely appropriate – and even laudable – that Mr Byrne sought to increase his visibility among front line officers. And we were told that this had been appreciated by rank and file officers. This is another of those allegations which says more about the state of mind of the person making the allegation than it does about Mr Byrne.

Allegation 29

In this allegation Mr Byrne is criticised for complaining to staff that the office had not been covered during a period at the start of the day. There is no reason why a chief constable should not insist on a certain amount of office cover. There is evidence of Mr Byrne being perfectly ready to accommodate short notice absences when – for example – there were family pressures. Communicating his requirements for office cover cannot possibly constitute misconduct.

Allegation 30

This concerns a telephone call to Witness C, off duty, when Mr Byrne is stuck in traffic. Our interpretation of this allegation is that fault has been found in Mr Byrne's behaviour when he should rightly be given credit for consideration and foresight. We believe his motivation for making the call was to avoid Witness C being inconvenienced. Her subsequent text supports this version of events.

Allegation 33

This allegation, which concerns an IT system failure, was difficult to take seriously. The criticism appears to be that Mr Byrne asked about previous failures. He did nothing to

“escalate” the category of the failure; a chief constable simply cannot be sensibly criticised for being concerned about the performance of a key IT system.

Allegation 34

This relates to Witness C’s PDR. No misconduct is alleged. There is no ground for criticism of Mr Byrne: the meeting to discuss the PDR was simply rearranged, because he was unable to make the original date.

Allegation 35

Here Mr Byrne is criticised for an email in which he remarks that the office has not been performing well. For witnesses to take this as objectionable, and to claim it amounts to misconduct, struck us as remarkable. In our view it reveals a level of sensitivity to any attempts by Mr Byrne to organise his affairs in an efficient manner which, if widely accepted, would have made his task impossible.

Allegation 39

This refers to an incident where Witness C went home early, and Mr Byrne told her he was disappointed. It is further alleged that his criticism in a meeting on the Monday differed from that he had raised in an email on the Friday. We agree with Mr Byrne’s counsel that the witnesses have misinterpreted events. Regardless, there is nothing in this incident that can be construed as misconduct.

Allegation 41

The chief criticism of Mr Byrne here appears to be that he did not say “hello” to Witness C. This is described as a single incident, rather than one in a series which would suggest a pattern of behaviour. For a busy senior officer not to respond to a colleague might be mildly regrettable, but it cannot be taken seriously as an allegation of misconduct.

Allegation 43

This is the first of a series (43-48) of allegations concerning Witness C’s work on the special constabulary. It contains no criticism of Mr Byrne and does not appear to us to be an allegation of any sort of misconduct.

Allegation 44

Here Mr Byrne is criticised for making Witness C’s work more difficult by failing to assist her. It is reasonable for Mr Byrne not to want to micro-manage Witness C’s work (which had been allocated to her by Ch Supt Bailey, not – as claimed – directly by Mr Byrne). He gave her, in our view, enough guidance and direction for her to have been expected to complete the work with a rather greater degree of independence than she seems to have managed.

Allegation 45

The allegation here is that Mr Byrne “arranged a meeting”, which seems to us a strange accusation to include in a hearing for (gross) misconduct. There was clearly some degree of confusion about whether Mr Byrne expected a ‘vision’ or ‘terms of reference’; but even were that a matter of any substance, it is difficult to determine whether the fault lies with Mr Byrne or elsewhere. In any event, we do not find that Mr Byrne’s conduct amounts to misconduct.

Allegation 46

This describes as oppressive an email of 8 Nov 14, asking for an update on progress with the work. We disagree. It seems to us perfectly reasonable for Mr Byrne to ask for an update, especially since the work was dragging. Again, perhaps there was some confusion over the precise definition of 'vision' vs 'terms of reference', but this cannot be seriously counted as misconduct.

Allegation 48

This describes a meeting at which Mr Byrne is alleged to have criticised Witness C unfairly. Again it rests on the confusion between 'vision' and 'terms of reference'. We believe this has been inflated by Witness C, through an over-sensitive reaction, to take on a significance it does not merit. Mr Byrne is justified in asking for quicker progress with the work.

Allegation 49

This brings together the question of the special constabulary project and Witness C's PDR. It was Witness C who brought up the PDR at a meeting on 11 Nov 14; it seems to us reasonable that Mr Byrne did not expect to discuss it, and was not ready to do so. Arguing that his intention was to prolong Witness C's worry and distress does not seem reasonable. And Witness C's account of the meeting is not supported by that of Ch Supt Bailey.

Allegation 66

This concerns an email sent by Mr Byrne regarding working from home. This email is clearly addressing the question of whether working from home was disrupting office team work. It was clearly not aimed at Lisa Morana, as is claimed. It is entirely reasonable for him to query whether tasks were getting missed because people were not in the office.

Allegation 67

In this allegation Mr Byrne is said to have upset PS Doleman by referring to a piece of work as "this blessed report". We concluded that the report was not produced to the standard Mr Byrne might reasonably have expected. In the circumstances, his reaction seems to us to be perfectly understandable, and cannot be considered misconduct.

Category 4: Vague allegations.

There are then 3 allegations where, as written, they are simply **too vague** to justify deeper consideration. These are:

Allegation 63

This concerns the sending of "nasty" emails on dates before Jan 16. Throughout the hearing, we saw no emails from Mr Byrne which, we believe, were not temperate and measured. Some were critical, certainly, and perhaps a touch blunt for some tastes, but they were not "nasty" and should not reasonably have been expected to cause distress.

Allegation 64

This accuses Mr Byrne, over a 21-month period, of occasionally avoiding eye contact and behaving childishly. It is too imprecise to be properly considered part of a misconduct hearing.

Allegation 69

Here it is said that Mr Byrne demanded too much of Mary Hough. There is nothing more specific, though the oral evidence quoted in support contains broad criticism of Mr Byrne's character and behaviour. The emails used to support this allegation, moreover, are not unreasonable.

Category 5: Potential learning points

39. Lastly, for 16 of the 74 allegations, we have found – potentially – **an element of fault** with Mr Byrne's conduct. But, it should be emphasised immediately, none of this comes anywhere near the degree of seriousness which should be the preserve of misconduct proceedings. A better description might be that, on reflection, there are occasions where Mr Byrne might conclude that an alternative approach would have worked better. This is the normal business of management and leadership in any organisation. We have also considered whether any of these instances may have constituted a breach of the College of Policing's Standards of Professional Behaviour – accepting that it is possible to breach the standards without straying into misconduct. In our view, a good test for whether the SPB have been broken would be whether, in a deputy or assistant chief constable, such behaviour would have prompted the chief constable to take some form of management (not disciplinary) action. It is our conclusion that none of the instances listed below reach that threshold.

40. This category includes the following allegations:

Allegation 1

This concerns Mr Byrne's insistence, on arrival in Cheshire, that he use an iPad for everyday administration. We have said earlier that we do not believe Mr Byrne berated and belittled staff; but it is clear that his actions challenged the IT department. Whereas there is some merit in driving forward technological change, we felt a little more patience and sensitivity on Mr Byrne's part might have achieved the same (or better) results with a more conciliatory approach.

Allegation 5

This is one of a number of complaints about Mr Byrne's use of his office email system, and criticises him for sending emails intended for one recipient which could be (and were) seen more widely. We accept Mr Byrne's evidence that he assumed people would only read emails directly addressed to them. We also accept that a strict interpretation of the Constabulary's security rules would suggest the same. But we believe Mr Byrne was naïve to expect (for example) emails sent to Witness C not to be read by Witness A. The management of his group email folders would have benefited from rather more discipline – and some of the responsibility for this rested with Mr Byrne.

Allegation 11

We have previously dismissed this allegation: cancelling meetings is perfectly normal, and there is no evidence of a cavalier attitude to public money. But it seems to us fair to observe that Mr Byrne's management of his diary was not as rigorous as it might have been. While nowhere near misconduct, this certainly had repercussions: it put his staff under pressure that might have been avoided with a little more forward planning.

Allegations 12 & 13

This covers similar ground, in that it is essentially a criticism of Mr Byrne's imperfect time management. With a little more forethought, issues such as this (whether he or his deputy would join a regional chief constables' teleconference) might have been avoided altogether.

Allegations 15 & 16

These allegations concern making repeated phone calls and sending "an unreasonable number" of emails to Jane Orme. It is, we believe, impossible to argue that this would constitute a breach of SPB, let alone misconduct. But neither are we convinced this was a demonstrably successful technique for getting the best out of people.

Allegation 17

Here it is alleged that Mr Byrne belittled and intimidated Jane Orme. We do not agree. Mr Byrne's standards and expectations were high – higher than she had been used to, perhaps – and on occasion she failed to meet them. Clearly they were not the most compatible of colleagues. A senior figure of Mr Byrne's experience might, we feel, want to reflect on whether he might have handled his relationship with Jane Orme more productively.

Allegation 28

At worst, Mr Byrne mislaid some papers for a meeting at Widnes and then – although they had already been given to him – asked where they were. Again, this does not paint Mr Byrne's organisational skills in the best light; and it is easy to see how an incident such as this might have been frustrating for his office team. But it does not breach the SPB and does not approach the bar for misconduct.

Allegation 37

Mr Byrne sent Witness C an email on a Friday night, warning her of a difficult conversation to come on Monday morning. She interpreted this as malevolent; his reasoning was that it was better than surprising her on return to work. Both are understandable viewpoints. However, we are inclined to conclude that there was a degree of thoughtlessness in sending the email on Friday rather than before work on the Monday; he might reasonably have wondered whether it would have caused her some worry over the weekend.

Allegation 38

Following on from the events set out in Allegation 37, Mr Byrne then missed the scheduled Monday morning meeting implied in the email. Again, this does not paint his capacity for organisation in the best light; it was also a little thoughtless of him. He knew he would be late that morning: he need not have given the impression to Witness C that a difficult discussion would take place at 0830.

Allegation 51

This concerns a comment allegedly made to Witness A by Mr Byrne to the effect that she could not keep up with his pace. If this was said, we acknowledge that it might have been a clumsy choice of words: but we suspect Mr Byrne meant it kindly (implying it was not her fault if he set a particularly demanding pace). However, at most this was an insensitive comment: it is not the sort of incident we would expect to form part of an allegation at a misconduct hearing.

Allegation 52 & 56

These allegations also rest on Mr Byrne's use of his email account. Again, Mr Byrne may not have known who could see sent emails (before it was pointed out to him by DCC McCormick and others); but even if the force policy was vague, we believe there was an element of carelessness about his use of emails, and their potential impact.

Allegation 59

Here Mr Byrne offered a *mea culpa*: he had not realised an email from Insp Khan covered work he expected from Ch Supt Southcott (who was not at all offended by being asked where the work was). This is the sort of trivial incident that happens in every workplace. A mistake was made by Mr Byrne, but such oversights have no place in misconduct hearings.

Allegation 71

This concerns criticism of Mary Hough made (to Witness D) within her earshot. It was careless of Mr Byrne not to ensure this was not overheard, but no more than this. But again, it cannot possibly be construed as misconduct.

Conclusion

41. We found no misconduct (or gross misconduct) by Mr Byrne in the evidence presented to us.

42. This misconduct panel has been an unfortunate experience for all concerned and our overriding conclusion is that it could – and should – have been avoided. We have reflected at length on the circumstances which led to such a time consuming (and costly) process being used to try and resolve what was essentially a clash of cultures, personalities and attitudes within Cheshire Constabulary following Mr Byrne's arrival. Before May 2014 the ACPO office was clearly a comfortable (and perhaps unchallenging) place to work. With the arrival of Mr Byrne the style of leadership, and the working atmosphere, changed markedly.

43. We do not believe there was any intent on Mr Byrne's part to cause distress among those with whom he worked. He was focussed on improving the Constabulary's performance in every aspect he encountered; indeed, it is likely that he was employed by the previous PCC for precisely that purpose. It seems entirely unsurprising that some staff found this challenging – especially where their performance was (with reasonable justification) criticised. No one has a right not to be challenged by a senior colleague determined to improve standards. No one has a right to like those with whom they work. We agree with Mr Byrne that, on occasions in this case, the "potential for challenge and the pursuit of the highest standards of professionalism can be misconstrued, misinterpreted or unwelcome".

44. It struck us as likely that Mr Byrne's reputation may have played a part in this breakdown of working relationships. We make no comment about whether this reputation was deserved. But there was a certain trepidation in Cheshire Constabulary about his arrival; when he then started to demand higher standards, and challenged staff more vigorously, we believe some staff were inclined to see it as confirming their worst fears. We understand that it was difficult for some staff to adapt, and we have a degree of sympathy towards them. But they attributed malevolence to his behaviour when there was no justification for doing so. This, we believe, explains the preponderance of allegations which were trivial or exaggerated.

45. We have made some limited criticism of Mr Byrne's behaviour. It is important to emphasise again that these do not approach a level at which they would breach the Standards of Professional Behaviour, let alone constitute misconduct. They are judgements which might be made in any workplace. It is tempting to conclude that no chief constable's conduct, if subjected to scrutiny of this intensity, would escape without similar criticisms.

Recommendation

46. We make one recommendation – but not to rectify any shortcoming within Cheshire Constabulary or the decisions and conduct of any of those involved in this case. Rather, we sought measures which might, in future, prevent a similar situation leading to an investigation and misconduct hearing of this nature.

47. It struck us as wrong that, almost uniquely, a chief constable has no direct mechanisms for formal feedback on his or her performance. The police and crime commissioner is obliged to hold the chief constable to account for the performance of the force; but the chief's way of working, leadership style and personal development are far less likely to be scrutinised. Guidance and mentoring for chief constables is informal and inconsistent (if not wholly absent). This is in no-one's interest.

48. The PCC cannot be responsible for guidance and mentoring of this sort; it is incompatible with the PCC's role in re-appointing or dismissing the chief constable. But somebody ought to be. Informal mentoring takes place – on an ad hoc basis – and is to be welcomed. But we would like to see this on a more formal basis. The NPCC, we believe, might wish to investigate whether there would be merit in establishing a more formal – potentially mandatory – system. We cannot help but wonder whether, in this case, some formal mentoring for Mr Byrne – including perhaps an honest appraisal of 360° reporting – might have alerted to him to the potential for a case such as this to arise.



Mansoor Shah

Independent Panel Member



Matt Parr CB

Her Majesty's Inspector of Constabulary



Rachel Crasnow QC

Panel Chair