



House of Commons
Home Affairs Committee

Police and Crime Commissioners: power to remove Chief Constables

Sixth Report of Session 2013–14

*Report, together with formal minutes, oral and
written evidence*

*Ordered by the House of Commons
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Home Affairs Committee

The Home Affairs Committee is appointed by the House of Commons to examine the expenditure, administration, and policy of the Home Office and its associated public bodies.

Current membership

Rt Hon Keith Vaz MP (*Labour, Leicester East*) (Chair)
Nicola Blackwood MP (*Conservative, Oxford West and Abingdon*)
James Clappison MP (*Conservative, Hertsmere*)
Michael Ellis MP (*Conservative, Northampton North*)
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Mark Reckless MP (*Conservative, Rochester and Strood*)
Chris Ruane MP (*Labour, Vale of Clwyd*)
Mr David Winnick MP (*Labour, Walsall North*)

The following Member was also a member of the Committee during the Parliament.

Rt Hon Alun Michael MP (*Labour & Co-operative, Cardiff South and Penarth*)
Karl Turner MP (*Labour, Kingston upon Hull East*)

Powers

The Committee is one of the departmental select committees, the powers of which are set out in House of Commons Standing Orders, principally in SO No 152. These are available on the Internet via www.parliament.uk.

Publication

The Reports and evidence of the Committee are published by The Stationery Office by Order of the House. All publications of the Committee (including press notices) are on the Internet at www.parliament.uk/homeaffairscom.

Committee staff

The current staff of the Committee are Tom Healey (Clerk), Robert Cope (Second Clerk), Eleanor Scarnell (Committee Specialist), Andy Boyd (Senior Committee Assistant), Michelle Garratty (Committee Assistant), Iwona Hankin (Committee Support Officer) and Alex Paterson (Select Committee Media Officer).

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Contents

Report	<i>Page</i>
Police and Crime Commissioners: power to remove Chief Constables	3
Formal Minutes	6
Witnesses	8
List of printed written evidence	8
List of Reports from the Committee during the current Parliament	9

Police and Crime Commissioners: power to remove Chief Constables

1. It should not have come as any surprise that the election of Police and Crime Commissioners was followed by a number of high-profile clashes between Commissioners and Chief Constables. Within a few days of the election, Avon and Somerset Chief Constable Colin Port declined to re-apply for his job after the incoming Commissioner, Sue Mountstevens, indicated that she wanted to recruit a new Chief Constable whose tenure would cover her entire term of office.¹ In Lincolnshire, Chief Constable Neil Rhodes was suspended by Police and Crime Commissioner Alan Hardwick—who also referred him to the IPCC—but was reinstated following a High Court judgement.² In Gwent, Commissioner Ian Johnston invited Chief Constable Carmel Napier to retire, indicating that he was prepared to initiate the statutory process for her removal if she did not do so.³

2. The procedures for a police and crime commissioner to suspend or remove a chief constable are set out in Schedule 8 to the Police Reform and Social Responsibility Act 2011.⁴ If the commissioner suspends the chief constable, he is required only to notify the police and crime panel that he has done so.

3. The removal of a chief constable is effected by the commissioner “calling upon” the chief constable to resign or retire. The chief constable must resign or retire if called upon to do so.⁵ Before calling upon the chief constable to resign or retire, the commissioner must first initiate a scrutiny process by giving to the chief constable a written explanation of the reasons why he is proposing to remove them, which is copied to the police and crime panel. The commissioner is required to consider any written representations made by the chief constable in response to the explanation, which are also copied to the panel. If, having considered these representations, the commissioner still intends to remove the chief constable, the police and crime panel must make a recommendation to the commissioner within six weeks as to whether or not he should do so. Before making a recommendation, the Panel may hold a scrutiny hearing at which the commissioner and chief constable are both entitled to be heard, and may consult HM Chief Inspector of Constabulary. The Commissioner must consider the panel’s recommendation and may decide to accept or reject it. It will be noted that the role of the panel is purely advisory. The final decision to dismiss a chief constable rests with the commissioner alone, though clearly it could in certain circumstances be very difficult for him to do so in the face of firm objection from the panel, particularly if the panel’s view were supported by HMIC.

¹ Statement: Chief Constable, Avon & Somerset Police and Crime Commissioner, 22 November 2012

² Home Affairs Committee, Third Report of Session 2013–14, *Leadership and standards in the police*, HC 67-II, QQ 340ff

³ QQ 1–108

⁴ Paragraphs 11–15

⁵ s. 38

4. Suspension or removal of a chief constable is a radical step, and not one which should be undertaken lightly. As we have previously noted, it is potentially operationally disruptive and costly, and damaging to the reputation of the force and individuals concerned.⁶

5. Neither of the two chief constables removed so far has been subject to the Schedule 8 process. Mr Rhodes was invited to re-apply for his job at the end of his contract and Mrs Napier was persuaded to retire voluntarily before the process was initiated. In Mrs Napier's case, in order to avoid going through the statutory process, when the Commissioner met her to invited her to retire, he had to state explicitly that, although he was asking her to retire or resign, he was not "calling upon" her to retire or resign under the Act,⁷ a position which some might regard as convoluted. In the Lincolnshire case, the Commissioner notified the Chair of the Panel that he had suspended the Chief Constable but claimed that his reasons for doing so were confidential. The Panel was not further involved in the suspension until after the High Court case was resolved.⁸

6. Mrs Napier told us that her initial instinct had been to stay and oppose her removal under the procedure set out in the Act.⁹ She decided to resign when she took legal advice and

... found that the Government had drafted the legislation, the Police Reform and Social Responsibility Act, which apparently gave the PCCs unfettered powers to appoint, suspend, and remove Chief Constables. Therefore no matter what process I went through with the Police and Crime Panel, the outcome could be the same because the PCC is the ultimate decision-maker about what has happened.¹⁰

7. While we make no comment on the merits of Mr Johnston's decision to invite Mrs Napier to resign, it is common ground that she personally was given no prior indication of his concerns about her performance. The Commissioner arrived at a scheduled bilateral meeting on 23 May and read out a prepared statement in which he listed some broadly-drawn concerns about her management style and the fact that she was opposed to the very concept of police and crime commissioners. Although the statement says that the Commissioner's intention was not to "humiliate or upset" the Chief Constable, it is clear that she interpreted this denial as a veiled threat to do precisely that, if she refused to go quietly.¹¹

8. Early indications are that it is very easy for a police and crime commissioner to remove a chief constable, even when the stated concerns of a PCC are about operational policing matters or are of an insubstantial nature. The statutory process provides little safeguard, since there is nobody—not the police and crime panel, not the Inspectorate of Constabulary, not even the Home Secretary herself—who can over-rule a commissioner who has set his face to dismissing a chief constable. And even the limited scrutiny process

⁶ Home Affairs Committee, First Report of Session 2013–14, *Police and Crime Commissioners: Register of Interests*, HC 69, paragraph 8

⁷ Ian Johnston Note for 23 May meeting with Chief Constable.

⁸ Home Affairs Committee, Third Report of Session 2013–14, *Leadership and standards in the police*, HC 67-II, Qq 337-579

⁹ QQ 79–86

¹⁰ Q 85

¹¹ Q 80

can easily be sidestepped with the threat of a potentially embarrassing public scrutiny process in which there is clearly scope for a commissioner to cause serious damage to a chief constable's reputation and, by extension, the reputation and morale of the force. Though we make no comment on the merits of these cases, it is notable that the reasons given by commissioners who have suspended or dismissed chief constables so far have been unpersuasive, in the case of Avon and Somerset where the Commissioner cited contractual issues; "irrational and perverse", in Lincolnshire (according to the High Court); and unsubstantiated by any concrete examples in the case of Gwent.

9. We were disappointed that, shortly after we took evidence from Mr Johnston, he took to Twitter to criticise a member of the Committee for asking questions that he believed had been prompted by Gwent MPs, describing the proceedings as "sad really". Mr Johnson even described Mr Ruane as a "plant of Gwent MPs".¹² This disdainful attitude towards scrutiny by Parliament, as well as an indication of a clear over-sensitivity to criticism, from a politician elected by less than 8% of the electorate, who had managed to side-step the statutory arrangements for local scrutiny of his decision to sack the Chief Constable, is further evidence, if any were needed, that the checks and balances on police and crime commissioners are too weak.

10. The situation in Gwent has highlighted that the wide discretion of commissioners to dismiss chief constables is a significant issue, and shows that statutory provisions intended to give police and crime panels a role in respect of dismissals, albeit a consultative one, can be evaded. Some will argue that it represents an undermining of the independence of the office of chief constable if it becomes too easy for their political masters to dismiss them over any minor disagreement or personality clash. On the other hand, it is essential to commissioners' role as directly elected office-holders that they have the power to dismiss chief constables, and commissioners can and should provide robust, critical challenge to chief constables. It is right that commissioners should have the initiative in removing a chief constable, but we recommend that police and crime panels should fully exercise their powers of scrutiny in examining and deciding whether the proposed removal of a chief constable is justified. Such decisions, once made, should be accompanied by all the reasons arrived at in the case. We will return to this important area of policy when we come to consider the work of police and crime commissioners one year after their election, in November this year, by which time there may well be further examples of these powers being exercised in practice.

¹² The Gwent PCC Twitter account posted a message, in response to another user, which read "... Suspect [Chris Ruane MP] was the Gwent MP's 'plant' sad really."

Formal Minutes

Wednesday 17 July 2013

Members present:

Keith Vaz, in the Chair

Michael Ellis
Dr Julian Huppert
Steve McCabe

Mark Reckless
Mr David Winnick

Draft Report (*Police and Crime Commissioners: power to remove Chief Constables*), proposed by the Chair, brought up and read.

Ordered, That the draft Report be read a second time, paragraph by paragraph.

Paragraphs 1 to 8 read and agreed to.

Paragraph 9 read, as follows:

We were disappointed that, shortly after we took evidence from Mr Johnston, he took to Twitter to criticise a member of the Committee for asking questions that he believed had been prompted by Gwent MPs, describing the proceedings as “sad really”. Mr Johnson even described Mr Ruane as a “plant of Gwent MPs”. This disdainful attitude towards scrutiny by Parliament, as well as an indication of a clear over-sensitivity to criticism, from a politician elected by less than 8% of the electorate, who had managed to side-step the statutory arrangements for local scrutiny of his decision to sack the Chief Constable, is further evidence, if any were needed, that the checks and balances on police and crime commissioners are too weak.

Amendment proposed, in line 7, to leave out “too”.—(*Mark Reckless*.)

Question put, That the amendment be made.

The Committee divided.

Ayes, 2

Noes, 2

Michael Ellis
Mark Reckless

Dr Julian Huppert
Mr David Winnick

Whereupon the Chair declared himself with the Noes.

Amendment accordingly negatived.

Paragraph agreed to.

Paragraph 10 read, amended and agreed to.

Resolved, That the Report be the Sixth Report of the Committee to the House.

Ordered, That the Chair make the Report to the House.

Ordered, That embargoed copies of the Report be made available, in accordance with the provisions of Standing Order No. 134.

Written evidence was ordered to be reported to the House for printing with the Report (in addition to that ordered to be reported for publishing on 2, 9 and 16 July 2013).

[Adjourned till Tuesday 3 September 2013 at 2.30 p.m.]

Witnesses

Tuesday 2 July 2013

Page

Ian Johnston QPM, Gwent Police and Crime Commissioner

Ev 1

Carmel Napier QPM, Former Chief Constable of Gwent Police

Ev 7

List of printed written evidence

1 Ian Johnston QPM

Ev 12, 13

2 Carmel Napier QPM

Ev 15, 16

List of Reports from the Committee during the current Parliament

Session 2013–14

First Report	Police and Crime Commissioners: Register of Interests	HC 69
Second Report	Child sexual exploitation and the response to localised grooming	HC 68
Third Report	Leadership and standards in the police	HC 67
Fourth Report	The work of the UK Border Agency (Oct–Dec 2012)	HC 486
Fifth Report	e-crime	HC 70

Session 2012–13

First Report	Effectiveness of the Committee in 2010–12	HC 144
Second Report	Work of the Permanent Secretary (April–Dec 2011)	HC 145
Third Report	Pre-appointment Hearing for Her Majesty's Chief Inspector of Constabulary	HC 183
Fourth Report	Private Investigators	HC 100
Fifth Report	The work of the UK Border Agency (Dec 2011–Mar 2012)	HC 71
Sixth Report	The work of the Border Force	HC 523
Seventh Report	Olympics Security	HC 531
Eighth Report	The work of the UK Border Agency (April–June 2012)	HC 603
Ninth Report	Drugs: Breaking the Cycle	HC 184-I
Tenth Report	Powers to investigate the Hillsborough disaster: interim Report on the Independent Police Complaints Commission	HC 793
Eleventh Report	Independent Police Complaints Commission	HC 494
Twelfth Report	The draft Anti-social Behaviour Bill: pre-legislative scrutiny	HC 836
Thirteenth Report	Undercover Policing: Interim Report	HC 837
Fourteenth Report	The work of the UK Border Agency (July–Sept 2012)	HC 792

Session 2010–12

First Report	Immigration Cap	HC 361
Second Report	Policing: Police and Crime Commissioners	HC 511
Third Report	Firearms Control	HC 447
Fourth Report	The work of the UK Border Agency	HC 587
Fifth Report	Police use of Tasers	HC 646
Sixth Report	Police Finances	HC 695
Seventh Report	Student Visas	HC 773
Eighth Report	Forced marriage	HC 880
Ninth Report	The work of the UK Border Agency (November 2010–March 2011)	HC 929

Tenth Report	Implications for the Justice and Home Affairs area of the accession of Turkey to the European Union	HC 789
Eleventh Report	Student Visas – follow up	HC 1445
Twelfth Report	Home Office – Work of the Permanent Secretary	HC 928
Thirteenth Report	Unauthorised tapping into or hacking of mobile communications	HC 907
Fourteenth Report	New Landscape of Policing	HC 939
Fifteenth Report	The work of the UK Border Agency (April-July 2011)	HC 1497
Sixteenth Report	Policing large scale disorder	HC 1456
Seventeenth Report	UK Border Controls	HC 1647
Eighteenth Report	Rules governing enforced removals from the UK	HC 563
Nineteenth Report	Roots of violent radicalisation	HC 1446
Twentieth Report	Extradition	HC 644
Twenty-first Report	Work of the UK Border Agency (August-Dec 2011)	HC 1722

Oral evidence

Taken before the Home Affairs Committee on Tuesday 2 July 2013

Members present:

Keith Vaz (Chair)

Nicola Blackwood
Mr James Clappison
Michael Ellis
Dr Julian Huppert

Steve McCabe
Chris Ruane
Mr David Winnick

Examination of Witness

Witness: **Ian Johnston QPM**, Gwent Police and Crime Commissioner, gave evidence.

Q1 Chair: This is a one-off session looking at the activities of the Police Crime Commissioner for Gwent and the Chief Constable, and the recent events that have occurred there.

Commissioner, the Committee is extremely grateful to you for, first of all, responding so quickly and so transparently to our letter requesting information about the replacement of the Chief Constable, and to you for coming in here today. Thank you very much. We have a number of questions, as you would imagine.

Are you surprised at the interest generated by your decision to ask for the Chief Constable's resignation?

Ian Johnston: I think the scale of it, yes. Surprised at people being interested in what is new, no, but the scale of it, yes, Chairman.

Q2 Chair: Would you have expected, given that you have been elected as the Police and Crime Commissioner, if you have a meeting with the Chief Constable and you ask the Chief Constable to step down that, in effect, he or she would have gone quietly and you would have then carried on doing your work as the Police and Crime Commissioner?

Ian Johnston: I think there are a number of things I would like to say on that issue. The first one is that, as you rightly identify, I am the democratically elected representative for the people of Gwent. I stood on a non-party-political ticket and it is my duty to act in the best interests of the people, the electorate of Gwent. In terms of the procedure, Chair, can I say that I think there is still a good deal of confusion out there around how the procedure worked, and I was rather hoping today that I could give you my view on how I think it works, having gone through this process for the last two months.

Q3 Chair: That would be extremely helpful and we will be asking questions about that process. That is precisely what you are doing here today—you are telling us about process more than anything else. But I just want to remind you, in view of what has been in the public domain, that on your own website you are quoted as saying about the former Chief Constable, "Since joining the Chief Officer team in Gwent in 2008 as Deputy Chief Constable, Carmel has worked tirelessly to deliver an effective and

efficient police service for the people of Gwent". When did you feel that she was not a fit and proper person to continue?

Ian Johnston: It has been a long journey, Chair. Can I say to your Committee that in November, when elected, my intention from the very off was to make this new system work? That is what I wanted to do. We did not get off to a very auspicious start when I found in the first week that the Chief Constable issued a written report, followed up by a verbal report, that anyone having direct contact with the PCC would be subject to disciplinary proceedings. That, to me, did not show much evidence that the Chief Constable had embraced the Act of Parliament that created Police and Crime Commissioners. I had weekly meetings from November going through to April, and we had a particularly poor time in April. I decided then that this thing was just not going to work.

Q4 Chair: Did you discuss any of this? Obviously, there was, would you say, a clash of personalities or was it something much more fundamental than that?

Ian Johnston: It is much more fundamental than that. You will recall the letter that is now—unfortunately for me, I think—in the public domain, the notes of the meeting of 23 May, when I laid out four headings that I wanted to address with the Chief Constable. So I hope that people will get away from this idea about a clash of personalities. The main reason why I decided to take the action I did was that the Chief Constable from day one—now looking back—just did not accept the role of the Police and Crime Commissioner.

Q5 Chair: Yes. Did you think during this time that it was quite a good idea to speak to those who sit on the Police and Crime Panel, since Parliament, as well as giving you the power to do what you have done, has set up a body that would not just scrutinise you but bring matters to your attention, people you could discuss things with? Why did you not discuss this with the Police and Crime Panel?

Ian Johnston: When I decided that I needed to take some action, I took legal advice—as one would expect—and my firm legal advice was that the role of the Police and Crime Panel came much further down the line, had we gone into the section 38 process. When I spoke to the Chief Constable on 23 May, I

spoke from a script prepared by my legal adviser, and with that script it was quite clear that, on 23 May, I was offering the Chief Constable an opportunity to consider retiring. I made it quite clear at that meeting, and I have sent you and the Committee a copy of the note.

Q6 Chair: You did, and we are grateful for that. Now, hindsight is not a gift that is given by the legislation. But in hindsight, do you accept that you were wrong to accept that legal advice—

Ian Johnston: No.

Chair:—and that you ought to have gone to the Police and Crime Panel?

Ian Johnston: No, I don't: definitely, 100%, no. Can I just ask you to consider that if I had not done it, there would have then been claims of an abuse of process—that I had not offered the Chief Constable at that time an opportunity to consider retirement?

Chair: Unfortunately, the system that we have means that you cannot ask me questions, Commissioner. I have to ask you the questions.

Ian Johnston: I am sorry.

Q7 Chair: In respect of that, don't you now accept—because we have had other witnesses before us, where the Chair of the Police and Crime Commissioner for Lincolnshire—I don't know whether you looked at his evidence—said he had done exactly the same as you had done. He had gone to take legal advice and he ended up, indeed, writing to the Police Minister. Is there not something beyond legal advice that is a sensible, commonsense approach to local policing, in that you ought to have discussed this with other people, irrespective of whether there was some lawyer telling you not to do it?

Ian Johnston: Okay. But my answer is no different I am afraid, Chair.

Chair: Okay.

Ian Johnston: Can I say to you that I think the comparison with the Lincolnshire case is not helpful, when the Chief Constable was being suspended and in this case, on 23 May, I was inviting the Chief Constable to think about retirement? But I made it quite clear that if we did enter the formal process, the checks and balances within the section 38 procedure would have been followed to the letter, to ensure that we were fair to Mrs Napier.

Q8 Chair: Yes. It is just that when you met a number of your local Members of Parliament, and you subsequently wrote them a letter on 11 June—to Paul Flynn, I think, the MP for Newport West—you said that the Police and Crime Panel have no formal role in the decision Mrs Napier took to retire. Do you still stand by that statement?

Ian Johnston: Yes, I do.

Q9 Chair: You do not think they have any role at all?

Ian Johnston: My understanding of the law, and based on my legal advice, is that the Police and Crime Panel would have had a role had we entered the formal process. We did not enter the formal process because the Chief Constable decided to retire.

Chair: I understand.

Q10 Michael Ellis: Just briefly, Mr Johnston, I would concede, for my part, that you would have to be quite brave to ignore legal advice, following on from the questioning of the Chairman—some might say “rash”. But you did say in the note for the meeting with the Chief Constable that your concerns fell under a number of headings. One of those headings was the suggestion that she was “deeply hostile to the very concept of the office of PCC”. So what I want to establish from you, if I may, is what do you mean by that? Are you meaning to say that a Chief Constable would have to share your conviction that PCCs were a good thing? Or perhaps you would like to expand on exactly what you meant by that.

Ian Johnston: I realised from the off that Chief Constables around the country would have different views on the introduction of Police and Crime Commissioners. I respected that, and if the Chief Constable in Gwent had a view that it wasn't a good idea, I would also respect that. But I have statutory duties under the law, and the conduct of the Chief Constable was such that I could not carry out those statutory duties. Her behaviour, from the very first months, made it absolutely clear that: one, she did not understand; and two, more importantly, she did not acknowledge my statutory duties under the law.

Q11 Michael Ellis: So it was simply an issue that you could not work with her because, in your assessment, she refused to acknowledge the role that you had and would not and could not work with you in that way?

Ian Johnston: Correct.

Michael Ellis: Thank you.

Q12 Chris Ruane: You have mentioned quite a few times the specialist advice that you have had from your lawyer. I understand that he is probably the best lawyer on this issue in the whole country. Can I ask how much this cost the Police Authority or how much it cost you, as Police and Crime Commissioner? You also speak highly of your democratic mandate. Would the 6% of people who voted for you or the 94% of people who did not vote for you consider it value for money?

Ian Johnston: In terms of the bill for the barrister, we all know barristers don't come cheap.

Chris Ruane: Yes, how much?

Ian Johnston: Having said that, I had been given assurances from the very start that the barrister's fees, which were agreed by my chief executive, are reasonable given the circumstances.

Chris Ruane: How much?

Ian Johnston: I have no idea how much.

Q13 Chris Ruane: So you went to a barrister not knowing how much it was going to cost you—no ballpark figure, no estimate, no rough estimate?

Ian Johnston: That is a matter that has been dealt with by my chief executive. I was assured that—

Q14 Chris Ruane: Did you have any hand in taking the matter forward to this barrister?

Ian Johnston: No.

2 July 2013 Ian Johnston QPM

Q15 Chris Ruane: It was not your idea; it was not your initiative?

Ian Johnston: I am sorry; I thought you meant selecting this barrister. It was my idea that we should get legal advice, definitely.

Q16 Chris Ruane: As a newly elected PCC, you did not think that the cost of this mattered to the 6% who elected you and the 94% who did not elect you? It was of no interest to them? In times of austerity, when people want bobbies on the beat, this was of no interest to your electorate?

Ian Johnston: Of course it is of interest, and of course—

Chris Ruane: But you cannot supply the figure.

Ian Johnston: I cannot supply the figure, but I am quite happy—

Chris Ruane: Where is the figure?

Ian Johnston:—to write to the Committee and give you the figure.

Q17 Chris Ruane: You have come here today to address this Select Committee without a crucial figure. The whole issue rests around the advice you have been given and you cannot supply that information to the Committee, having come here today, with a critical piece of information.

Ian Johnston: I engaged legal advice and was given assurances that the bill for that legal advice would be reasonable, and I had more important things to get on with.

Q18 Chris Ruane: Can I ask you what your definition of “reasonable” is? Is it £50,000, £100,000, £1 million, £2 million?

Ian Johnston: I think we are being silly now.

Chris Ruane: No. Can I ask you what your definition, in financial terms, in monetary terms, is of “reasonable”?

Ian Johnston: “Reasonable” is what it says, it is reasonable.

Chris Ruane: How much is reasonable?

Ian Johnston: But you have asked that three times. I have already said—

Chris Ruane: I have had no answer. How much is reasonable? Perhaps you might do that on the fourth. How much is reasonable?

Ian Johnston: Whatever the going rate for barristers will be.

Q19 Chris Ruane: What is the going rate for barristers?

Ian Johnston: I have no idea, but my chief executive will. We needed—

Q20 Chair: Sorry, Commissioner, is your chief executive here?

Ian Johnston: No.

Chair: It would be extremely helpful, I think, in view of Mr Ruane’s questions, if you could write to us by noon tomorrow with the figure as to how much you paid this lawyer.

Ian Johnston: Of course. Would you like me to address the second part of Mr Ruane’s question?

Chair: Yes, please.

Ian Johnston: Yes. The answer to your question, Mr Ruane, about the 6% I got, is that it was slightly more than the Labour candidate.

Q21 Chris Ruane: Yes, absolutely. It is hardly a massive democratic mandate for any PCC in the whole of the country, no matter what their political persuasion is.

Ian Johnston: Absolutely right, but—

Q22 Chris Ruane: Which shows the lack of enthusiasm from the British electorate for this new position, and they will be even less enthusiastic now after your actions.

Ian Johnston: Your view.

Chris Ruane: Entirely.

Q23 Steve McCabe: Commissioner Johnston, I wonder if I can just ask a couple of straightforward questions about what actually happened. Is it true that you asked the Chief Constable to sign a gagging order?

Ian Johnston: No. What I said there—that has been reported as a result of my meeting with some Gwent MPs—what was said during the negotiations between the two groups of solicitors, a gagging clause or confidentiality clause was talked about and I understand it was not taken up.

Q24 Steve McCabe: So you did not play any direct role in suggesting there should be one or asking her to sign one?

Ian Johnston: No.

Q25 Steve McCabe: There is no gagging order?

Ian Johnston: No.

Q26 Steve McCabe: Can I ask, how much is the payoff to the Chief Constable worth?

Ian Johnston: The Chief Constable retired, as she would have done if she retired after the statutory process, where she is entitled to a pension. Her contract, which was in place before I arrived, stated six months’ notice, which I respected.

Q27 Steve McCabe: So there is no additional payoff in any shape or form?

Ian Johnston: No.

Q28 Steve McCabe: Am I right in thinking that that is a matter of public record and it would be easy for people to look at that?

Ian Johnston: It would be easy enough to look at but, rest assured, I am giving you my word today there is no other payment. It is six months.

Q29 Steve McCabe: Yes. I don’t want to doubt you. I just want to be clear. So there is absolutely no gagging order, you never asked for a gagging order, and the payoff is entirely what anyone in her position retiring would receive?

Ian Johnston: And expect, yes.

Q30 Chair: Would you know what the figure is?

Ian Johnston: For the retirement?

2 July 2013 Ian Johnston QPM

Chair: Yes.

Ian Johnston: To be honest, no. The figure would be worked out between the finance department and the Chief Constable. I think some of those matters are private, with respect, Chairman.

Chair: Sure, of course, but when you write to us with the costs of the legal adviser, perhaps you would be good enough to tell us about those that are not private. Obviously, if it is a private matter we understand that, but we may still inquire further.

Q31 Mr Winnick: Most of your time as a police officer, Mr Johnston, was in the Gwent Police, wasn't it?

Ian Johnston: Yes, sir.

Q32 Mr Winnick: What rank did you hold?

Ian Johnston: Chief Superintendent.

Q33 Mr Winnick: Yes. As I understand it, that position was held from 1994 to 1999?

Ian Johnston: No, from 1971.

Q34 Mr Winnick: From 1971 to 2004 you were in the police force?

Ian Johnston: Yes.

Q35 Mr Winnick: My fault. You were head of the CID in Gwent from 1994 to 1999?

Ian Johnston: Correct.

Mr Winnick: That is correct, is it?

Ian Johnston: Yes.

Q36 Mr Winnick: Therefore, you would take a particular interest in the Gwent Police when you retired. Would that be a fair summary?

Ian Johnston: If I can give some information that might assist. In 2004, whilst still on the payroll, I actually moved away from Gwent to work as the vice president full-time and then president of the Superintendents' Association. So, effectively, I left Gwent Police in 2004.

Q37 Mr Winnick: When the Chief Constable took over in Gwent she was appointed, as I understand it, as Deputy Chief Constable in January 2011. Did you have any dealings with her, although you had left the police force?

Ian Johnston: No.

Q38 Mr Winnick: None at all?

Ian Johnston: No.

Q39 Mr Winnick: But did you hear complaints from your former colleagues about her?

Ian Johnston: Where I live, Mr Winnick, invariably people talk about things. So, yes, there were things said, but there always are.

Q40 Mr Winnick: Would it be right to say—and I do not want to lead on this—that prior to your election as Police and Crime Commissioner you had certain views or criticisms of the Chief Constable?

Ian Johnston: No, and as I—

Mr Winnick: You had no views one way or the other?

Ian Johnston: No, because people will react differently to whoever the boss is. That is my experience but, rest assured, when I came in November and was elected, past stories or reputations did not come into it. I was there for one reason, and one reason only—to make it work.

Q41 Mr Winnick: Then between the time you were elected in November, and the action that you took on 23 May, you came to the conclusion that, "the managerial style of the Chief Constable was unacceptably dismissive, abrupt and unhelpful"?

Ian Johnston: Yes.

Q42 Mr Winnick: How soon after your election did you come to that view?

Ian Johnston: Well, I had an experience of it before I was installed in office. When the election result was announced on the Friday, I went in on the Monday to see the former Police Authority staff and was pleasantly surprised to see that there was an hour in the diary with the Chief Constable. But it wasn't a very productive hour and the Chief Constable left me in no doubt as to where I stood and how she saw the role of the PCC, which didn't accord with my role.

Q43 Mr Winnick: Following what Mr Ellis asked you, one of the points that you have made is that the Chief Constable was hostile to the Police and Crime Commissioner's position. When did you come to that conclusion?

Ian Johnston: It was based on a number of incidents and—

Mr Winnick: And influenced your decision of 23 May?

Ian Johnston: Yes. It built up to the decision of 23 May.

Q44 Mr Winnick: So the core, to a large extent, was that she was hostile, in your view, to the very concept of having Police and Crime Commissioners, and then there were other factors that you decided. So the core, in your view, was that she was hostile to the conception?

Ian Johnston: I think, Mr Winnick, that we need to add together the four headings that I referred to on 23 May. But, you are right—one of the most important was the hostility toward the appointment and the office of Police and Crime Commissioner, and a failure to accept that the Act of Parliament had been passed.

Q45 Mr Winnick: What I find difficult, unless she actually said to you, "I don't like your position, this legislation should never have been introduced in the first place"—a perfectly understandable view and shared by a lot of people—but unless she said that, which I would have thought is unlikely, how do you know? How can you read her mind?

Ian Johnston: Well, perhaps I can give you one or two examples.

Mr Winnick: Sorry?

Ian Johnston: Could I give you one or two examples?

Chair: Brief examples.

2 July 2013 Ian Johnston QPM

Ian Johnston: Brief, very brief. One of my statutory duties is the estate strategy buildings, police stations and the like, and the Chief Constable and I had many discussions around how police stations and front offices had been closed in Gwent. Her response to that was that it was nothing to do with me and yet, clearly, under the legislation, it is.

In terms of her relationship with Unison and the police staff, until we go through the second stage transfer procedure I have a duty and a responsibility to the police staff.

Chair: Yes, thank you.

Q46 Mr Winnick: Just finally, I understand what you have just said about the discipline in Unison, which has been outlined in the briefings, Mr Johnston. We have not heard from Unison, and I am not sure if we are going to, but can I just ask you this question finally? Do you consider that during the time she was Chief Constable, she was incompetent?

Ian Johnston: No.

Chair: Thank you very much.

Q47 Michael Ellis: If I can just come back to some of the points that have been raised, Mr Johnston. First of all, in fairness to you, there are not many Members of Parliament who achieve a 50% majority of the vote. Some do, but not many.

It is also probably fair to say that most large bodies engage lawyers occasionally—I should declare an interest, having been a barrister in practice myself; I hasten to add that my fees were very reasonable. I was going to ask you whether this has become political. The Division bell is ringing, however. I was going to ask you for your assessment about whether this has become a political issue. Do you want to just answer very briefly, if that is okay?

Ian Johnston: Absolutely. People who I thought were colleagues—professional colleagues, and some of them friends—have taken a different attitude in the last couple of months.

Chair: Commissioner, we are going to have to adjourn. We will come back and complete the inquiry. We will be about 10 minutes. Thank you.

The Committee suspended for 10 minutes for a Division in the House.

Q48 Chris Ruane: Mr Johnston, you were saying that you were upset with the behaviour of the Chief Constable from day one. Why did it take you so long to sack her and did it have anything to do with the fact that she had done her 30 years' service?

Ian Johnston: Thanks very much. First of all, Members will know that I did not sack her. I invited her to consider retiring, so that is the first thing.

Q49 Chris Ruane: When did you ask her to consider retiring?

Ian Johnston: On 23 May.

Q50 Chris Ruane: On 23 May. When was her 30 years' service?

Ian Johnston: On 16 May.

Q51 Chris Ruane: All right, is there any significance in those dates?

Ian Johnston: No.

Chris Ruane: None whatsoever?

Ian Johnston: No.

Chris Ruane: It had no bearing on it?

Ian Johnston: No.

Q52 Chair: Did you know that she would reach 30 years' service on 23 May?

Ian Johnston: I checked.

Chair: You did?

Ian Johnston: Yes.

Q53 Chris Ruane: When did you check?

Ian Johnston: I checked in April when I came to the conclusion that this was never going to work.

Chris Ruane: Why did you check?

Ian Johnston: Because of the case in Avon and Somerset and the comment made by the Judicial Review judge.

Q54 Chris Ruane: What is the significance of the comment?

Ian Johnston: That he may have taken a different view if the Chief Constable in this case, in Avon and Somerset, had not completed 30 years' service and could access their pension.

Q55 Chris Ruane: So you tolerated her behaviour for five or six months even though it really upset you? Even though she had a contrary opinion to PCCs, you were prepared to put up with that until after 16 May?

Ian Johnston: No, that is totally not true. What I did in the interim was try week on week to make the system work for the people of Gwent that I represent.

Q56 Chris Ruane: You have described the Chief Constable's behaviour as dismissive, abrupt and unhelpful. How would you describe your own style?

Ian Johnston: Inclusive, firm, and a team player.

Q57 Chris Ruane: That has helped you in your relationships with the Police and Crime Panel, local MPs, senior police officers, and members of the public?

Ian Johnston: Yes.

Q58 Chris Ruane: All right. You have made accusations that the Chief Constable was less than honest with the crime figures, but you have not provided any evidence for that. Could you provide the Committee with that evidence here today?

Ian Johnston: Yes. I know that the Committee, based on your report from 26 June, is concerned with crime figures and, for me, it is not just about whether the crime figures have been manipulated in a particular way. More importantly than that, I think that in Gwent we were so focused on reducing the recorded crime that we got away from providing the service for the people who pay the wages.

Chris Ruane: Could you provide the evidence to our Committee for that?

Ian Johnston: Yes.

2 July 2013 Ian Johnston QPM

Q59 Chair: Thank you very much. We are most grateful. Commissioner, hindsight is a great gift that we all would like, but looking at the legislation, section 38, do you think it ought to have been drafted in a much clearer way to set out the circumstances where a Commissioner can exercise the power to ask a Chief Constable to go? Because I have looked at section 38 and I think it is a bit vague, thus leaving the possibility of people not knowing when it is time to say goodbye. Would you like it to have been more specific?

Ian Johnston: When we arrive at a situation that I find myself in, where I have asked the Chief Constable to consider retirement and she has then decided to retire, I think it places the Police and Crime Panel in an invidious position because according to the law, they then have no scrutinising role because the Chief Constable retired. That is not too helpful. I think in terms of how section 38 is laid out and the checks and balances in there with Her Majesty's Inspector of Constabulary and the Police and Crime Panel, I think the checks and balances are in there but in this case, we did not enter that process.

Q60 Chair: But it seems to me, having listened to you—you have been very open and transparent with the Committee—that you made up your mind that you did not want her to stay. She was the wrong person for the job, basically, because of what she said and did, and you have given us examples.

When Mr Winnick asked you, you gave us specific examples where the relationship was not successful. You checked whether she had 30 years' service. You had your meeting very soon after she reached her 30 years' service, and you probably came to the conclusion that she would accept it and go quietly and allow you to continue your job as the Commissioner, because clearly this was not going to last forever—this relationship—was it?

Ian Johnston: Can I correct you, Chair, on that last part? I am grateful that you think I have been open and transparent today. I will continue to do that. Can I share with you that I was surprised that the Chief Constable decided to retire and take up my offer at the end of May? I fully expected it to enter the section 38 process.

Q61 Chair: So you were very pleased?

Ian Johnston: No, I was not pleased.

Q62 Chair: So you wanted to enter the section 38 process?

Ian Johnston: No, what I said was that I was surprised that we did not go there.

Chair: Yes, but you expected to?

Ian Johnston: Yes.

Q63 Chair: Were you glad that she did retire or would you have wished her to stay on so you could go under section 38? Would that not have been much worse for the people of Gwent?

Ian Johnston: Yes, it would have been worse,

Q64 Chair: So has she not done you a big favour in what she has done?

Ian Johnston: I think we are talking about two different things. You asked me the question, did I expect her to retire, and the answer to that is no. I expected to go through the section 38 process, but one thing I am absolutely clear on, Chair, as we get toward the end of this briefing, is that I will not go back on the statement that I think the decision that has been made was made in the best interests of the people of Gwent. I am still convinced that that is the case.

Q65 Chair: Of course. We understand that, but what is really surprising to me is that you expected to have a contest under section 38, which would have brought in the Crime Panel and would have been run through the papers for several weeks. In fact, she decided to take her pension and go after 30 years, which I would have expected to be the best course of action—to go quietly, in effect. You do not think she has done you a favour by doing that, rather than going through the protracted section 38?

Ian Johnston: I think that was a decision for the former Chief Constable to make. In answer to your question, the original question was: did I think that she would take that option? No, I did not. Am I glad she did? I thought that was a more professional and dignified way to do things.

Q66 Chair: To go in the way she has—professional and dignified?

Ian Johnston: Yes, dignified, moved on to a further career, and so on. If the notes of the 23 May meeting had not been leaked to the media, I suspect that is where we would have gone.

Chair: Extremely helpful. If you could possibly let us have the cost of legal advice, not just the legal advice that you received before but also—obviously, you have legal advisers here today, their cost. I think it would deal with Mr Ruane's point as to how much did the legal advice cost.

Ian Johnston: We will get that to you by 12 pm, midday tomorrow.

Q67 Chair: That is very helpful. You have two legal advisers here today?

Ian Johnston: I have one legal adviser and I think one trainee.

Q68 Chair: Yes. You are now going to advertise for the next Chief Constable?

Ian Johnston: Yes.

Q69 Chair: Would you be surprised if people decided not to apply to come to Gwent given the circumstances surrounding the departure of the Chief Constable? Do you expect a good field of candidates?

Ian Johnston: Yes, I do.

Q70 Chair: How many do you think will apply?

Ian Johnston: How long is a piece of string? But I live in Gwent. I was brought up in Gwent. I am very proud to live there. It is a very nice part of the world, and I think we will get a very good pool of talent from which to select the next Chief Constable.

Q71 Chair: When does that start?

2 July 2013 Ian Johnston QPM

Ian Johnston: The process will start in the first week of September and we hope to have a new Chief Constable in place by the end of October.

Q72 Chair: Will you be seeking the advice of HMIC or any other outside body or outside consultants, head hunters, to help you?

Ian Johnston: We have gone further than that. I am not at liberty today to discuss the whole thing. All I will say to you is that we are broadening the Panel to ensure that people will see it as transparent as it could possibly be.

Q73 Chair: Sorry, which Panel? The Panel that is going to interview?

Ian Johnston: Yes.

Q74 Chris Ruane: Just one final thing. I think you told the Gwent MPs when you met them that the Chief

Constable, she had refused three times—sorry, did you ask the Chief Constable to sign the gagging order? Because I have been informed by Gwent MPs that she refused three times, but you told the Crime Panel last week that you had not asked her.

Ian Johnston: No, this question, I think, has been covered but I will cover it again. What happened was when the Chief Constable indicated on 31 May that it was her intention to retire, we then went through a process in one week where there was correspondence back before one set of solicitors and another, and during that period the necessity or otherwise for a gagging clause was discussed. The Chief Constable did not ask for one and there is not one in place.

Chair: Commissioner, thank you very much for coming in today. We are most grateful.

Ian Johnston: It has been a pleasure.

Examination of Witness

Witness: **Carmel Napier**, Former Chief Constable for Gwent, gave evidence.

Q75 Chair: Ms Napier, thank you very much. Can I start with a genuine apology? We have run over time, as we do sometimes on this Committee, but also there has been a Division so we had to go and vote.

Thank you very much for coming here today. You know why you are here. It is about the circumstances that led to your retirement as the Chief Constable of Gwent. We know you are concerned about whether or not the Committee might ask you about issues to do with your Confidentiality Agreement. Since we are not a party to this agreement, we do not know what you promised to say or not to say, so if we stray, do not hesitate to tell us that you are legally bound not to disclose things and we will respect that. Obviously, we have not seen this agreement.

We have heard evidence today from the Commissioner. The concern of this Committee obviously is that what has been going on in Gwent is of course a great deal of concern, whether one supports the idea of a Crime Commissioner or not. It has obviously been in the public domain. There has been a lot of press comment and you have left your job.

We have just heard evidence—you did not hear this evidence, but we received it from the Commissioner—to say that he expected you not to retire after 30 years but he expected you to challenge him. He expected, in effect, a contest under the section 38 procedure. Did that ever cross your mind? Did you ever think to yourself, “Well, actually, no, I am not going to go. I am going to stay and I am going to allow him to initiate the section 38 procedure”? Or after the last few months, since he was elected, did you decide you had had enough and you wanted to go?

Carmel Napier: Chairman, if I could just flick through my notes, if that is okay.

Chair: Sure.

Carmel Napier: Because obviously a lot has happened in my life in a very short period of time, totally

unplanned, so if I could just find the point in my notes, I would appreciate that. Just quickly in relation to what you refer to as the Confidentiality Agreement, there was no Confidentiality Agreement. There was a Compromise Agreement reached as a result of my going.

Chair: Maybe I can help you because you probably have a lot of notes there.

Carmel Napier: Yes.

Q76 Chair: When did you decide to step down rather than to say to the Commissioner, “I think I will stay and you will have to invoke section 38”?

Carmel Napier: Chairman, I have now found the point in my notes. I have been a very successful police officer of some 30 years’ standing. I have worked in four police forces. I have been both the Head of Specialist Crime & Specialist Operation and a Chief Officer in both Essex and Gwent. I was the Deputy Chief Constable in Gwent beforehand and, as the Committee has seen, I have turned both the culture and the performance in that particular force as well as delivered in excess of the savings required—some £25 million from a £130 million budget. That is no mean achievement and it is not easy to do.

Q77 Chair: No. Can we say we very much respect that? We know your curriculum vitae. Obviously, you do not stay for 30 years and reach the very top unless you are very distinguished. I think you can take it as read that the Committee accepts that.

Carmel Napier: Great. On the 23 May meeting with Mr Johnston, that was rostered in my diary as just a routine one-to-one meeting. We did not meet that often. He had only been in post six months. I was out of force, out of that six months, one month on an outside force matter and when you take the Christmas period and our annual leave and other commitments

2 July 2013 Carmel Napier

for both, they certainly were not happening every other week.

For the meeting on 23 May, he happened to come to my office because the venues would swap between both of us, and I was easy wherever meetings were held. At no time before 23 May did he say to me that he had any concerns—never mind as he phrased it in that shocking 23 May document that he had grave concerns—about my performance and behaviour as a Chief Constable.

There had been no conversation debate about my performance and behaviour. There had been no discussions that said I need to address any concerns he may have had. There had been no HR processes and interviews and meetings with me during which he could have both flagged his concerns and provide evidence to support them. There had been no chair team meetings between him and I or between my Chief Officer team and his OPCC team, which when I became Chief, even though I had been the Deputy in the force as I was building my new team, I did that and brought an independent mediator in.

Q78 Chair: Yes, sure. So all this came as a complete surprise to you?

Carmel Napier: It did, yes, and there was no indication that he was going to start formal procedures.

Q79 Chair: No. Turning to that meeting—that has been very helpful, thank you very much—it came as a complete surprise to you?

Carmel Napier: Yes.

Chair: With hindsight, we have heard in evidence that he checked to find out you had done your 30 years. Given the choice of fighting under section 38—I call it a fight, but it is a contest, clearly—and going quietly into retirement with your pension intact, when did you make that decision that, “Actually, I do not want to stay here. This is obviously not going to work. It is a big shock to me. I am just going to go”?

Carmel Napier: When he read the note to me on the 23 May meeting, he read the note and then stormed out of my office. I had no opportunity to respond or reply and in fact, I had the first performance review meeting scheduled with him in my diary in early June. I felt that the verbal—because he just read the document out and I was trying to say to him, “Slow down”, because he would not give me a copy of it—I felt that the tone of the document and how he delivered it was both menacing and bullying.

Q80 Chair: Was it just the two of you in the room?

Carmel Napier: Yes, there was, just the two. I felt from the tone of the note that it was a clear threat, “Retire or resign”, or, horrible words, “I will humiliate and dismiss you”. Again, that is what rang in my head.

Q81 Chair: He actually said those words?

Carmel Napier: Yes, that is what is in the 23 May document.

Chair: I think the Committee has this document.

Carmel Napier: As he was reading that to me, because remember I had no copy—it was a bit like going to the doctor’s to hear bad news. You recall key

parts of it, and certainly I felt that it was a clear threat—“Retire or resign or I will humiliate and dismiss you”.

My initial response, when he stormed out of the room because there was no discussion, was just to think, actually like shock, horror, and as part of that thinking, I did not discuss it with the Chief Officer team. My initial response was to fight it. The performance and contributions, commitment, that fantastic team-building I have done with the officers and staff—

Q82 Chair: Did you go back and tell them all?

Carmel Napier: No, I did not. In fact, I have never told any of my team or anybody who worked in the force from any section or department what was in that document. I felt the document was inaccurate, unjust, and unfair, but I am a professional Chief Constable and I treat all matters with dignity and respect.

Q83 Chair: Did you ring up ACPO? Did you get Hugh Orde on the phone? Where did you get support?

Carmel Napier: My call that afternoon—the only call I made that afternoon—was to speak to my HMIC and having spoken—

Chair: Who is whom?

Carmel Napier: Dru Sharpling. Dru Sharpling said to me that she cannot get involved. The HMIC have to be independent. “You need to go to your Staff Association for advice,” and that is the only conversation.

Q84 Chair: Which is ACPO?

Carmel Napier: Yes, and so my initial response, having spoken to CPOSA, which is the Staff Association, was to fight it. Mr Johnston’s actions and behaviour are not, in my view, an appropriate and fair way to deal with anyone, never mind a top-performing Chief Constable.

Chair: That is very helpful. Perhaps you have a document that you would like to submit to the Committee, which has all these feelings, because these sessions are very much questions and answers.

Carmel Napier: Okay.

Chair: What you have said is extremely helpful. You can certainly submit it and we will read it into the record, if you like.

Carmel Napier: Yes.

Q85 Chair: Can I just ask you, the Commissioner has said in evidence to us that you were very hostile to the very concept of Police and Crime Commissioners. Even after the election, when he first went to see you, he went to say goodbye to the Police Authority staff, it was clear about your hostility because you had sent an email or a memo to members of the Constabulary telling them that they were not to contact the Commissioner. Is that true? Had you done so?

Carmel Napier: Mr Vaz, I will explain that context in a minute, but can I just finish answering your question about why I resigned?

Chair: You can, but not if it is very long. We are not very keen on people reading out long statements.

Carmel Napier: No, but I sought legal advice about what I should do because I do not like bullies and I

2 July 2013 Carmel Napier

felt bullied and threatened. But having taken legal advice, I found that the Government had drafted the legislation, the Police Reform and Social Responsibility Act, which apparently gave the PCCs unfettered powers to appoint, suspend, and remove Chief Constables. Therefore no matter what process I went through with the Police and Crime Panel, the outcome could be the same because the PCC is the ultimate decision-maker about what has happened.

Q86 Chair: So you came to a conclusion on a very important point of principle, which this Committee is very interested in because we are conducting a very major inquiry into PCCs starting in November, that the legislation was defective because it gave to the PCC enormous power to do what you have just suggested?

Carmel Napier: Enormous, unfettered power to even ignore—should the findings of the Chief HMIC and the Police and Crime Panel come in my favour, he is still the ultimate decision-maker and could ignore the decision that had been made.

Q87 Chair: That is very interesting. We certainly will bear that in mind for our next inquiry. One final point to you from me. How do you think this has benefited the people of Gwent? This unseemly row between the Commissioner and yourself?

Carmel Napier: Absolutely no benefit at all. I have a very strong relationship with all the local key stakeholders and communities across Gwent. In fact, I was at the Caerphilly Borough Council Mayor Ceremony just a few days before that, and sitting in the back because I had been invited as a guest. The Mayor and the Council all thanked me for the work that I have been doing with the force, and they and the members of the public that were present joined in applause to thank me and the force for the excellent work that had been done.

Q88 Mr Winnick: Following what the Chair has said about the accusation that you were hostile to the concept of Police and Crime Commissioners, do you accept that Parliament has the right to pass legislation? It so happens that a good number of us are not in favour of the position, but Parliament has the right to decide and has decided that there should be Police and Crime Commissioners duly elected. You accepted that?

Carmel Napier: I did accept that, sir.

Q89 Mr Winnick: Fully and completely?

Carmel Napier: Fully and completely. I worked very closely with ACPO. I continued to attend—up until very recently—seminars to see how we could work a way forward together. I am a pragmatist and realist. That is what the legislation, the electorate, and democracy had voted in and I was very happy to work with it the best that I could.

Q90 Mr Winnick: What do you say to the view that has been put forward to us that you made it rather clear to the Police and Crime Commissioner that you were not happy with the position of Police and Crime Commissioner, and made no secret of the fact to him

that you were deeply hostile or very hostile—whichever way it is—but hostile to such a position?

Carmel Napier: No. Mr Winnick and Committee Members, I had limited knowledge of Mr Johnston prior to the election and his appointment. I was aware that he was a local resident and ex-Chief Superintendent of Gwent and ex-Chair of the Superintendent Association of England and Wales.

I was pragmatic and realistic and greeted him and congratulated him when he won the election, but I had a very surprised reaction from colleagues within the force, who came to me—I did not seek the information—and raised a number of concerns about how they saw Mr Johnston when he had been in the force as a Chief Superintendent. They raised their concerns about his behaviours and attitudes. There was a real sense of fear for people who were now middle and senior managers in the force about how he might seek to undo the good culture and turnaround and the interactions and behaviours of what we did.

As the Chief Constable of that force, I looked at the legislation and looked at what I could do. Clearly, the election process did not look at someone's track record from when they were in force as part of that process. The Police and Crime Panel were in the early stages and did not have apparent locus over that particular area at that time, nor did the HMIC. So as a Chief Constable, I looked at the legislation, discussed the issue and the concerns with Chief Officer Team members and asked what the best way forward was.

In order to support my officers and staff in the force who had raised these concerns, I, in a positive way, called all the senior officers and police staff in and briefed them so they had clarity about the role of the Commissioner and the role of the Chief Constable, and who was responsible and accountable for what, reminding them that until the stage 2 transfer process came in at the end of March 2014—

Q91 Mr Winnick: Ms Napier, do you think on reflection, given there was a clash of personalities—I think that is rather obvious between Mr Johnston and yourself—a working relationship would have worked out if the action had not been taken against you on 23 May?

Carmel Napier: I think what should have happened—it was six months into a big change programme. The force had been, since 2008, on an extensive culture and organisational performance change programme, moving forward from me as the Deputy and on to the Chief, and achieving that turnaround results as it came in.

I feel that Mr Johnston should have invested the time with me in building that relationship. If he felt that things were getting tense, he should have looked at the opportunity—as the teams working together, independent facilitator, mediator, alternative dispute resolution, sitting down, taking opportunities—and I am disappointed that he did not. We went away on a number of conferences that we were at together recently, and that would have been an opportunity over a glass of wine or in relaxing down time in a different venue to discuss and to come up and resolve those issues.

Chair: Excellent, very helpful.

Q92 Steve McCabe: I have two questions, Ms Napier. Commissioner Johnston says to all this that your final settlement was entirely in line with what an officer with your level of service could expect to receive on retirement after 30 years and that there were no additional payments. Is that accurate?

Carmel Napier: I feel I did not get a fair settlement, in that I had what I thought was a five-year contract as a Chief Constable. I learnt when I sought legal advice that I did not have a contract. I feel that I did not get what I justly deserved of someone taking such an off-the-wall decision without going through due and fair HR processes to pay out those contracts.

Q93 Steve McCabe: So when he says it was in line with what you could expect retiring after 30 years' service, is that accurate?

Carmel Napier: Yes, I certainly did not achieve anything more than the public would expect and my motive—and that is the reason why I have come here today—is not about earning a buck out of the public purse.

Chair: It is putting the record straight.

Carmel Napier: Yes.

Q94 Steve McCabe: That is fine. Thank you.

The other thing I wanted to ask is I understand that Gwent recorded the largest fall in crime between 2011 and 2012 across England and Wales. Normally you would think that would be a source for some kind of celebration, but I understand there were suggestions that you had in some way massaged the figures and morale in the force was very low. Do you have any comment to make on that?

Carmel Napier: Yes, I do. I strongly believe in Sir Robert Peel's—founder of policing—principle that the success of any police force is crime not happening in the first place, and for crime I would also include anti-social behaviour. The cultural shift and change that we had in the force was to work with local authorities and other stakeholders and communities. Championing neighbourhood policing is about how we do business, getting ahead of the game and preventing things happening, that predictive policing and using evidence-based policing to prevent things happening. We had a number of reviews when I was both Deputy and Chief that showed from independent consultancies that we were over-recording crime, that our processes were not right.

Our Head of Crime addressed those issues with a newly appointed volume crime lead. We set up, under the Police Authority, a data quality and assurance group, which took the feedback from 2011 HMIC inspection of the force in relation to crime recording standards and data quality, and to take those learnings. We involved an independent member of the Police Authority in that data quality assurance.

On the full authority meeting around November 2012, before the PCC came in, when he was there, I remember Mr Delahaye—who was the Police Authority member who sat on it—said if he had not sat on that data quality order group, he likewise would not have believed the results were so true and valid.

But he was able to test and quality assure, having worked closely with the Staff Associations and so on, in order to achieve those outcomes.

As Chief Constable, I put all the mechanisms I could possibly put in place to make sure that both our incident and crime and anti-social behaviour recordings were as accurate as they could be. I was disappointed because I saw the opportunity of the PCC's coming in as having a great champion for the force and a champion who could also help move forward the partnership work.

Chair: Very helpful. Thank you very much.

Q95 Chris Ruane: On that issue of massaging the crime figures, Mr Johnston was quizzed on this and in fact, he is going to give his evidence. He has promised to write to us, is that right?

Chair: Yes, he has.

Chris Ruane: Evidence of how the figures were massaged, so I would like to suggest to the Committee that we ask you formally to write to us with evidence of your good record in there, so that we have a balanced opinion. If you cannot do it personally, tell us who can and what other figures we should be looking at to show how you got on top of crime in Gwent. It is a fairly serious allegation to accuse a Chief Constable of massaging the crime figures.

Carmel Napier: It is a very serious allegation.

Chair: Before you start writing in, I think what we will do is get Mr Johnston's version of events and then send it to you for you to comment on. Otherwise, we will be going around in circles. Is that all right?

Chris Ruane: That is fine.

Carmel Napier: I think the challenge is, there was a Chief Constables award ceremony in May this year, prior to 23 May, where Mr Johnston—I was quite shocked, but I did not comment because it is the democratic electorate, being respectful to the role—said to the invited celebration audience of parents and families of officers and partners, who were receiving awards, that he did not agree with the Home Secretary's focus on crime reduction, that he did not agree with the Winsor and Hutton recommendations and so on.

I felt that, as someone who should be a champion of our organisation, it is very important that he and I work together to keep things on message. My great concern was that he was distracting attention from officers when we needed them to do key things for the community, reduce crime, reduce anti-social behaviour, make sure that we protect the most vulnerable and we deliver the savings that we were required to do with neighbourhood policing ethos, and it was important. They are the things in his Police and Crime plan, that linked in with victims and support—he and I should be one voice rather than giving conflicting messages.

Q96 Chris Ruane: In the note from Mr Johnston to the Committee—I think that he supplied it to the Committee—"It should be clear by now that I have grave concerns about your performance and behaviour as Chief Constable. I need to share my concerns with you and would ask you to allow me to finish before you comment." In your evidence, you said at no time

2 July 2013 Carmel Napier

before 23 May did he express this grave concern. Can I ask the Chair if we can ask Mr Johnston to supply the times and dates of meetings, emails or letters where he related his concern to Ms Napier prior to 23 May?

Chair: Yes. We can talk about it with Ms Napier, but certainly we can write to him.

Chris Ruane: Yes, for him to supply that evidence to the Committee.

Q97 Chair: Indeed. Thank you for coming here today. I just have a couple of final questions. You are one of the very few women Chief Constables that we have had in the United Kingdom. I want a very brief answer to this. Obviously, diversity is a big issue for this Committee. What is the barrier to having more women Chief Constables? Why is it such a problem for the force? Leaving aside what has happened in Gwent of course, when we have them, they then go.

Carmel Napier: It becomes relevant, does it not? Because it sends key messages out about how you treat and deal with people.

Q98 Chair: It does, but that has happened to other male Chief Constables as well—they have been asked to go.

Carmel Napier: I do not know the detail about what has happened with others, but what I do know is that for anyone of any grade, I would never treat anybody and I—

Q99 Chair: No, we understand that but the Commissioner started in November and even before that, we have had a problem, before Commissioners were even born, of not having enough women Chief Constables. You have made it to the top after 30 years. It is not about Gwent. It is just generally speaking. What is the barrier that stops more women getting to be Chief Constable?

Carmel Napier: It is a tough culture. It is a tough job and requires a level of passion and commitment, integrity and standards, that, for a complexity of reasons, people do not want. Visible leaders in those roles will become role models. It is very important in order to provide visible symbols that this is possible and it can be done.

Q100 Chair: That is when the Gwent situation becomes relevant of course?

Carmel Napier: It does.

Chair: That is the point that you have made.

Carmel Napier: Interestingly, in culturing Gwent when I went there in 2008, unsolicited by me, the Women's Network Group had got in my diary for a meeting to say that through nepotism in the force, none of them could get promoted. That week I addressed—with the Chief Constable, the Chief Officer Team and the senior leaders—new processes that knock out favouritism and very much put leadership appointment, recruitment and selections in the hands of the Chief Constable and his team, and not in the hands of senior leaders, who perhaps would look after their mates and appoint who they wanted to see.

Q101 Chair: How many women Chief Constables have there been in Wales in the history of Chief Constables? Do you know?

Carmel Napier: Two, I think. Barbara Wilding was the first and I was the second.

Q102 Chair: Just the two of you?

Carmel Napier: Yes.

Q103 Chair: You do not consider perhaps in three and a half years' time running to be the PCC?

Carmel Napier: I would always leave the door open. I am a talented individual with some great skills and good evidence of delivery.

Mr Winnick: Against Mr Johnston, perhaps.

Q104 Chris Ruane: How many Chief Constables are there in the UK? How many are women?

Carmel Napier: Forty-three forces in England and Wales. There are more Chiefs because of the Met.

Q105 Chris Ruane: Sure. So how many Chief Constables are women?

Carmel Napier: I think at the last count there were seven, but I would have to double check that.

Q106 Chris Ruane: Seven, so we are down to six now?

Carmel Napier: Yes.

Q107 Chair: We will not ask you to name all of them, but thank you very much. It is a very pertinent point to our general look at the whole issue of gender and diversity.

Ms Napier, you have been very open and transparent with this Committee. I know it has been difficult for you because of what has been going on, but we do very much appreciate your coming here. It was much better to have you here, having heard Mr Johnston, than to just have you write to us, so thank you very much for sharing your recent history with us. We may write to you again, but we certainly will be sending you some letters to comment on.

Mr Winnick: If I may say so on behalf of the Committee—I think it is on behalf of the Committee—your years of dedicated service in the police have not gone unknown or unacknowledged by us. It is unfortunate that it has ended on this note, but we do appreciate all that you have done over 30 years, rising to the very top and rightly so.

Q108 Chair: Yes, Mr Winnick speaks, as usual, on behalf of the whole Committee. Best of luck. Have you decided what you are going to do? A number of your colleagues have gone to the Gulf, you know. Any thoughts?

Carmel Napier: I know that as one door shuts, another one opens.

Chair: Indeed.

Carmel Napier: There is someone out there who will want my talent, skills and delivery, and we will work together well on that.

Chair: Thank you very much.

Written evidence

Written evidence submitted by Ian Johnston QPM, Gwent Police and Crime Commissioner (PCC 15)

LETTER FROM IAN JOHNSTON QPM, POLICE AND CRIME COMMISSIONER FOR GWENT,
TO THE CHAIR OF THE COMMITTEE, 14 JUNE 2013

I am writing in response to your letter dated 12 June 2013 which posed certain questions:

“[1]: Whether you were ... responsible for the resignation of Chief Constable Carmel Napier on 7 June and, if so, what you said that led to your resignation?”

“[2] If so, what were your reasons for doing so?”

I will answer these two questions together.

Police and Crime Commissioners (PCCs) are responsible for the appointment and removal of Chief Constables pursuant to s.38 of the Police Reform and Social Responsibility Act 2011 (the 2011 Act). There are broadly four situations in which a Chief Constable's career will come to an end:

- (i) they may retire/resign;
- (ii) their Fixed Term Appointment may come to an end without an extension being sought by the Chief Constable or granted by the PCC;
- (iii) the Chief Constable may be dismissed for breach of the Standards of Professional Behaviour under the Police (Conduct) Regulations 2012 by the PCC; and
- (iv) the Chief Constable may be “called upon” to retire or resign by the PCC under s.38(3) of the 2011 Act, whereupon the Chief Constable “*must*” do so under s.38(4). Before a PCC calls upon a Chief Constable to retire or resign, the PCC must follow the process set out in Schedule 8 Part 2 of the 2011 Act (the Schedule 8 process).

In Mrs Napier's case, (i), (ii) and (iii) did not apply. I did, however, consider that it was necessary to commence Schedule 8 process.

I was confident, and remain confident, that at the conclusion of the Schedule 8 process I would have had solid grounds to exercise the discretion invested in me by Parliament and the electorate of the Gwent Police area to call upon Mrs Napier to retire or resign under s.38(3).

I considered that, prior to commencing the Schedule 8 process, it would be highly desirable to set out my intentions to Mrs Napier. I considered this desirable both in Gwent Police's interests in terms of the public confidence in policing and staff morale and also Mrs Napier's interests in terms of her future career aspirations.

After taking legal advice, I met with Mrs Napier on 23 May 2013 in her office. I informed her that I would be commencing the Schedule 8 process on 3 June 2013, but that I would prefer it if she retired voluntarily before then to avoid me having to do so.

I made it clear that: “... *if you do not wish to retire of your own volition, then you are of course entitled to the full protection of the process defined under Part 2 of Schedule 8 of the 2011 Act and I will, for the avoidance of any doubt, fully respect that process and ensure that you are fairly treated throughout it.*”

When I spoke with Mrs Napier on 23 May 2013, I spoke from a prepared script from which I did not materially deviate. Mrs Napier asked me only one question. I recorded her question and my answer immediately after our meeting. I enclose both documents. On 31 May 2013 I received a letter from Mrs Napier's solicitors stating that it was her intention to retire on 7 June 2013. It was, therefore, not necessary for me to commence the Schedule 8 process.

The script referred to above sets out in outline the reasons why I proposed to commence the Schedule 8 process with a view to calling upon Mrs Napier to retire under s.38(3) of the 2011 Act. I stand by those reasons. I acted in the best interests of the Force and the people of the Gwent Police area in accordance with my Oath of impartiality.

Parliament did not specify the basis on which a PCC could exercise his or her power under s.38(3) of the 2011 Act. Prior to 15 November 2012, police authorities had the power to “*call upon the chief constable to retire in the interests of efficiency or effectiveness.*” However, police authorities could only do so with the permission of the Home Secretary and, additionally, the Home Secretary could require police authorities to exercise their power (see s.11 (2) and s.42(1) of the Police Act 1996).

By the 2011 Act, Parliament localised the power to require the Chief Constable to retire to directly elected PCCs. As stated, and significantly, Parliament did not circumscribe the basis upon which the PCC's power under s.38(3) of the 2011 Act could be exercised. The only limitation on the police authority's equivalent power under Police Act 1996, namely the words “*in the interests of efficiency and effectiveness*”, is entirely absent from s.38 of the 2011 Act.

It appears that these words (or any limitation on the situations in which a PCC could call upon the Chief Constable to retire) were deliberately omitted by Parliament from the scheme under the 2011 Act. Instead,

discretion as to whether it is in the best interests of the police force and the public of the police area in question for the Chief Constable to retire was vested in directly elected PCCs.

“[3] Please supply copies of any papers you hold relating to your discussions with Chief Constable Napier about her departure”.

I have enclosed a copy of a script and the document referred to above.¹

My Chief Executive, Mrs Bosson, provided Mrs Napier with a copy of the script at her specific request under cover of a letter dated 24 May 2013. The script was not provided to anyone else beyond my lawyers. I can confirm that neither me nor my lawyers “leaked” the script to the Argus and I am disappointed that the leak happened.

All correspondence following that discussion took place by letter between Mrs Napier’s solicitors and the Office of the PCC’s solicitors. That correspondence is subject to Legal Professional Privilege.

Ian Johnston QPM

Police and Crime Commissioner for Gwent

Supplementary written evidence submitted by Ian Johnston QPM, Gwent Police and Crime Commissioner (PCC 15a)

LETTER FROM IAN JOHNSTON QPM, POLICE AND CRIME COMMISSIONER FOR GWENT,
TO THE CHAIR OF THE COMMITTEE, 3 JULY 2013

Thank you for inviting me to give evidence before your Committee yesterday.

Before addressing the issue of legal fees, I wish to make a few important points.

Agreement

First, having reviewed a note of Mrs Napier’s evidence, I am glad that Mrs Napier was able to confirm that the following suggestions made by some politicians are untrue:

- that Mrs Napier received a “payoff”: she did not; and
- that Mrs Napier was “gagged” or forced to sign a confidentiality agreement: she was not.

Bullying

Second, I was shocked to hear that Mrs Napier had accused me of bullying her.

I most certainly did not tell Mrs Napier that I would “humiliate and dismiss” her if she did not retire. The very opposite is true. My script for the conversation with Mrs Napier on 23 May 2013, which I read verbatim, records that I said: “My intention is not to humiliate or upset you but we need to be clear I do want you to retire in the next month.” I provided Mrs Napier with the script the following day at her request and I also provided it to the Committee along with my letter dated 14 June 2013.

Between my taking office and Mrs Napier’s retirement, Mrs Napier never once raised a concern with me that I was bullying her or treating her in a manner that she found unacceptable. I can state categorically that I did not bully Mrs Napier.

Reasons for giving Mrs Napier the Opportunity to Retire

As I explained, I did not give Mrs Napier the option to retire because of a clash of personalities or because I thought she did not agree with the concept of PCCs. It was because she was positively hostile to the office of PCC and frustrated my abilities to exercise the statutory responsibilities that the people of Gwent have entrusted in me. On 23 May 2013 I explained to Mrs Napier that:

- (a) In my judgement you have lost the confidence of the public of Gwent and of your officers and staff;
- (b) I find your managerial style to be unacceptably dismissive, abrupt and unhelpful;
- (c) You have failed appropriately to manage external and internal relations;
- (d) You are deeply hostile to the very concept of the office of PCC.

These concerns developed and intensified over my first few months as PCC and came to a head in April 2013 when UNISON informed me that they were considering lodging a formal complaint against the Chief Constable.

¹ Not printed

Legal Fees

I apologise that I did not have the precise figure for legal fees at my fingertips yesterday. This was not a question that I had been pre-warned about by the Committee. As promised, the figures are set out below.

It must be understood that it was entirely necessary for me to obtain legal advice in relation to this matter, principally because:

- Regardless of the context, I was dealing with the departure of a senior public servant paid over £130,000 per annum + benefits;
- The Police Reform and Social Responsibility Act 2011 is a new and complex piece of legislation, the relevant parts of which have yet to be interpreted by the senior courts.

It would have been foolish of me or anyone in my position to have proceeded without legal advice. Indeed, I note that Mrs Napier too had the benefit of legal advice (Kingsley Napley). Acting without legal advice could have exposed my office and therefore the people of Gwent to a claim for judicial review and/or damages. You will recall that Mrs Napier's evidence was that she should have been paid more on her departure, something that my lawyers ensured did not happen.

I asked my Chief Executive to find the best qualified lawyers for a reasonable cost. She sought recommendations and engaged the QC with the best reputation nationally in the field of police law who appeared successfully in both the recent Avon & Somerset and Lincolnshire PCC cases, together with a junior barrister. My Chief Executive decided to save costs by not engaging the services of a solicitor's firm also.

The QC's fees were £400 per hour and the junior barrister's fees were £175 per hour (both plus VAT). I was told that the barristers in question advise Chief Constables and PCCs across the country and that their rates were reasonable for the work in question. I had and have no reason to doubt that.

The legal work was in three phases:

- (1) Advising on my options and the process to adopt prior to 23 May 2013;
- (2) Negotiating with Mrs Napier's solicitors thereafter until 7 June 2013;
- (3) Advising on response to Home Affairs Committee's letter dated 12 June 2013.

The global figure to date is £16,522.50.²

I understand that Mrs Napier/CPOSA's legal fees at Stage 2 were significant.

Involving the PCP

As I explained, Mrs Napier chose to retire before I commenced the process under Schedule 8 Part 2 of the Police Reform and Social Responsibility Act 2011. I would have commenced that process had Mrs Napier not retired. The PCP would have been fully involved in that process (as would HMIC and Mrs Napier herself, since their involvement is enshrined in legislation).

The legislation is not unclear on the point at which the PCP becomes involved. It sets out a prescribed role for the PCP and their role is to become involved at a certain stage after the process begins. The process did not begin in this case. I am confident that the legal advice I received on this point is correct and I note that Mrs Napier's lawyers at no stage questioned my approach with regard to involving the PCP.

Further Evidence

You also asked me to provide evidence of the following:

- The occasions on which I expressed my concerns over Mrs Napier's performance;
- My concerns over Mrs Napier's approach to recording crime/crime statistics.

I will endeavour to provide this information within 14 days.

Yours sincerely

Ian Johnston QPM
Police and Crime Commissioner for Gwent

² Please note that the figure supplied here includes VAT which will be reclaimed. The figure exclusive of VAT is £13,768.75.

**Written evidence submitted by Carmel Napier QPM, Former Chief Constable of Gwent Police
(PCC 16)**

LETTER FROM MRS CARMEL NAPIER QPM, FORMER CHIEF CONSTABLE OF GWENT POLICE,
TO THE CHAIR OF THE COMMITTEE, 17 JUNE 2013

Thank you for your letter dated 12 June 2013 and for your interest in the above matter.

Background

I announced my retirement to retire as Chief Constable of Gwent Police on 7 June 2013 and under the terms of a “Compromise Agreement” between the Police and Crime Commissioner, Mr Ian Johnston and me I left the force that day. I believe my record as Gwent’s Chief Constable stands for itself. I am especially proud of my national domestic abuse/community safety portfolios lead work in England and Wales. I believe I have left the force in a strong and healthy position. I am very sorry that I had to retire but the timing of my retirement was not of my choosing.

I spent 30 years as a police officer working in Hertfordshire, North Yorkshire, Essex and Gwent Police. I was the Assistant Chief Constable with lead responsibility for all Territorial Policing and Stansted Airport in Essex from 2006 to 2008. I joined Gwent Police in September 2008 as the Deputy Chief Constable, taking over as Chief Constable in April 2011 with a five year “contract” of employment.

I was immensely proud to serve the people of Gwent. I believe, thanks to my leadership and the efforts of my officers, staff and our partner agencies, the region is a much safer place to live, work and visit. It was always my intention to honour my commitment to the members of the Gwent Police Authority who appointed me as their Chief Constable to serve my five year terms of office.

As Chief Constable of Gwent Police I invested and focused on the concerns that matter to the public. These were: neighbourhood policing and proactive problem solving; highly visible and accessible policing services; and working with others to make communities and the most vulnerable feel and be safe. At the same time due to the austerity measures I was required to make substantial savings. I believe my achievements were substantial. They were independently verified by both internal and external audits and inspections. For example:

Last year Gwent recorded the highest crime reduction in England and Wales. In the last two years we reduced crime by more than 25%—that’s 11,410 fewer victims. According to Home Office figures Gwent Police continues over the last five publications to have the highest reductions in crime in England and Wales.

Our efforts to make our communities safer have led to reports of antisocial behaviour (ASB) being halved. This means over the past two years 27,000 fewer victims of ASB, one of the issues which really affect the quality of people’s lives.

Coupled with big reductions in crime the force had seen a huge increase in the number of offenders brought to justice. When I became Chief Constable the force was ranked 32nd nationally for bringing offenders to justice. That was not good enough so we had a real focus on the quality of investigations and timeliness of files submitted to the Crown Prosecution Service (CPS). Working together with the CPS to improve services to victims and witnesses, along with removing unnecessary duplication and waste, means Gwent is now ranked 4th nationally.

Alongside my work in Gwent, I also played a leading role in policing issues across Wales. I have worked closely with other Chief Constables and strongly influenced and driven collaboration between and across the four forces.

I have also worked closely with the Welsh Government. I was responsible for delivering one of its key programmes—the recruitment of 500 additional Welsh Community Support Officers (WCSOs) across the country; shaping the new Domestic Abuse Bill and joint working projects to improve services to victims and perpetrators of abuse; and championing the joint Welsh Government and police responses to fly grazing across Wales.

Additionally nationally (England and Wales) as the Association of Chief Officers (ACPO) lead for domestic abuse I have worked closely with the Home Office, Welsh Government, all police forces, CPS, Her Majesty Inspectorate of Constabulary, Independent Police Complaints Commission and many third sector and statutory stakeholders to influence and improve the way the police service responds to domestic abuse. This includes a large number of innovative on-going pilot initiatives focusing on joint agency effective and timely responses to victims and families and the highest number ever achieved of successful prosecutions of perpetrators.

Above all as Chief Constable I proved that whilst policing is going through some extremely challenging times, the impact of the austerity measures means we have had to change the way we work to deliver an effective service with less. In Gwent I really have proved that you can do more with less—over the same period under my leadership we have made £25 million recurring cashable savings out of a £130 million budget, are currently exceeding our savings targets for this year and have clear plans to deliver savings not only up to March 2016 but we have also been developing force wide thinking and preparations for the next predicted stages of financial cuts and planning for the future as part of my wide responsibilities as Chief Constable of Gwent.

Again, I believe this is testament to the efforts of the hugely talented people I have been fortunate to lead and work with in Gwent and who serve the people who live here. I am confident that going forward the force is in a strong position to continuing delivering quality policing and leaving an efficient and effective force fit to face the challenges affecting policing.

Your Questions

Whether Mr Ian Johnston was responsible for your resignation on 7 June 2013 and if so what he said that led to that resignation

1. *If so what were his reasons for doing so*

2. *Please supply copies of any papers you hold relating to your discussions with Mr Ian Johnson about your departure*

My initial response to your questions:

On 23 May 2013 Mr Ian Johnston, the Police and Crime Commissioner (PCC) for Gwent turned up to what I believed was a regular scheduled “one to one” meeting with me. Giving me no prior notice whatsoever, he then proceeded to read a document to me the content of which made it clear that he required me to retire forthwith or he would take steps to dismiss me. There was no discussion—he simply read the document to me and then left the room. I received a copy of the document he read the next day. I initially intended to challenge that demand that I retire. After all I had led a successful force through the biggest change in its history and achieved positive outcomes for Gwent’s communities and on my national portfolio responsibilities for policing in England and Wales. However, after taking legal advice it was clear that the PCCs powers under the 2011 Police Reform and Social Responsibility Act were such that effectively I had no option but to retire. Consequently on 7 June 2013 I resigned having agreed a “Compromise Agreement” with the PCC.

I understand you would wish me to be open and transparent with the Home Affairs Select Committee and to assist you in any way possible. Subject to any legal obligations I may have either in relation to my previous position as Chief Constable of Gwent or under the terms of the Compromise Agreement I had to sign, I am happy to assist in that respect. I hope you will understand I would also need to ask for financial support were I to be asked to appear before the Committee that you Chair in order that I could take legal advice so as to ensure I did not act in breach of any legal obligation in that respect.

I am aware BBC Wales recently conducted an interview with Mr Kevin Ward, the editor of the South Wales Argus, who disclosed that he had received a copy of the 23 May document. My legal representatives or I did not disclose this document to them and I am very disappointed that the confidentiality of that document was breached by other parties unconnected to me in this manner. Some, but not all, of this document has been referred to by Mr Johnson in written and “verbal” interviews he has carried out following my resignation. The meeting of the Gwent Police and Crime Panel is to be held on 28 June 2013 when I understand Mr Johnston is required to notify them of his requirement of me to retire or resign and what the reasons are.

I trust the above assists your initial deliberations.

Yours sincerely

Mrs Carmel Napier QPM

Supplementary written evidence submitted by Carmel Napier QPM, Former Chief Constable of Gwent Police (PCC 16a)

EMAIL FROM MRS CARMEL NAPIER QPM, FORMER CHIEF CONSTABLE OF GWENT POLICE,
TO THE COMMITTEE SECRETARIAT, 11 JULY 2013

Once again many thanks to the Right Honourable Mr Vaz and all Members of the Home Affairs Select Committee (HASC) for providing me with the opportunity in the right forum to explain what had occurred.

I am aware that the Chairman and Members of the Committee understand the difficult position that I am in without legal representation whilst Mr Johnston and all other “in office” parties that the HASC may be speaking to will have access to legal advice probably supported and provided by the local tax payers.

In view of this I would like to assist the HASC by asking that you consider looking at the following points and asking for the evidence in documents held by the force which will provide the facts relating to these issues.

1. *Evidence on four points*—23 May 2013 documents and the four points that Mr Johnston raises—please ask him to provide detailed evidence to support these matters. They are very serious allegations he has made and I have seen no evidence other than bland statements made by him to support this. He should in my view be made to stand up and account for the key detail on this and then I can respond.

2. *PCC and CC meetings records*—Please ask Mr Johnston to provide dates, times and any records of one-to-one meetings that he held with me. He gave the impression that these one-to-one meetings were held weekly with me and that there were huge arguments at such meetings. On both accounts this was not the case. It is a key point that Mr Johnston started on 22 November 2012, we had Christmas and Easter holidays and I was out of force on police related matter in another force for almost one month in March 2013.
3. *Aligned with point 2 above* I sent to my Chief Officer Team and staff officer—summary actions and notes arising from these meetings. My then staff officer Chief Inspector Matthew Williams at Gwent Police will be able to provide copies of these email which provide an audit trail on matters arising in our meetings.
4. *Mr Johnston timings of decisions*—This is a key issue for the HASC and me regarding when Mr Johnston decided he did not want me as his Chief Constable; why did he not discuss this with me before 23 May 2013 meeting; when did he—or one of his team seek legal advice formally and informally on the position and with who, when and where. This evidence which I believe should be supported by schedule/statement from any parties that he has directly or indirectly (ie through his office of Police and Crime Commissioner Team or other Joint legal Services in the force) is crucial. This is because it would gain for us all an understanding when his intent was being formed and his intention to use the gaps in the legislation to do what he wanted to do, ignoring any fair and legitimate HR processes, and he deliberately waited for my 30 years service to be completed on 16 May 2013 before taking any steps. The 16 May was a Thursday and he has his legal advice and document ready and talked to at a normal scheduled meeting on Thursday 23 May 2013. To add insult to injury he does not provide me with an opportunity to reply and the document is leaked to local media. My legal team or I did not leak this document. The date he provides to me to provide response Mr Johnston is on leave and my legal team are having to deal through the Chief Executive of the OPCC through to him to address any matters arising.
5. *Legal fees and other impact costs*—I note in his evidence to HASC that Mr Johnston defers this to the Chief Executive. In my view he should not be abdicating his accountability for his decisions and costs. The Chief Executive and all his staff are dependent on him for their jobs and I would suggest they are therefore just probably going to do his bidding. Likewise just because legally you can do something it does not mean it is the right thing to do. Advice is what it is and I expect everyone in public or private service not to do what is right but do the right thing. I believe the HASC should ask for a full breakdown of legal and all other costs associated with his decisions. For example: dates and times and costs of legal advice/travel/hospitality (both internal and external) taken by the Mr Johnston and his OPCC Team in relation to this matter; the potential legal costs which clearly from his evidence to the HASC he was expecting to run to if I had sought to contest his requirement for me to resign; the costs of my enforced resignation; costs of the “back fill arrangements” to fill roles—ie temporary promotion of Deputy Chief Constable (DCC) to Chief Constable; and then temporary promotion of someone to DCC and Assistant Chief Constable (some of these temporary promotions will have long term impact on public purse as the final salary pension consequences for post holders who are in their final years of their 30 year service). Then recruitment costs for the new Chief Constable and potentially were an in-house candidate successful for DCC. All of these matters when I as current Chief Constable performing well I would expect to stand up to scrutiny on justifying decisions and value for money. When you add this to legal costs the sums add up considerably with long term implications. They also reflect in one of the concerns I had with him that he was spending monies on his team/office/ancillary functions whilst I was saving and seeking to focus on the key service delivery issues that are important to the public. The force under my leadership as both Deputy and Chief Constable was ahead of its savings requirements and this and its healthy reserves was clearly a tempting pot of resource for Mr Johnston to tap into. At my Chief Constable May 2013 Annual Award Ceremony Mr Johnson announced to 100 plus officers/staff and public in attendance he did not agree with Home Secretary focus on crime reduction and Windsor and Hutton and other police cuts reforms.
6. *Who holds PCC to account?* The role of the Police and Crime Panel (PCP) and extent of scrutiny of the PCP regarding Mr Johnston’s decisions should be examined by the HASC. These meetings are taped by the minute taker and I think these should be provided and examined by the HASC and for them to see if they perform their role. Previous minutes should also show how the Chair of the PCP, Councillor John Guy (also an ex serving officer of Gwent Police) complimented me on how I had brought the force into the 21st century and the excellent work the force was doing under my leadership..
7. *Crime Recording*—I did everything I could as a Chief Constable to ensure that my police officers and police staff investigated and recorded appropriately all incidents of crime and antisocial behaviour. My Assistant Chief Constable Simon Prince was the lead Chief Officer for this up to April 2013. Mr Prince is now Chief Constable of Dyfed Powys Police and I would ask that he be asked to provide the HASC details of all the many actions and activities, checks and balances involving the Police Authority/OPCC he put in place and reported to me

throughout his tenure. Chief Constable Simon Prince does not have any current ties to the force and will provide an independent view of what actions he took involving external consultants independent feedback, internal reviews, Chief Officer led data management group involving Police Authority and latterly OPCC. In April and May 2013 this portfolio was taken over by Temporary Assistant Chief Constable Paul Symes who could provide that six week update. I would ask that the HASC seeks evidence from the Police Authority representative Mr Stephen Delahay who sat on this committee. Also for the HASC to look at the timing of Mr Johnston raising this perceived issue for him after the national Police Federation raised this as an issue around the time of their national conference. One of the leadership issues I dealt with in the force was addressing some police officers and police staff concept of workload when the reality showed it was not as busy as they perceived it to be.

8. *Additional Unison post*—please ask Mr Johnston to provide to the HASC a copy of the written direction and my written reply to him explaining in detail my rationale which was open to further discussion between us which he never had regarding his—in my view—inappropriate direction to me to increase the full time Unison post in the force. This is also an example of when he refuses to engage in discussion, as he asked me to establish an additional post at a time when we had over 200 less police staff and our job was not to use monies to pay for additional full time seconded Unison staff but to provide policing services. He refused me the time needed to provide reports required and instead told me as I was walking across the car park with him that he was directing me to recruit the post and when I came out of a meeting two hours later I had his written direction to recruit an additional post. My written reply addressed formally my concerns with reasons as he wouldn't discuss it. His reaction when challenged is to get impatient, not to discuss so you are unable together to get to the heart of the issues and reach agreement, but in this and other situations it is his way or no way.
9. *Public Accessibility Strategy*—Please ask Assistant Chief Officer Mr Nigel Stephens of Gwent Police to provide you with details of the force and Police Authority agreed public accessibility consultation, strategies and linked police stations, one stop shops, mobile police station, police surgeries developments that informed the joint force and Authority plans in this area. This provides evidence to show the consultation that had involved Police Authority Members/officers/staff and the public. These plans had been presented to Mr Johnston and no new amendments made by me when he was in office. In the latter weeks we had one meeting attended by Mr Stephens and the estates project lead regarding Usk Police Station when Mr Johnson suggested that he was not going to sell the Usk Police Station. I stated that whilst the decision was his he needed to consider: the police station had not been open as an operational police station for at least four years; that at approximate cost of £7k reprovion of counter policing services had been made in Usk to have shared “one stop shop” site with other local public/third sector providers; that the current Usk police station was not disability compliant and I was told would cost tens of thousands of pounds to update with ongoing running costs and no officer/staff available to work from there (our priority was officers/staff on the street); that local councillors on Police Authority had been engaged in reprovion consultation and public accessibility project; and that any decisions needed to be made in the context of previous consultation and the savings the force had made as well as the best practice outlined by many including Professor Martin Innes “Rebooting the PC—Using Innovation to drive smart policing” (Policy Exchange Document). No decisions made at this meeting. Mr Stephens would be able to provide detail of this meeting regarding Usk Police Station. For me this reflected Mr Johnston's apparent lack of understanding on how policing is delivered today in the modern world. There is a need for him to consider context and record not only breadth of options considered but also: why he dismisses some options and going to take certain decisions; link his decisions into modern ways of delivering services to enable us together to improve service to the public; releasing resource to increase frontline “on the street” visible and accessible officers and staff; and to save costs. We were after all working together with one reducing budget to deliver more with less and had to date proved it could be done. I believe his evidence is misleading when he says this was a big issue for him with me. We did not discuss issues regarding estates at length—all matters had been dealt with prior to his term of office and the only new matters was the Usk Police Station issue which he was not willing to discuss—it was his way is the only way approach. The new HQ we agreed on but had been developed whilst the Police Authority were in place.
10. *Closure of Police Club Bar in operational police station*—this relates to Blackwood Police Social Club and the decisions made by the Police Authority and I to close the Club as it was not appropriate to have a licensed premises, partially subsidised and supported using tax payers monies, which was also being used unauthorised by other parties, and was causing disruption and potential breaches of confidentiality to local police station officers and staff. I would ask the HASC to ask for the papers presented to the Police Authority on this matter and any other associated documents to be provided by the Assistant Chief Officer Mr Nigel Stephens who led on this matter on my behalf. Mr Johnson early into his appointment asked me to review my decision. I explained all the matters which I have briefly outlined to you and which are expanded in the Police Authority documents and he agreed then that I would absorb responsibility with

the Authority for the closure of the Police Club Bar and it would shut. It was clear to him that the Club being shut did not have anything to do with any decision he would in the future seek to make regarding Blackwood Police Station.

11. *Use of A19*—like many of the previous issues this was something which had been agreed with the Police Authority prior to Mr Johnston’s appointment. It had been used in 2012–13 to good effect and Mr Johnston told me he did not agree with use of A19 and asked me to consider its continued use in 2013–14. The Deputy Chief Constable provided to all Chief Officers, Mr Johnston and the OPCC team the context and rationale for previous decisions to use A19. This was a decision that remained under the Police Reform in the hands of the Chief Constable. I did review my decision and agreed not to use A19 in 2013–14. I suggest that the HASC obtains from the now Temporary Chief Constable Mr Jeff Farrar full papers, including any confidential papers provided to the Police Authority on this matter and a copy of the presentation given to Mr Johnston on the rationale for use of A19. This will provide the evidence to the Committee on rationale for the Police Authority and my decisions.
12. *Acceptance of the PCC and OPCC*—I was clear in my evidence to the HASC that I accepted that Government makes decisions and that PCC and OPCC were here to stay and I and the force would work well with whoever got the post and continue to the excellent journey of improved performance outcomes, improved service delivery to the public, deliver the Police and Crime Plan and savings with the PCC and the OPCC. However when Mr Johnston was elected some police officers and police staff proactively raised their fears and concerns about Mr Johnston’s behaviour when he was in the force and their worries that this could reoccur potentially taking the positive values and culture that were now in place in the force backwards. I discussed this with my Chief Officer Team and they supported the decision made to provide clear guidelines to officers and staff to support and protect them in their roles and for me as the Chief Constable who the PCC holds to account to deal directly of issues which are of concern to him with me. Mr Stuart John, head of Corporate Communications in Gwent Police will be able to provide to the HASC the written document which reiterates the presentation I gave to all senior managers—both police officers and police staff—in the force. It is supportive of the PCC and respectful of his roles and responsibilities but is clear on the dividing lines of accountabilities. I believe the HASC will have a different understanding of this than the interpretation presented by Mr Johnston when he gave evidence to the HASC.
13. Evidence of my performance reviews by Police Authority and HMIC show that throughout my service, and particularly when I was in Gwent, I exceeded performance and competency requirements. These documents are available should the HASC seek to review them.
14. *First Meeting*—Mr Johnston mentions our first meeting and his interpretation of my view of him. The key issues I flagged to him was my willingness to work with him, that we have strength if we work as one team together, that we discuss issues through and resolve any differences behind closed doors, that if he could achieve 2.66 precept then I could deliver the savings required and the performance and service delivery requirements of the Police and Crime Plan. I said we had more to do on public confidence and staff attendance. He offered information to me that he was going to appoint Paul Harris who he told me was a trusted ex colleague of his from Gwent Police as his Deputy. He said Mr Harris had helped him with election campaign. I said I wanted to be open and truthful with him and whilst accepted it was his decision was concerned how this may impact on trust and confidence in the force when no fair and open selection process was going to be held. He said he was going to do it anyway and as I knew he had this absolute power to do it I did not pursue this matter in conversation any further. He did mention his views on use of A19 and the potential closure of the Police Club which I said I would provide updates to him. Likewise when he expressed negative views on the Community Support Officers and Partnerships and Communities Together Meetings (PACT) I talked through with him how policing had changed since his time in the force and said I would arrange full briefings to him on neighbourhood policing which I said was the force key brand and how we did business problem solving with community and key stakeholders.

I trust the above points are helpful. It may assist the HASC if copies of documents supplied to you are also provided by you to me so I can verify their fullness and accuracy.

Please do not hesitate to contact me by email or telephone if I can assist further.

Yours sincerely

Mrs Carmel Napier QPM