

NOT CONFIDENTIAL – for public release

**POLICE AND CRIME COMMISSIONER (PCC) FOR LINCOLNSHIRE
REQUEST FOR DECISION**

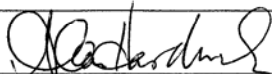
REF: 005/2013

DATE: 25 February 2013

SUBJECT		SENIOR OFFICER CONDUCT MATTER
REPORT BY	CHIEF EXECUTIVE	
CONTACT OFFICER	MALCOLM BURCH, CHIEF EXECUTIVE TELEPHONE: 01522 947220	
EXECUTIVE SUMMARY AND PURPOSE OF REPORT		
To present information about potential conduct issues raised about Temporary Chief Constable Mr Neil Rhodes and for a decision to be made about how the issues should be dealt with.		
RECOMMENDATIONS	<i>That:</i> <ol style="list-style-type: none"><i>1. consideration be given as whether the PCC for Lincolnshire is the appropriate authority to consider the matters raised about Temporary Chief Constable Mr Neil Rhodes;</i><i>2. consideration be given as to whether the issues raised are conduct matters as defined within S.12 of the Police Reform Act 2002;</i><i>3. If the issues raised are conduct matters, that consideration be given as to whether the issues require investigation and, if they are to be investigated, whether a referral should be made to the IPCC;</i><i>4. (subject to other decisions) consideration be given as to whether the issues are sufficiently serious to consider whether Mr Rhodes should be suspended from duty as a police officer pending an investigation;</i><i>5. should the decision be made to suspend Mr Rhodes, the Commissioner consult with the IPCC before an actual suspension takes place;</i><i>6. the Police and Crime Panel for Lincolnshire be notified of the above decisions (if appropriate).</i>	

POLICE AND CRIME COMMISSIONER FOR LINCOLNSHIRE

I hereby suspend Temporary Chief Constable Neil Rhodes. The matter will be referred to the IPCC.

Signature:  Date: 25/02/13

A. NON-CONFIDENTIAL FACTS AND ADVICE TO THE PCC

A1. INTRODUCTION AND BACKGROUND

- 1.1 The Police and Crime Commissioner has been made aware of potential conduct matters involving Temporary Chief Constable Neil Rhodes. The Commissioner is invited to consider suspending from duty Mr Rhodes while investigations are pending. It is emphasised that suspension is a neutral act and it should not be inferred that the potential conduct matters have been proven if a decision to suspend Mr Rhodes is taken.
- 1.2 Should the decision be made to suspend Mr Rhodes, the Commissioner is invited to consider whether a referral should be made to the Independent Police Complaints Commission.

A.2 LINKS TO POLICE AND CRIME PLAN AND PCC'S STRATEGIES / PRIORITIES

None.

B. FINANCIAL CONSIDERATIONS

If a decision was made to conduct an investigation there would be financial consequences, which at the time of preparing this report cannot be quantified.

It may be appropriate to make financial provision for possible litigation that may arise as a consequence of any decisions taken in this matter.

C. LEGAL AND HUMAN RIGHTS CONSIDERATIONS

[This should include the legal powers the PCC has for making the decision]

The PCC is responsible for making decisions in respect of complaints about the Chief Constable of Lincolnshire Police in accordance with the provisions of the Police Reform and Social Responsibility Act 2011 and the Police Reform Act 2002 (as amended) and The Police (Conduct) Regulations 2012.

D. PERSONNEL AND EQUALITIES ISSUES

None specific.

E. REVIEW ARRANGEMENTS

Dependent upon the decisions made the PCC may wish to make provision for reviewing the decisions taken in respect of the matters addressed within this report.

It should be noted that if a decision to suspend is taken in accordance with Regulation 10 of the PCR 2012, Regulation 10(8) provides for reviews of the suspension including for a first review before the end of 4 weeks beginning with the first working day after the suspension.

F. RISK MANAGEMENT

A failure to make a decision could result in a complaint against the PCC.

H. PUBLIC ACCESS TO INFORMATION

Information in this form along with any supporting material is subject to the Freedom of Information Act 2000 and other legislation. Part 1 of this form will be made available on the PCC's website within one working day of approval. However, if release by that date would compromise the implementation of the decision being approved, publication may be deferred. An explanation for any deferment must be provided below, together with a date for publication.

<p>Is the publication of this form to be deferred? No.</p> <p>If Yes, for what reason:</p> <p>Until what date:</p>
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Any facts/advice/recommendations that should not be made automatically available on request should not be included in Part 1 but instead on the separate part 2 form.

<p>Is there a part 2 form? Yes.</p> <p>If Yes, for what reason: The report contains personnel and confidential information relating to the Temporary Chief Constable of Lincolnshire Police.</p>
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ORIGINATING OFFICER DECLARATION

	Tick to confirm
Originating Officer: The Chief Executive recommends this proposal for the reasons outlined above.	✓
Monitoring Officer: The PCC's Monitoring Officer has been consulted on this proposal	✓
Legal Advisor: The PCC's Legal Advisor has been consulted on this proposal	✓

OFFICER APPROVAL

<p>Chief Executive</p> <p>I have been consulted about the proposal and confirm that financial, legal and equalities advice has been taken into account in the preparation of this report. Consultation outlined above has also taken place. I am satisfied that this is an appropriate request to be submitted to the Police and Crime Commissioner for Lincolnshire.</p> <p>Signature:  Date: 25/2/2013</p>
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