# Judicial Review Claim form



The rules relating to applications for Judicial Review are contained in CPR Part 54, and Practice Directions 54A – D. Search for the CPR on www.justice.gov.uk.



Additional information about judicial review proceedings can be found in the Administrative Court Judicial Review Guide. Search for the Guide on www.gov.uk.

# Time Limit for filing a claim

A claim form must be filed promptly, and in any event **not later than 3 months** after the grounds to make the claim first arose: see `PR54.5(1).

# Section 1 - Details of the claimant and defendant

_ast name		
Address		
Building and street		
Second line of address		
Town or city		
County (optional)		
Postcode		
Phone number		
Email (if you have one)		

Note: If there is more than one claimant, set out the details required by questions 1, 1.1 and 1.2 on a separate sheet, marking that sheet so that it is clear it relates to this part of the claim form.

Name of firm (if applica	ble)
Address for service	
Building and street	
Second line of address	
Town or city	
County (optional)	
Postcode	
Phone number	
Email	
Email	

Note 1.1: CPR 6.23 requires each party to proceedings to provide an address for service which must be an address in the United Kingdom. Communication concerning the claim is sent to this address. If a solicitor or legal representative acts for you, give that address (if in the United Kingdom). If not, provide an address to which communication concerning this claim should be sent.

# 1.2 Claimant's Counsel's details First name(s) Last name Address Building and street Second line of address Town or city County (optional) Postcode Phone number Email

Independent Office for Police Conduct (IOF	PC)
Defendant or (where known) Defendant's le address to which documents should be sen	
Address	
Building and street	
PO Box 473	
Second line of address	
Sale	
Town or city	
Manchester	
County (optional)	
Postcode	
M   3   3   0   B   W	
Phone number	
0300 020 0096	
Email	
legal.admin@policeconduct.gov.uk	
Reference number (if known)	

	2nd Defendant's name
(	Chief Officer for Hampshire
	Defendant's or (where known) Defendant's legal representative' address to which documents should be sent.
	Address
E	Building and street
F	Police & Fire Headquarters
	Second line of address
l	Leigh Road
	Town or city
1	Eastleigh
(	County (optional)
1	Hampshire
1	Postcode
	S   O   5   0   9   S   J
1	Phone number
(	01962 841534
	Email
(	civil.litigation@hampshire.pnn.police.uk

# Section 2 - Interested parties

Interested party	affected by the claim.
Name	Where the claim for judicial review relates to
Organisation (if applicable)	proceedings in a court or tribunal, any other partie to those proceedings mu be named in the claim for as interested parties. Ful
Address Building and street	details of interested part must be included in the claim form.For example, if you were a defendant in a criminal case in the
Second line of address	Magistrates or Crown Court and are making a claim for judicial review of a decision in that case
Town or city	the prosecution must be named as an interested party.In a claim which do not relate to a decision
County (optional)	of a court or tribunal, you should give details of any persons directly affected by the decision you wish
Postcode	challenge.
	If you consider there is m than one interested party set out their details on a
Phone number	separate sheet, marking that sheet so that it is cl it relates to this part of t
Email	claim form.
Reference number (if applicable)	
The refreshed frame of the applications	

Note 2: An Interested Party is someone other than a defendant who is directly

# Section 3 – Details of the decision to be judicially reviewed

O decisions		n you seek to have judicially reviewed
		O22. Included with this submission as D4, D5, D6, D7 and D8.
Date of deci	sion	
Day	Month	Year
3 1	0 1	2 0 2 4
	t Office for Po y (Defendants	olice Conduct and Hampshire s 1 and 2)
Address		
	LCTECOT	
Building and	street	
	100	
Building and	of address	
Building and Second line	of address	
Building and Second line Town or city	of address	

# Section 4 – Permission to proceed with a claim for judicial review

This section must be completed. You must answer all the questions and give further details where required.

4.1	I am seeking permission to proceed with my claim for Judicial Review.
	Is this application being made under the terms of paragraph 17 Practice Direction 54A (Challenging removal)?
	Yes
	✓ No
4.2	Does your claim, or any interlocutory application, for example for interim relief or expedition, need to be decided urgently – i.e. within 7 days?
	Yes. Complete form <b>N463</b> and file this with your application.
	✓ No
4.3	Are you making any non-urgent interlocutory applications?
	Yes. Complete Section 9.
	<b>✓</b> No
4.4	Does any part of the claim allege a breach of Convention rights protected under the Human Rights Act?
	Yes. Identify the Convention rights you contend have been breached in the box below
	✓ No

4.5	Have you complied with the pre-action protocol?
	✓ Yes
	No. Give reasons for non-compliance in the box below.
4.6	Have you filed this claim in the region with which the claim is most closely connected?
	Yes. Give any additional reasons for wanting it to be dealt with in this region in the box below
	No. Give reasons in the box below
4.7	Is the claimant in receipt of a Civil Legal Aid Certificate?
	Yes
	✓ No

Note 4.5: See Practice

Direction 54C.

ction 5 – Statement of facts relied on  set out below  attached	Note 5: Set out the facts or which your claim is based: see Practice Direction 54A, paragraph 4.2. Use separate sheets if you need more space; mark the
Please refer to the included Claimant's witness statement to be found on pages 9 to 14 of the included separate accompanying document.	sheets so that it is clear they relate to this section of the claim form.
	16 T

# The detailed statement of grounds are: set out below ✓ attached Please refer to the included Claimant's grounds statement to be found on pages 1 to 8 of the included separate accompanying document.

Section 6 - Detailed statement of grounds

Note 6: Set out each ground of challenge: see Practice Direction 54A at paragraph 4.2. Use separate sheets if you need more space; mark the sheets so that it is clear they relate to this section of the claim form.

# Section 7 - Aarhus Convention claim 7.1 Is this claim an Aarhus Convention claim Yes. Give reasons why in the box below. ✓ No 7.2 Do you wish the court to vary or remove the limits on costs recoverable from a party? Yes. Give reasons why in the box below. ✓ No

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**Note 7:** For the definition of an Aarhus claim, see

CPR 45.41. The cost limit provisions are at CPR 45.43

- 44.

# Section 8 – Details of remedy (including any interim remedy) being sought

8 mandatory orders requiring the Defendants to re-access and re-issue new decisions based on the highlighted serious legal failings identified by way of this application. And related declarations in reference to the listed breaches to law as included in the attached Claimants statement of grounds.

Note 8: State precisely the terms of the order you ask the court to make. The available remedies are at CPR 54.2 – 3. The court may make any/all of the following orders:

- (a) a mandatory order;
- (b) a prohibiting order;
- (c) a quashing order; or
- (d) an injunction restraining a person from acting in any office in which he is not entitled to act.

A claim for damages may be included but only if you are seeking one of the orders set out above.

# Section 9 – Other applications (non-urgent)

Note 9: If you wish to make any interlocutory application now, set out the application and the reasons and/or evidence relied on in support of it in this Section. Use separate sheets if you need more space; mark the sheets so that it is clear they relate to this section of the claim form.

If, after this claim form has been filed, you wish to make an interlocutory application, use form N244.

# Section 10 - Supporting documents

The Claim Form must include or be accompanied by certain documents: see Practice Direction 54A, paragraph 4.4(1) - (2).

Please complete the checklist below

10.1	~	Statement of Facts
10.2	~	Statement of Grounds
10.3	~	Any written evidence relied on in support of the claim.
10.4		Any written evidence in support of any other application contained in the claim form
10.5		If the claim seeks to have any order quashed, a copy of the order.
10.6	~	If the claim for judicial review is directed to a decision of a public authority, a copy of the decision challenged.
10.7		If the claim for judicial review is directed to the decision of a court or tribunal, an approved copy of the reasons for the decision.
10.8	~	Copies of any documents relied on.
10.9	~	A copy of any statutory material relevant to the claim.
10.10	<b>'</b>	A list of essential documents for advance reading by the court.
10.11		If paragraph 17 of Practice Direction 54A applies to the claim, copies of the documents specified at paragraph 17.2(1) (a) – (d).

the reason why the document is not available. Reasons why you have not supplied a document and date when you expect it to be available:-I have requested documents from the Defendants under the duty of candour repeatedly. Documents and evidence which are highly germane to these proceedings for the Court to be able to reach an informed decision. Not yet supplied. Please see request to the Defendant's on page 14 in the accompanying document for the details. 10.12 If you contend the claim is an Aarhus Convention claim, the financial information required by CPR 45.42. 10.13 A copy of the legal aid or Civil Legal Aid certificate (if applicable)

If it has not been possible to file any of the above documents, state

# Statement of truth

I understand that proceedings for contempt of court may be brought against a person who makes, or causes to be made, a

false statement in a document verified by a statement of truth without an honest belief in its truth.	
✓ I believe that the facts stated in this form are true.	
The claimant believes that the facts stated in this form are true. I am authorised by the claimant to sign this statement.	
Full name	
If claimant's legal representative, state name and firm	
If signing on behalf of firm or company give position or office held	

# The Court and venue

CPR part 54 – claims for Judicial Review are dealt with by the Administrative Court.

The general expectation is that proceedings will be administered and determined in the region with which the claim has closest connection; see Practice Direction 54C paragraph 2.5.

- Where the claim is proceeding in the Administrative Court in London, documents must be filed in the Administrative Court Office, Room C315, Royal Courts of Justice, Strand, London, WC2A 2LL.
- Where the claim is proceeding in the Administrative Court in Birmingham, documents must befiled in the Administrative Court Office, Birmingham Civil Justice Centre, Priory Courts, 33 BullStreet, Birmingham B4 6DS.
- Where the claim is proceeding in the Administrative Court in Wales, documents must be filed in the Administrative Court Office, Cardiff Civil Justice Centre, 2 Park Street, Cardiff, CF10 1ET.
- Where the claim is proceeding in the Administrative Court in Leeds, documents must be filed in theAdministrative Court Office, Leeds Combined Court Centre, 1 Oxford Row, Leeds, LS1 3BG.
- Where the claim is proceeding in the Administrative Court in Manchester, documents must befiled in the Administrative Court Office, Manchester Civil Justice Centre, 1 Bridge Street West, Manchester, M3 3FX.

Find out how HM Courts and Tribunals Service uses personal information you give them when you fill in a form: https://www.gov.uk/government/organisations/hm-courts-and-tribunals-service/about/personal-information-charter

# Section 2 - Interested parties

Reference number (if applicable)

SC004

# 2.1 Interested party

Name Police and Crime Commissioner for Hampshire Organisation (if applicable) **Address** Building and street OPCC, The Long Barn, Dean Estate Second line of address Wickham Road Town or city Fareham County (optional) Hampshire Postcode В Ν 0 1 | 7 | 5 | Phone number 01962 871595 Email opcc@hampshire.police.uk

**Note 2:** An Interested Party is someone other than a defendant who is directly affected by the claim.

Where the claim for judicial review relates to proceedings in a court or tribunal, any other parties to those proceedings must be named in the claim form as interested parties. Full details of interested parties must be included in the claim form. For example, if you were a defendant in a criminal case in the Magistrates or Crown Court and are making a claim for judicial review of a decision in that case, the prosecution must be named as an interested party.In a claim which does not relate to a decision of a court or tribunal, you should give details of any persons directly affected by the decision you wish to challenge.

If you consider there is more than one interested party, set out their details on a separate sheet, marking that sheet so that it is clear it relates to this part of the claim form.

#### Claimants Skeleton Argument

The argument is a straight forward one with far reaching consequences for the public good. Simply put. Can it ever be legal for the policing authorities not to weigh, apply and answer substantive evidence when determining serious police misconduct complaints from members of the public. The answer of course is no.

However that is just what has transpired here in relation to compelling evidence from an authoritative third party (Dorset Police). The evidence provided establishes at the very least a strong prima facia case of gross misconduct on the part of an individual in Hampshire Police's Professional Standards Department for writing a false police report (conduct assessment) into Hampshire Constabularies confirmed bungled handling of child sexual abuse case. Legal failings which saw the case kept out of the police system for 2 years prior to the Claimant's (my) involvement. These serious atrocious and proven legal failings resulted in 17 offences against children going on to be committed that could have easily been stopped if not for Hampshire Police's negligence in dealing with case.

This challenge is not about the already proven aforementioned legal failings. They are confirmed and not under dispute. It is about the subsequent production of a false police report by Hampshire Constabulary into the handling of the case, and the non application of substantive evidence in relation to complaint outcomes. And additionally the evidence that also firmly demonstrates a systemic and pervasive culture of "evidence blindness" within Hampshire Constabularies Professional Standards Department when it comes to serious gross misconduct complaints against its police officers and members, all while the IOPC looks on.

This is explained and expanded by reference to the include Grounds and Claimant's Witness statement accompanying my submission.

The Defendants arguments equate to a member of the public who is repeatedly lied to and sent a false police report he/she knows to be false is not regarded as a qualifying complainant under the Police Reform Act 2002, statutory guidance and the Home Office Rules based on what he/she has been lied to about. This is beyond Wednesbury unreasonable it is dangerous and reckless and wholly without merit. Of course those are valid grounds for a complaint under either complaints regimen and they are fully supported by the evidence provided by an authoritative third party. My word need not be taken.

The filed documents further show just how Hampshire Police with the blessing of the IOPC are illegally dealing with criminal complaints about "on duty" officers and staff by omitting the mandatory requirements and checks and balances of the Home Office rules on how criminal complaints must be dealt with by police forces. This unlawful failure to follow relevant guidance in of itself also has very dangerous implications for the public good for very obvious reasons. Furthermore the evidence establishing Hampshire Constabulary produced a false report into the handling of a child sexual abuse case is yet another reason I believe necessitates the requirement for an open hearing based on the open justice principle.

Claimant

# Witness Statement

Date 10/04/2024

To be read in conjunction with my accompanying statement of Grounds



- This statement relates to the outcomes of eight complaints made to Hampshire Constabulary and subsequently the IOPC under the provisions of the Police Reform Act 2002 and related statutory guidance (2020).
- 2) Seven of the challenged complaint outcomes are dated 31/01/2020 (included as exhibits D1-D6 and D7). Fundamentally and pivotally these decisions all relate to Hampshire Constabulary and the IOPC unlawfully not actioning or answering evidence as submitted by the complainant (me) from an authoritative third party source (Dorset Police) establishing a very strong prima facia case Hampshire Police produced a false police report into the handling of a child sexual abuse case which it unlawfully kept out of police system for 2 years, until after my involvement. These police failings by Hampshire Police resulted in 17 offences committed against children which could have been easily stopped had the case not been unlawfully kept out of the police system for 2 years by Hampshire Police. What is not disputed and never has been is that a child sex offender would have been left on the streets unchecked if not for my endeavours as a concerned parent of a pupil who was taught by this individual at the Arnewood School in New Milton, Hampshire.
- 3) The background to these established very serious legal failings and underpinning facts are best highlighted by way of correspondence to and from the Children's Commissioner for England and various other documents I have included in this submission as (EX 18).
- 4) Notwithstanding this challenge is not about these serious and now established and factual legal failings of Hampshire Police as identified above. These are not in dispute. Rather it is about the subsequent evidence referenced below sent to me by Dorset police in 2022 and 2023 proving a subsequent "conduct assessment" produced by Mr. Stephen Franks of Hampshire PSD into its handling of the case was substantively false. This "conduct assessment" was brought about once again by my endeavours and the help of the then Children's Commissioner for England Anne Elizabeth Longfield CBE after Hampshire Police failed to carry one out per guidance. It was sent directly to me given my involvement. It contains as yet uncorrected lies as corroborated by the information/evidence provided to me by an authorative third party (Dorset Police). This evidence has not been disputed, or even answered by either Defendant. Its application to the decision making process is conspicuous by its absence from either Defendant's responses

to my complaints and these decisions. It has therefore never informed the decision making process of either party. This is unlawful. Evidence must be weighed. Everyone should know that.

5) The report complained of is included as (EX 01) which is the false conduct assessment report produced by Mr. Stephen Franks of Hampshire Police's Professional Standards Department (PSD) in relation to the handling of the underpinning child sexual abuse case. The evidence from Dorset Police officers establishing at the very least a very strong prima facia case the report is substantively false is included by way of exhibits (EX 02, 03 and 04).

The obvious reason as to why Dorset Police's evidence shows this report to be highly suspect is known by both Defendants. It really can't be missed:

Sent: 23 February 2024 10:17

To: 'Danny Simpson'; 'civil.litigation@hampshire.pnn.police.uk'

Cc: 'chief.constable@hampshire.pnn.police.uk'

Subject: RE: Proposed Judicial Review of IOPC decisions dated 31 January 2024

Dear Mr. Simpson,

Thank you for your response to my letter of claim.

May I ask why you have not provided the investigation reports I requested under your clients duty of candour ?

Additionally you maintain Dorset Police's evidence does not contradict the assessment report. Note:

#### Quote from assessment:

"the matter was referred to Dorset Police who decided that a single agency referral was appropriate and could be conducted by the school."

So it tells us Dorset Police made the decisions on the case.

### Extract from Dorset Police's evidence:

- 1. No file or any evidence on the Tyrone Mark case was sent to Dorset Police at anytime.
- 2. No crime was recorded under the HOCR.
- 3. Dorset Police did not investigate.
- Dorset Police did not make any decisions on the case.
- 5. Dorset Police did not decide the case should be handled on a single agency basis.
- 6. The case was not transferred to Dorset Police by Hampshire Police.

This is a serious oversight that you need correct for the benefit of the Court. If you now provide me with the investigation reports (given the Chief Officer maintains this evidence has been instigated before) and explain how points 4 & 5 in the evidence from Dorset

Police do not explicitly contradict the referenced statement in the assessment provided above, I will not proceed.

#### Likewise:

Then we have the implicit meaning of the assessment which is clearly designed about improperly passing responsibility to Dorset Police for the initial catastrophic handling of the case.



To re-iterate any analysis of the underpinning evidence is totally void and completely absent from the decision makers decisions. Furthermore that position now remains unchanged even in the face of these High Court proceedings. Albeit this evidence is pivotal in allowing the Court to determine a proper outcome. Evidence is everything.

6) EX 06, 07, and 08 show the representations I made to Ms. Ester Myers Robins an IOPC caseworker dealing with one of the complaints. Similarly EX 09 are the representations made to Mr. Keith Howell who dealt with the others on the part of the IOPC the first Defendant. The Court will note the real issues raised as posed by the evidence from Dorset Police have really not got a look in. The evidence from Dorset Police Officers is not properly answered nor disputed anywhere. Furthermore no enquires were made to find out if the provided evidence had or has ever been more investigated by Hampshire Police as it falsely maintains.

You cannot begin to deal with any complaint competently, fairly and transparently without first determining the veracity of the allegations. That is Hampshire PSD manufactured a false report into its handling of a child sexual abuse case, and various individuals lied about it being investigated. That means examining the evidence. Here no enquires were made by the decision makers to this end. Albeit very easy to prove, all they has to do was ask Hampshire PSD to produce the investigations reports to substantiate its position this evidence had already been investigated, hence corroborating its insistence the complaint was an abuse of process, and vexatious based on its repeated assertion and war cry the complaint (and Dorset Police's evidence) had been investigated before. This was and is a very easily provable lie. Both IOPC decision makers were wholly remiss by avoiding the obvious way to proceed and by not addressing or putting their mind to the very obvious requirement to examine and answer evidence, and ask a relevant question or two of Hampshire Police. Apart from the application of simple common sense there are many statutory rules and regulations this is in breach of. Which are made clear in my STATEMENT OF GROUNDS included with this submission. The Defendants cannot determine police misconduct either way by precluding to examine substantive supporting

- evidence. This is a massive legal failing. And here it relates squarely to deceit relating to the handling of child sexual abuse case.
- 7) The extent to which Hampshire Police are avoiding answering the obvious and refusing to admit Dorset Police's evidence has never been investigated is further made apparent by way of unlawfully refused SAR request/s and an unlawfully ignored complaint about not furnishing me with the investigation outcome reports into the evidence I have provided to Hampshire Police, to which I would be entitled as a matter of right under the statutory guidance if Dorset Police evidence supporting these complaints had actually been investigated anywhere at all. Likewise all the decision makers were fully appraised of the fact Hampshire Police could not produce the documents (investigation reports) proving my complaints were vexatious and an abuse of process based on the fact they were repetitive as the evidence had been investigated and answered before. Why not? Well because it is an obvious lie. And all any of the decision makers had to do to easily and quickly establish this was to ask Hampshire's PSD to produce the investigation report/s that substantiated Hampshire Constabulary position was true, that is matters and the evidence had already been investigated. They never did, and ignored my request to provide me with a copy of these "investigation reports" if they did exist. They really do not. Refer to exhibits EX 10, EX 11a/b and EX 12.
- 8) We have now reached the impasse where both Defendants cases hinge on the assertion Dorset Police's evidence has already been dealt with by way of investigation and hence my complaints are repetitive and an abuse of process VS my allegation this defence is wholly unfounded and untrue. However despite the duty of candour neither Defendant can or will produce the reports that would prove them to be correct and me wrong for the Court's benefit, nor confirm no such reports really exist. This is a highly probative fact from which I am sure the Court will no doubt draw its own inferences. Refer to (EX 15) and (EX 05)
- 9) In the spirit of the overriding objective I have made many offers to the Defendant's to withdraw this challenge if they simply provide me with the investigation reports into my complaint about the false conduct assessment to prove what is under dispute, that is their defence based on the premise the matter has been previously investigated before is true or not. I know it not to be. This goes to the heart of the challenge. Refer to (EX 16).
- 10) Additionally not taking evidence into account has very serious ramifications for the public good regarding the rules on serious misconduct complaints having to be initially "referred" in to the IOPC by the police within 24 hours of receipt. This statutory rule is designed to safeguard the public good from serous police misconduct. Here that did not happen due to a clear wilful failure to apply the evidence. Having no regard to evidence sets a very dangerous and unlawful precedent. And here we are talking about a false police report into the handling of a child sexual abuse case. I refer to the Court to Grounds number 8 in my

statement of grounds which highlight this further very serious legal failing on the part of both Defendants.

11) Both Defendant's are fully aware by way of High Court case CO/2550/2018 the "vexatious" and "repetitive" arguments here hold no succour with the Court. Here the Honourable Mr. Justice Garnham gave permission to proceed in the face of the same arguments presented now. This case resulted in the IOPC agreeing by way of a consent order to direct Hampshire Constabulary to deal with a complaint about the false report under the provisions of the Home Office Crime Recording Rules (HOCR). This would have meant having regard to the evidence as is a requirement of those mandatory rules. However Hampshire Constabulary then petitioned the Court requesting the order be changed from a "direction" to a "recommendation" due to a change in the law. The Court then by way of a decision by His Honour Judge Keyser QC permitted the change to the order. This permitted Hampshire Constabulary not to be encumbered with a direction it had to comply with but rather with a loose "recommendation" from the watch dog that it was not legally bound to adhere to. This once again gave Hampshire Constabulary free range to ignore the evidence. Which it did by dismissing the resulting IOPC recommendation. It is important to note Mr. Justice Garnham's decision was based on less evidence than is available now. This new challenge is based on new even more convincing evidence which was subsequently provided to me in Sep of 2022 and Apr of 2023 by Dorset Police Officers. This new evidence goes further in proving the same allegation - that is the report produced by Hampshire Constabulary into the handling of the Arnewood School teacher child sexual abuse case is substantively false. Although not completely identical these cases are on all fours in relation to being about a challenge to the false report and ignored evidence. Unfortunately now as before the new evidence too has been ignored and remains unanswered by way of all the same tricks that did not persuade the Court in CO/2550/2018. It is important to note the evidence presented in both cases is courtesy of an authorative third Party (Dorset Police), and not me. So if the parties dispute the provided evidence perhaps they should be addressing and answering it and calling Dorset Police names not me. Here I direct the Court to EX 17 for the claim form, orders and rulings relating to case CO/2550/2018.

#### STATEMENT OF TRUTH



#### **GROUNDS**

# FAILINGS UNDER THE POLICE REFORM ACT 2002, IOPC STATUTORY GUIDANCE, POLICE REGULATIONS 2020 AND DATA PROTECTION ACT 2018

# 1) THE COMPLAINT IS NOT REPETITIVE AS NONE OF THE UNDERPINNING EVIDENCE HAS VEVER BEEN ANSWERED OR ENQUIRED INTO OR INVESTIGATED BY EITHER DEFENDANT AT ANY TIME:

Therefore it is not factually correct the complaint is dismissed as "repetitious" under the legal definition:

The Statutory IOPC guidance informs us

#### What is meant by 'repetitious'?

- 8.19 For the purposes of the decisions in the above flowchart, a repetitious matter is one 52:
- that concerns substantially the same conduct as a previous complaint or recorded conduct matter
- where there is no fresh indication that a person serving with the police may have committed a criminal offence or behaved in a way which would justify the bringing of disciplinary proceedings
- where there is no fresh substantive 54 evidence, which was not reasonably available at the time the previous complaint was made or previous conduct matter was recorded, and
- the previous complaint or conduct matter has been, or is being, investigated or (in the case of a complaint) otherwise handled in accordance with Schedule 3

# The underpinning legislation

- 51 Paragraph 10, Schedule 3, Police Reform Act 2002; Paragraph 11, Schedule 3, Police Reform Act 2002; Paragraph 13, Schedule 3, Police Reform Act 2002.
- 52 Regulation 7, Police (Complaints and Misconduct) Regulations 2020.
- 53 See glossary for the definition of disciplinary proceedings in this case, for members of a police force or special constables, disciplinary proceedings means any proceedings under the Police (Conduct) Regulations 2020, apart from the Reflective Practice Review Process. It does not include unsatisfactory performance procedures. For any other person serving with the police it means any proceedings or management process during which that person's conduct, rather than their performance, is considered for the purposes of deciding whether any sanction or punitive measure should be imposed against them for that conduct.
- 54 'Substantive' evidence means, for example, evidence of a material fact which is in dispute or may have a bearing on the outcome of the conduct matter, as distinct from evidence of matters peripheral to the conduct matter and highly unlikely to have any bearing on the outcome.

# THE COMPLAINT CANNOT BE VEXATIOUS AND/OR AN ABUSE OF PROCESS

Neither can the complaint be classified as "vexatious" by the Defendant's to disregard evidence. Both the new 2020 guidance and the old 2015 guidance tell us this cannot be the case here. Notwithstanding a competent determination cannot be made either way without answering and applying that little thing called evidence.

And here the evidence is from an authoritative third party (Dorset Police). My word need not be taken.

The statutory IOPC 2020 guidance also informs us:

12.11 There may be circumstances where some enquiries are needed before it can be established that it is reasonable and proportionate to take no further action to handle the complaint after recording it. These circumstances include, for example, where:

<u>Evidence</u> demonstrates that the complainant is using the complaints system purely to vex, worry, annoy or embarrass and there is no foundation to the complaint.

The statutory IOPC 2015 guidance is further common sense confirmation. It helpfully gives us the definition as:

Vexatious complaint

A complaint that is <u>without foundation</u>, which is intended, or tends, to vex, worry, annoy or embarrass.

It also tells us at 4.15: It is important to note that it is the complaint itself that must be judged vexatious, oppressive or an abuse, not the complainant.....

# 3) MISAPPLICATON OF THE "PROPORTINALITY" AND "REASONABLENESS" TEST BY NOT TAKING EVIDENCE INTO ACCOUNT.

From the statutory guidance

3.18 Complaint handlers should consider the fairness of their actions on all those involved in a complaint.
They should ensure that the decisions they make:

- are impartial, free from bias (or the appearance of bias) or discrimination, having considered the
  perspectives provided by all parties
- are logical and justifiable with reference to the <u>relevant available evidence</u>
- do not place undue weight on any given consideration
- are accompanied by a <u>clear</u>, <u>evidence-based rationale</u>

# 4) NON APPLICATION OF 10.9 OF THE STATUTORY GUIDANCE AND REGULATIONS REGARDING THE MANDATORY REQUIRMENT TO TAKE EVIDENCE INTO ACCOUNT BEFORE DISMISSING COMPLAINTS FROM MEMBERS OF THE PUBLIC.

Here both Defendants have failed to take substantive evidence into account. Not even cursory enquiries were undertaken. The evidence provided by Dorset Police was simply avoided by both Defendants at all costs and remains unanswered. Thereby unlawfully avoiding the application of the "indication" test. Evidence cannot be ignored. There are no exceptions that permit this (of course). Not a single complaint about the false police report has ever been investigated. Nor is the assessment itself a complaint outcome. It is a mandatory assessment. I was precluded from complaining about the raft of identified legal failings identified in the

assessment report. However I am not precluded from complaining about being lied to by way of being sent a false police report where I had previously provided evidence that had directly refuted its content.

10.9 Where there is doubt whether or not there is an 'indication', this may suggest that it is reasonable and proportionate to investigate. Where a decision is made that there is no indication, but during subsequent handling the complaint handler considers that the indication test may now be met, the complaint handler should highlight the matter to the appropriate authority to consider whether the complaint must now be investigated.

Regulation 6, Police (Complaints and Misconduct) Regulations 2020

#### Exceptions to the duty to investigate complaints

The duty to investigate a complaint does not apply where the appropriate authority determines that:

the complaint concerns substantially the same:

- oconduct or other matter as a complaint made previously, or
- oconduct as a conduct matter recorded previously

there is no fresh indication in respect of that conduct or other matter that:

- a person serving with the police may have committed a criminal offence or behaved in a manner that would justify the bringing of disciplinary proceedings<sup>71</sup>, or
- othere may have been the infringement of a person's rights under Article 2 or 3 of the European Convention on Human Rights;

there is no fresh substantive evidence which was not reasonably available at the time the previous complaint was made or the previous conduct matter was recorded; and

#### the previous complaint or conduct matter:

- ohas been, or is being, investigated
- o (in the case of a complaint) has been, or is being, otherwise handled in accordance with Schedule 3
- o (in the case of a complaint) has previously been withdrawn (see Chapter 16) and, therefore, the provisions of Part 2 to the Police Reform Act 2002 ceased to apply to that previous complaint

#### WEDNESSBURY UNREASONABLENESS.

There can be no accountability or proper outcomes to police complaints by the omission of the basic common sense requirement to review and answer evidence as has happened here. Any competent IOPC case worker or member of the police professional standards department must surely know this. It is a very basic and underlying legal principle that most people on the street understand, yet bizarrely has found no place here. That more than quantifies this given legal failing on the part of the Defendants here as irrational and unreasonable, and wholly contrary to the public good. The word "EVIDENCE" occurs in the guidance 78 times. Evidence is key, we all know that. So should the Defendants. It is even written down for them and in more than one place:

10.7 'Indication' is taken to have its plain English definition. In making the decision about whether there is 'an indication', the appropriate authority should consider whether the circumstances, and the evidence readily available, show or reasonably imply that a person serving with the police may have committed a criminal offence or behaved in a manner that would justify the bringing of disciplinary proceedings, or that there may have been the infringement of a person's rights under Articles 2 or 3. This decision should take account of the facts being asserted by the complainant, alongside any readily available evidence, and not focus solely on what the complainant says those facts amount to... Where a complainant alleges, for example, that an offence has been committed without explaining what has been done that they believe

constitutes that offence, the appropriate authority should seek further information and clarification from the complainant before making the decision regarding whether there is an indication.

Another example of the all important principle of taking evidence into account:

**17.3** Conclusions reached should be impartial and logical, based on the facts of the case and giving appropriate weight to relevant evidence. They should be supported by sound rationale. The outcome should seek to address and remedy any issues identified during handling.

## 6) NOT TAKING RELEVANT CONSERATIONS INTO ACCOUNT

The evidence I submitted to both Defendant's simply has not been applied to the decision making process. Side stepping substantive evidence in this manner could not be a better example of this legal failing. Decision makers cannot arrive at fair, proper and proportionate outcomes without appraising and evaluating substantive evidence in reaching a determination.

## 7) NOT PROVIDING REASONS AND EXPLANTIONS

Neither Defendants have ever addressed and answered the evidence from Dorset Police. This legal failing is made very clear by way of the content of the challenged outcomes and the abject lack of transparency they show in relation to the provided evidence.

3.19 To be fair and effective, decisions also need to be made transparently (as far as is possible) and in a timely manner. Wherever possible (subject to the exemptions outlined in paragraphs 11.16 - 11.20) they should be communicated to all those involved and supported by a clear rationale that allows everyone involved to understand them.

# 8) NON COMPLIANCE WITH THE "REFERRAL" CRITERIA IN THE STATUTORY GUIDANCE TO REFER SERIOUS MICONDUCT COMPLAINTS TO THE IOPC.

Producing a substantively false police report into the handling of a child sexual abuse case more than meets the mandatory criteria for "referral" or "calling in". Both Defendants have circumvented this vital legal requirement as well by choosing not to weigh and address the provided evidence.

9.1 Complaints that must be referred to the IOPC

Appropriate authorities must refer to the IOPC complaints which:

- allege that the conduct or other matter complained of has resulted in death or serious injury;
- fall within the mandatory referral criteria (see below); or
- the IOPC notifies the appropriate authority that it must refer

Paragraph 4, Schedule 3, Police Reform Act 2002

9.4 Mandatory referral criteria

The appropriate authority must refer complaints and recordable conduct matters that include allegations of conduct which constitutes:

- a serious assault
- a serious sexual offence
- serious corruption, including abuse of position for a sexual purpose or for the purpose of pursuing an improper emotional relationship

- a criminal offence or behaviour which is liable to lead to disciplinary proceedings and which, in either
  case, is aggravated by discriminatory behaviour on the grounds of a person's race, sex, religion or other
  status identified in paragraph 9.24 of this guidance
- a relevant offence
- complaints or conduct matters arising from the same incident as one where conduct falling within the above criteria is alleged; or
- any conduct matter relating to a chief officer (or the Deputy Commissioner of the Metropolitan Police Service) and any complaint relating to a chief officer (or the Deputy Commissioner of the Metropolitan Police Service) where the appropriate authority is unable to satisfy itself, from the complaint alone, that the conduct complained of, if it were proved, would not justify the bringing of criminal or disciplinary proceedings

An appropriate authority must also refer complaints which arise from the same incident about which there is a complaint alleging that the conduct complained of resulted in death or serious injury.

Regulation 4 and 7, Police (Complaints and Misconduct) Regulations 2020

9.15 The term serious corruption refers to conduct that includes:

- any conduct that could fall within the definition of the statutory offence of 'corruption or other improper exercise of police powers and privileges'
- perverting the course of justice or other conduct that is likely to seriously harm the administration of justice, in particular the criminal justice system
- payments or other benefits or favours received in connection with the performance of duties amounting to an offence for which the individual concerned, if convicted, would be likely to receive a sentence of more than six months
- · abuse of position for a sexual purpose or for the purpose of pursuing an improper emotional relationship
- corrupt controller, handler or covert human intelligence source (CHIS) relationships
- provision of confidential information in return for payment or other benefits or favours where the conduct could lead to a possible prosecution for an offence under Section 170 of the Data Protection Act 2018, or a more serious offence
- · extraction and supply of seized controlled drugs, firearms or other material
- any other abuse of position, or
- · attempts, conspiracies, incitements, assistance or encouragement to do any of the above
- 9.17 An abuse of position is any attempt by a person serving with the police, whether on or off-duty, to inappropriately or illegitimately take advantage of: their position as a person serving with the police the authority their position as a person serving with the police affords them, or any powers conferred on them by virtue of their position as a person serving with the police
- **9.39** A mandatory referral must be made without delay and in any case not later than the end of the day after the day it first becomes clear to the appropriate authority that it is a matter which must be referred.

Regulations 4, 7 and 9, Police (Complaints and Misconduct) Regulations 2020

# 9) FAILURE TO PROVIDE INVESTIGATION OUTCOME REPORT/S UNDER THE STATUTORY GUIDANCE AND GDPR (DATA PROTECTION ACT 2018) AND DUTY OF CANDOUR.

Grounds 1 to 8 highlight the legal failings of both Defendants. This particular ground (9) pertains only to the Chief Officer. It relates to Hampshire Police not responding to a more recent complaint about it not providing me with the outcome investigation report into my complaint about the false conduct assessment produced by the Professional Standards Department, which must exist given its stated position. Which is my complaint/s has already been investigated and is therefore repetitious and vexatious. Producing this report would corroborate his position and wholly refute mine. In fact I had offered to withdraw this legal challenge on more than one occasion if this information was provided to me. It is highly germane and substantive to these proceedings. Despite my numerous requests for this information first under the duty of candour and then by way of subject access request under the UK GDPR, all have been ignored and unlawfully circumvented by the Chief Officer. The ICO was

informed by Hampshire Constabulary they would not supply the information to me based on the exemption it would prejudice prospective legal proceedings (these now live JR proceedings). However as indicated my requests to his legal representatives under the duty of candour failed too. Both the IOPC and the ICO have written to Hampshire Police about this. However Hampshire Constabulary have still not provided the information to me for the Court's benefit here or admitted no such investigation has ever been undertaken, or even acknowledged the complaint. This can only be for fear divulging this truth in an attempt to try to impede the Courts ability to reach an informed proper decision based on the true facts. Admitting no such reports exist and Dorset Polices evidence has never been investigated would entirely repudiate Hampshire Constabularies legal position by exposing the truth. That is there has never really been any investigation into the misinformation as provided in the conduct assessment produced by its Professional Standards Department and the evidence substantiating it. And it is a lie to say it has.

Communicating the outcome (statutory guidance)

#### Complainants and interested persons

17.67 The appropriate authority must inform the complainant and/or interested person(s) of the outcome of the handling of a complaint, recordable conduct matter or DSI matter

They must do this in writing, within five working days of the outcome being determined

However, this is the responsibility of the local policing body if the matter is a complaint and the local policing body has chosen to take on responsibility for updating complainants and interested persons about complaints or, in a directed or independent investigation, it is the responsibility of the IOPC.

17.68 The complainant and/or interested person(s) must be provided with sufficient information to ensure that they are properly informed. This should include a written explanation of how the matter has been handled, the actions taken or to be taken, the findings and the outcome. Where appropriate, it should include the reasons for not taking certain actions where this was in line with reasonable or proportionate handling.

17.72 Whether the outcome is communicated by way of an investigation report or otherwise, it should be communicated in a clear and accessible way. It should:

- provide the recipient with sufficient information to properly understand and examine the handling of the matter, the decisions taken and the conclusions reached
- directly address the matters raised
- show that the objectives set for example, in the terms of reference or during discussions with a complainant or interested person – have been met
- · be written in plain language, free of technical jargon wherever possible
- · be impartial and supported by evidence-based rationale
- provide a clear account of the information/evidence gathered and how it has been evaluated
- · where appropriate, explain why information or action/lines of enquiry were not pursued
- · not be defensive in tone
- · acknowledge any concerns and harm caused, and the impact of this
- willingly demonstrate organisational accountability, where appropriate
- · set out any learning opportunities for an individual or organisation, and how these will be acted on

Failings under the GDPR and Data Protection Act 2018. Of course the data/information would reference me personally. That part is my information. Anything that isn't could be redacted albeit that would conflict with the IOPC guidance as stipulated above. Notwithstanding they are still compelled under law to admit whether this information exists or not. They haven't because it would be admitting the truth. There has been no investigation into Dorset Police's evidence all.

DPA 2018 S(94) - Right of access

# 94 Right of access

- (1)An individual is entitled to obtain from a controller—
- (a)confirmation as to whether or not personal data concerning the individual is being processed, and
- (b)where that is the case-
- (i)communication, in intelligible form, of the personal data of which that individual is the data subject, and
- (ii) the information set out in subsection (2).

\*\*\*\*\*\*

## Information requested under the duty of candour

I once again request the Defendant's provide me with the investigation report/s that would corroborate the defence my complaint/s about the conduct assessment into the handling of the Arnewood School teacher sexual abuse case being false as having been investigated before to prove my complaint/s as repetitious and vexatious. I point out the conduct assessment itself is not a complaint as I was precluded from making one. However I am not precluded from complaining about being lied to by way of the assessment outcome sent to me contradicting the evidence I had supplied.

Now provide any investigation reports into my complaint/s about Hampshire Police's PSD producing a false conduct assessment report into its handling of the Tyrone Mark (Arnewood Teachers) child sexual abuse case. Or an admission the complaint or complaints relating to the same and Dorset Police's evidence has/have never been investigated. This information has been requested many times but withheld. It is substantive and pivotal and now must be produced under Hampshire Constabulary's and the IOPC's strict duty of candour.

If they do not exist (and they do not) the defence rests on a phantom.

# **Attached Exhibits**

The e	ight challenged legal decisions		Page
D1-D6)	Challenged decisions (X6) – Keith Howell (KH)	31/1/2024	1
D7)	Challenged decision (X1) – Esther Myers Robinson (EMR)	31/1/2024	38
D8)	Unlawfully ignored complaint not answered contrary to IOPC statutory guidance and IOPC representations	No answer	54
Evide	nce		
EX 01)	The False conduct assessment produced by Hampshire PSD Into the handling of a child sexual abuse case	22/03/2018	62
EX 02)		20/09/2022	70
EX 03)	Dorset Police confirm the need for investigation	27/04/2023	72
EX 04)	Diverted to Dorset police when they had not been sent the evidence		74
EX 05)	Solicitor Tom Silson provides misinformation maintaining Dorset Police's evidence has already been investigated (EX01,02,03)	02/07/2023	78
EX 06)	The real substance of the complaint as explained to EMR	10/11/2023	82
EX 07)	The real substance of the complaint as explained further to EMR	20/12/2023	85
EX 08)	The real substance of the complaints as explained again to EMR	07/01/2024	90
EX 09)	The real substance of the complaints as explained to KH	08/01/2024	105
EX 10)	Where are the investigations reports?	30/10/2023	120
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EX 12)	Ignored PSD complaint - investigation reports not sent	11/12/2023	138
EX13)	Refusal to provide investigations report via multiple SAR's Legal excuse JR pending		141
EX 15)	Failings to provide substantive report/s under the duty of candour as well. So highly substantive evidence withheld.		170
EX 16)	Multiple offers to withdraw if the reports were provided		182
EX 17)	Permission previously granted on less evidence where the same defence arguments have already failed. Resulting consent order then thwarted (CO/2550/2018).		219
EX 18)	Background and involvement of the Children's Commissioner For England		246
Legal	References		
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LK UZ)	Previous Statutory Guidance (2015)		



# HM Courts & Tribunals Service

VIA CE-File

Ein cyf/Our ref: AC-2024-CDF-000059

Annwyl Syr / Madam,

Ysgrifennaf i'ch hysbysu bod eich hawliad am Adolygiad Barnwrol wedi godi heddiw.

Yn awr mae angen i chi gyflwyno'r holl ddogfennau i'r Diffynnydd/Diffynyddion [a'r Parti/Partïon Cysylltiedig]. A fyddech gystal â nodi bod rhaid cyflwyno o fewn 7 diwrnod i ddyddiad y llythyr hwn, a rhaid darparu Tystysgrif Cyflwyno (Ffurflen N215) i'r Llys. Gall peidio â chydymffurfio â'r gofyniad hwn olygu y bydd y ffeil yn yr achos hwn yn cael ei chau.

Pan fyddwch yn cyflwyno'r hawliad i'r Diffynnydd [ac unrhyw barti(ïon) cysylltiedig], gwnewch yn siŵr eich bod yn amgáu copi o'r hysbysiad sydd ynghlwm.

## Nodwch:

Er gwaethaf geiriad y Tystysgrif Cyflwyno (Ffurflen N215), nid oes yn rhaid cynnwys copi arall o'r holl bapurau yr ydych wedi'u cyflwyno i'r Diffynnydd a/neu unrhyw barti arall cysylltiedig gyda'ch tystysgrif gyflawn.

Nodwch hefyd ein Rhif Cyfeirnod ar gyfer yr achos; y mae'n rhaid ei ddyfynnu pa bryd bynnag y byddwch yn cysylltu â'r Llys.

Swyddfa Llys Gweinyddol Cymru

Canolfan Llysoedd Sifil Caerdydd 2 Stryd y Parc Caerdydd CF10 1ET

**Administrative Court Office for Wales** 

Wales District Registry 2, Park Street, Cardiff CF10 1ET

T 02920376460

E cardiff@administrativecourtoffice.justice.gov.uk

https://www.gov.uk/courtstribunals/administrative-court

Tuesday, 16 April 2024

Dear Sir / Madam,

I write to inform you that your claim for Judicial Review was issued this day.

It is now necessary for you to serve all documents on the Defendant/s [and Interested Party/ies]. Please note that service must be effected within 7 days of the date this letter, and a Certificate of Service (Form N215) lodged with the Court. Failure to comply with this requirement may result in the file in these proceedings being closed.

When serving the claim on the Defendant [and any interested party(ies)], please ensure you enclose a copy of the attached notice.

## Please note:

Notwithstanding the wording of the Certificate of Service (Form N215), it is not necessary to enclose with your completed certificate a further copy of all the papers you have served on the Defendant and/or any interested party.

Please also note our Case Reference number which should be quoted whenever you communicate with the Court. Defnyddiwch y ffurflen profforma amgaeedig i roi manylion y cwnsler yr ydych wedi'i gyfarwyddo i weithredu ar eich rhan, os nad ydych chi wedi gwneud hynny'n barod. Os na ddarperir manylion y cwnsler ymhen 14 niwrnod, a bod wedyn angen rhestru'r achos ar gyfer gwrandawiad, bydd yr achos yn cael ei restru heb ystyried a yw'r cwnsler ar gael.

Hoffem ddwyn eich sylw at Ran 54 y Rheolau Trefniadaeth Sifil a'r Cyfarwyddiadau Ymarfer sy'n dod gyda hwynt. Maent yn rhoi arweiniad ar faterion trefniadaethol yn y dyfodol. Sylwch fod y dogfennau a grybwyllwyd uchod ar gael o wefan Weinyddiaeth Cyfiawnder yn www.justice.gov.uk/ about/hmcts/index.htm

\*\*\* GWYBODAETH BWYSIG
- DARLLENWCH OS GWELWCH YN
DDA \*\*\*

Arfer y Llys yw dinistrio holl ddogfennau copi ac unrhyw fwndeli yn syth ar ôl i'r achosion hyn ddod i ben, a chadw dogfennau gwreiddiol yn ffeil y Llys. Byddem yn awgrymu'n gryf felly eich bod yn cadw copïau o unrhyw ddogfennau yr ydych chi'n eu cyflwyno i'r Llys.

Os hoffech i'ch dogfennau copi neu'r bwndeli gael eu dychwelyd i chi, rhaid i chi roi gwybod i'r Llys, ar bapur, cyn gynted ag y bo modd, a chyn diwedd yr achosion hyn, gan nodi a ydych yn bwriadu dod i'r Llys i gasglu'r dogfennau, neu a fyddech yn hoffi i'r Llys eu dychwelyd drwy'r post neu drwy DX. Oherwydd costau, ni fydd y Llys yn dychwelyd dogfennau drwy Gludiant Cofnodedig na Phost Cofrestredig.

Os na chawn hysbysiad o'r fath, bydd y Llys yn cymryd nad ydych am gael eich dogfennau copi neu'r bwndeli yn ôl, a chânt eu dinistrio fel gwastraff cyfrinachol.

Sylwch, os byddwch yn gofyn am gopïau o'r dogfennau a gedwir yn ffeil y Llys,

Please use the accompanying proforma to supply details of counsel instructed on your behalf, if you have not already done so. If counsel's details are not provided within 14 days, and the case is subsequently required to be listed for hearing, the case will be listed without counsel's availability being taken into consideration.

Your attention is drawn to Part 54 of the Civil Procedure Rules and its accompanying Practice Directions, which give guidance on future procedural matters. Please be aware that the aforementioned can be obtained from the Ministry of Justice website at <a href="https://www.justice.gov.uk/about/hmcts/index.htm">www.justice.gov.uk/about/hmcts/index.htm</a>

\*\*\* IMPORTANT INFORMATION
- PLEASE READ \*\*\*

Please note that it is the Court's practice to destroy all copy documentation and any bundles immediately following the conclusion of these proceedings, and to retain original documentation on the Court file. We therefore strongly advise you to keep copies of any documents that you submit to the Court.

If you wish to have your copy documentation or bundles returned to you, you must notify the Court, in writing, at your earliest convenience, and prior to the conclusion of these proceedings, specifying whether you intend to come to the Court and collect your documentation, or whether you would like the Court to return it to you by post or by DX. Please note that for reasons of cost, the Court will not return documentation by Recorded Delivery or Registered post.

If we do not receive such notification, the Court will assume that you do not wish to have your copy documentation or bundles returned, and they will be destroyed as confidential waste.

Please be aware that if you request copies of documentation kept on the

codir ffi yn unol â pharagraff 4.1 (a) a (b) Gorchymyn Ffioedd Achosion Sifil (Diwygio), edrychwch ar Dabl Ffioedd Swyddfa'r Llys Gweinyddol yn <a href="http://www.justice.gov.uk/courts/rcj-rolls-building/administrative-court">http://www.justice.gov.uk/courts/rcj-rolls-building/administrative-court</a>.

Court file, a fee is applicable under paragraph 4.1 (a) and (b) of the Civil Proceedings Fees (Amendment) Order, please refer to the Administrative Court Office Fees Table at <a href="http://www.justice.gov.uk/courts/rcj-rolls-building/administrative-court">http://www.justice.gov.uk/courts/rcj-rolls-building/administrative-court</a>.

Yn gywir/Yours faithfully,

Wales ACO Ar ran Rheolwr y Llys/For Court Manager Rhif cyfeirnod yr achos: AC-2023-

CDF-001302

Case reference number: AC-2023-

Re: The King (on the application of ) v

CDF-001302

Par: The King (on the application of )

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Enw'r cwnsler:

Name of counsel:

Siambrau: Chambers:

Rhif ffôn y Siambrau: Chambers telephone number:

Amcangyfrif amser (os yn fwy nag 20

munud):

Time estimate (if longer than 20

minutes):

Dychweler y ffurflen hon i:

Swyddfa Llys Gweinyddol Cymru Canolfan Llysoedd Sifil Caerdydd 2 Stryd y Parc Caerdydd

CF10 1ET

DX LL. LLLLL

Please return this slip to:

Administrative Court Office for Wales Wales District Registry

IIIIIII IIIII IIIIII, J JJJJ JJJJJJ, Cardiff CF10 1ET, Wales, LL. LLLLL

DX LL. LLLLL



# HM Courts & Tribunals Service

NODYN I'R DIFFYNNYDD A'R PARTI (PARTÏON) CYSYLLTIEDIG

NOTE TO DEFENDANT AND INTERESTED PARTY(IES)

Ein cyf/Our ref: AC-2023-CDF-001302

Gellir cychwyn, gweinyddu a phenderfynu ar hawliad sy'n dod gerbron y Llys Gweinyddol yn un o'r lleoliadau isod:

**Y Llysoedd Barn Brenhinol** – Ystafell C315, Y Llysoedd Barn Brenhinol, Strand, Llundain, WC2A 2LL.

Canolfan Llysoedd Sifil Birmingham - Priory Courts, 33 Bull Street, Birmingham, B4 6DS.

Canolfan Llysoedd Sifil Caerdydd - 2 Stryd y Parc, Caerdydd, CF10 1ET

Canolfan Llys Cyfun Leeds - 1 Oxford Row, Leeds, LS1 3BG

Canolfan Llysoedd Sifil Manceinion - 1 Bridge Street West, Manceinion, M60 9DJ.

Mae'r mater hwn yn mynd rhagddo yng Nghanolfan Llysoedd Sifil Caerdydd ar hyn o bryd. Os ydych yn dymuno cael cyfarwyddyd bod unrhyw wrandawiadau cysylltiedig â'r mater hwn yn cael eu gwrando yn un o'r lleoliadau eraill a nodir uchod, dylech lenwi Ffurflen N464, sef Cais am Gyfarwyddiadau ynghylch lleoliad ar gyfer gweinyddu a phenderfynu, ei darparu i'r Llys Gweinyddol yng Nghaerdydd a'i chyflwyno i bob parti sy'n gysylltiedig â'r hawliad hwn, ymhen 21 niwrnod ar ôl i'r

Swyddfa Llys Gweinyddol Cymru Canolfan Llysoedd Sifil Caerdydd 2 Stryd y Parc Caerdydd CF10 1ET

Administrative Court Office for Wales Wales District Registry
IIIIIII IIIIII IIIIII, J JJJJ JJJJJJ, Cardiff CF10 1ET, Wales, LL. LLLLL

T 00000 000000, 00000 000000, 00000 000000 F [[Court Fax]] E trhelpdesk1234@gmail.com

https://www.gov.uk/courtstribunals/administrative-court

16 April 2024

A claim before the Administrative Court may be started, administered and determined at one of the following venues:

Royal Courts of Justice – Room C315, Royal Courts of Justice, Strand, London, WC2A 2LL;

Birmingham Civil Justice Centre – Priory Courts, 33 Bull Street, Birmingham, B4 6DS;

Cardiff Civil Justice Centre – 2 Park Street, Cardiff, CF10 1ET;

**Leeds Combined Court Centre** – 1 Oxford Row, Leeds, LS1 3BG;

**Manchester Civil Justice Centre** – 1 Bridge Street West, Manchester, M60 9DJ.

This matter is currently proceeding at the Cardiff Civil Justice Centre. Should you wish to seek a direction that any hearings in this matter be heard at one of the other venues listed above, you should complete, lodge with the Administrative Court at Cardiff and serve on all parties to this claim, a Form N464, Application for Directions as to venue for administration and determination, within 21 days of service of the claim form upon you. There is a fee payable for such application.

ffurflen hawlio gael ei chyflwyno i chi. Rhaid talu ffi am gais o'r fath.

Mae Ffurflen N464 ar gael o Swyddfeydd y Llys Gweinyddol neu gellir ei lawrlwytho o wefan Weinyddiaeth Cyfiawnder yn www.justice.gov.uk/about/hmcts/index.htm

Form N464 can be obtained from any of the Administrative Court Offices or downloaded from the Ministry of Justice website at <a href="https://www.justice.gov.uk/about/hmcts/index.htm">www.justice.gov.uk/about/hmcts/index.htm</a>.

Wales ACO Listing Clerk 1 Rheolwr Rhanbarthol/Regional Manager Subject: Reckless endangerment of the public

Dear Judge,

Another matter the Defendants are keeping from the Court is the danger to the public the process they are advocating in reference to the handling and logging of criminal complaints against "on duty" officers and police staff brings.

The HOCR/NCRS is the bedrock of how the police handle all criminal complaints including those made against on duty officers. There are no exceptions, other than a "crime recording" delay for serving officers and staff. This does not mean the rest of these rules do not apply and can be thrown out the window. They do apply.

The HOCR is all about visibility, fairness and checks and balances, and audibility. Hampshire Constabulary operates two IT systems, RMS Niche for crime logging and subsequent recording and Centurion IT used for capturing complaints against police officers. The former is fully compliant with the requirements of the HOCR/NCRS and the latter (Centurion IT) is not in any stretch of the imagination. These processes do not offer a two tier system for the handling of criminal allegations. The Centurion IT system is never checked for compliance by either the Force Crime Registrar who has specific duties in this regard and falls outside the command structure, nor the HMIC who is independent and inspects the police for compliance with these rules, nor the IOPC. The included excerpts on the adjoining pages from the HOCR/NCRS, and FOI responses from the HMIC and 2<sup>nd</sup> Defendant (Hampshire Police) and statement from the IOPC (1<sup>st</sup> Defendant) more than prove the point.

The non transparent method of precluding the normal crime handling process as advocated by both Defendants for dealing with criminal allegations against on duty officers excludes all the mandated and statutory checks and balances the HOCR/NCRS brings. The Defendants must surely know simply entering them into the Centurion IT system alone makes them invisible to all the required processes the HOCR/NCRS expects and mandates police forces adhere to. This "apartheid" method of applying the law does not bode well for the public, and it is entirely unlawful. We have to look no further than the Angiolini Independent Inquiry into the Wayne Couzens disaster to know that.

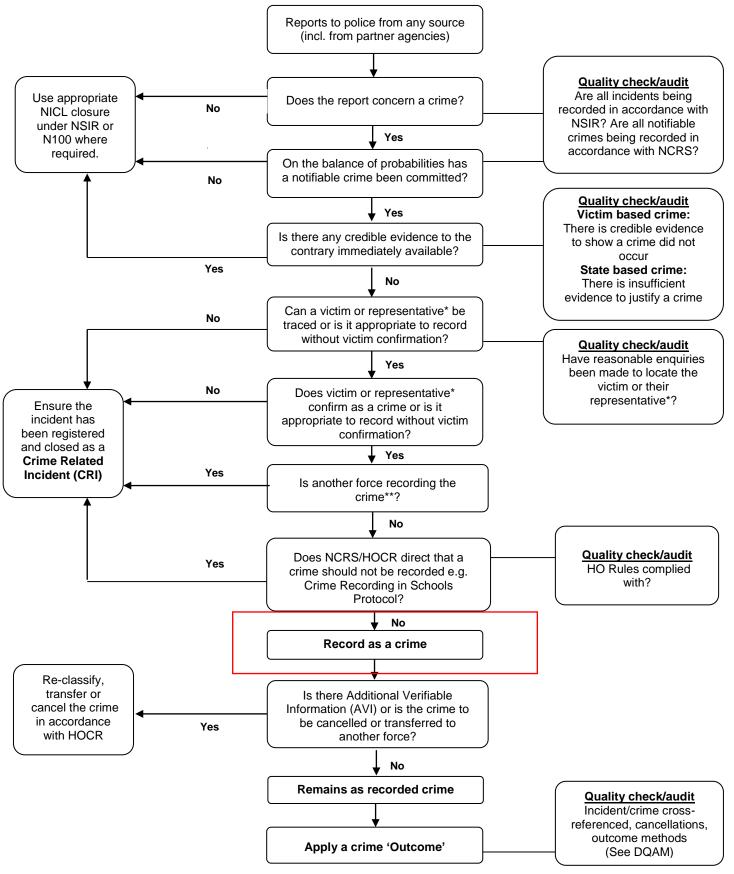
Respectfully



# National Crime Recording Standard (4 of 4)

## **Crime Recording Flowchart**

A belief by the victim, or person reasonably assumed to be acting on behalf of the victim, that a 'victim related' crime has occurred is usually sufficient to justify its recording.



<sup>\*</sup> Paragraph 3.6 provides guidance on recording a crime - even though a victim has declined to confirm or cannot be found.

<sup>\*\*</sup> Disputes over location should be resolved in accordance with the protocol (HOCR, General Rules, Annex A)

# I Other Investigating Authorities (2 of 4)

Where victims report crimes to community support officers or their equivalent these must be recorded by the police (subject to the exception above in relation to an Other Investigating Authority bringing a series of crimes to police attention).

An allegation of a crime made against a police officer or a member of police staff in the execution of his or her duty:

It is recognised that by the very nature of their work officers and staff will be subject of complaints. Many of them are shown to be false or malicious or are determined have been lawful actions, such as in cases where the use of force is questioned. It is not the intention to record as crimes all such allegations unless or until it is determined there is a criminal case to answer. There is no requirement to record such matters within the general NCRS provisions within 24 hours of the report being made.

The point at which a crime will be recorded will be when:

- The Appropriate Authority determines that there may be a case to answer criminally and requests Crown Prosecution Service advice; or
- The Appropriate Authority determines, in accordance with the DPP Charging Guidance, that a charge or summons or out of court disposal should be issued in relation to a criminal matter; or
- The Appropriate Authority determines, on the balance of probabilities, that there is a case to answer
  for misconduct or gross misconduct and the nature of the conduct is such that it would amount to a
  notifiable offence for the purposes of HOCR.

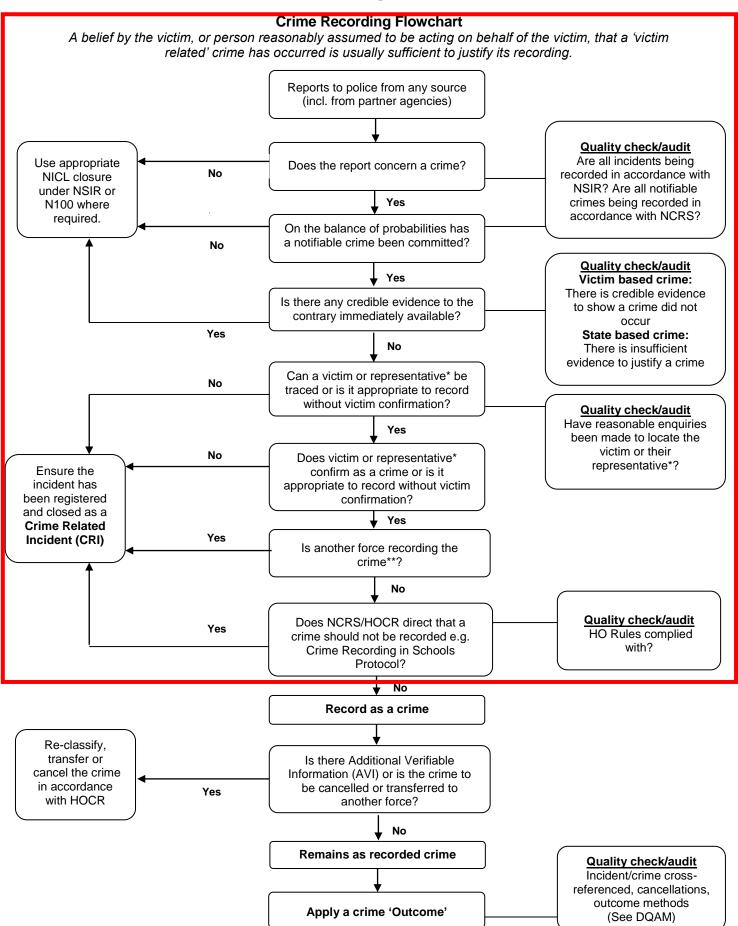
The appropriate authority is as defined in The Police (Conduct) Regulations 2012.

Any allegation of a crime against a police officer or member of police staff which solely relates to his/her off duty activities or is other than in the execution of his/her duties should be dealt with in accordance with the NCRS and the Counting Rules.

#### Clarification

- The term 'police staff' includes any non-sworn employee of a force and will include Police Community Support Officers and Custody Detention Officers as well as staff employed in other roles.
- Where criminal offences are being covertly investigated, notwithstanding a formal assessment of criminal conduct there is no requirement to record a crime until such time as the investigation progresses to a formal stage.

# **National Crime Recording Standard (4 of 4)**



<sup>\*</sup> Paragraph 3.6 provides guidance on recording a crime - even though a victim has declined to confirm or cannot be found.

<sup>\*\*</sup> Disputes over location should be resolved in accordance with the protocol (HOCR, General Rules, Annex A)

# Vision and Purpose Statements for Crime Recording

**Vision:** That all police forces in England and Wales have the best crime recording system in the world: one that is consistently applied; delivers accurate statistics that are trusted by the public and puts the needs of victims at its core.

**Purpose Statements:** Crime is recorded by the police and others to:

- ensure that victims of crime receive the service they expect and deserve;
- prioritise effective investigation of crime in keeping with national standards and the College of Policing's Code of Ethics;
- inform the public of the scale, scope and risk of crime in their local communities;
- allow PCCs, Forces and local partners to build intelligence on crime and criminal behaviour necessary for an efficient and effective response;
- enable Government, PCCs, Forces and their partners to understand the extent of demands made on them and the associated costs of service delivery; and
- inform the development of Government policy to reduce crime and to establish whether those policies are effective.

The importance of these objectives, and in particular the need for the public and victims of crime to have confidence in the police response when they report a crime, makes it imperative that crimes are recorded consistently and accurately.

**Policing Values:** The College of Policing's "Code of Ethics" set out nine explicit values that are intended to ensure standards of professional behaviour for both police officers and police staff:

Accountability

Integrity

Openness

Fairness

Leadership

Respect

Honesty

Objectivity

Selflessness

These values underpin all policing functions and in respect of personal conduct require all persons working for the police service to "behave in a manner, whether on or off duty, which does not bring discredit on the police service or undermine public confidence in policing" (See Standard 9 – Conduct).

The Code explicitly states that complying with the National Crime Recording Standard (NCRS), which is central to the Home Office Counting Rules for Recorded Crime (HOCR), is an example of meeting the standards.

Link to Code of Ethics: <a href="http://www.college.police.uk/What-we-do/Ethics/Ethics-home/Pages/Code-of-Ethics.aspx">http://www.college.police.uk/What-we-do/Ethics/Ethics-home/Pages/Code-of-Ethics.aspx</a>

# National Crime Recording Standard (1 of 4)

Vision: That all police forces in England and Wales have the best crime recording system in the world: one that is consistently applied; delivers accurate statistics that are trusted by the public and puts the needs of victims at its core.

#### 1. AIMS

- To promote accurate and consistent crime recording between police forces; and
- To take a victim oriented approach to crime recording.

#### 2. GENERAL PRINCIPLES

The Standard directs a victim focused approach to crime recording. The intention is that victims are believed and benefit from statutory entitlements under the <a href="Code of Practice for Victims of Crime">Code of Practice for Victims of Crime (CPVC)</a>.

- 2.1 All reports of incidents, whether from victims, witnesses or third parties and whether crime related or not, will, unless immediately recorded as a crime, result in the registration of an auditable incident report by the police.
- 2.2 An incident will be recorded as a crime (notifiable offence) for 'victim related offences' if, on the balance of probability:
  - (a) the circumstances of the victims report amount to a crime defined by law (the police will determine this, based on their knowledge of the law and counting rules); and
  - (b) there is no credible evidence to the contrary immediately available.
- A belief by the victim, or person reasonably assumed to be acting on behalf of the victim, (explained further at 3.6 ii), that a crime has occurred is usually sufficient to justify its recording.
- 2.4 For 'offences against the state' the points to prove *to evidence* the offence must clearly be made out, before a crime is recorded (see also 3.7).
- 2.5 Once recorded, a crime will remain recorded unless additional verifiable information (AVI) is found and documented which determines that no notifiable crime has occurred or crimes are transferred or cancelled i.e. where crimes are created in error, or as a duplicate of an existing crime.

### 3 GENERAL INTERPRETATION OF PRINCIPLES

- 3.1 Auditable Records Ensuring Consistency: The reasons for recording crime are set out in the 'Vision and Purpose Statements (prior)'. The requirement for an auditable incident record is to enable effective review of the attrition between initial reports and the subsequent recording of a notifiable crime. Transparency of decision making contributes to trust and confidence in the accuracy and consistency of recording across England and Wales. Where a report is recorded as a crime at first point of contact (e.g. by an officer on a mobile device; by phone to a control room or direct to a Crime Recording Bureau or Crime Management Unit), it is not necessary that an incident report is also created. However, where the initial report is not recorded as a crime, an auditable incident report must be registered (whether in the force incident system or some other accessible system) and those systems must be auditable.
- 3.2 **Balance of Probability Test:** When examining a report of an incident regarding offences involving identified victims, the test to be applied in respect of recording a crime is that of the balance of probabilities: that is to say: "is the incident more likely than not the result of a criminal act". A belief by the victim, or person reasonably assumed to be acting on behalf of the victim, that a crime has occurred is usually sufficient to justify its recording as a crime. A victim focused approach is the standard to be applied based on a presumption that the victim should be believed.
- 3.3 Initial Report Informing the Crime Recording Decision: A complaint should be considered as made at the first point of contact in keeping with guidance at paragraph 2.3 prior. Evidence indicates that the information obtained by the police at the point of first contact (from all channels / routes) will usually be sufficient to meet the 'balance of probability' crime recording decision making process (CRDMP). Where the CRDMP establishes that a crime has been committed then recording must take place and must not routinely be delayed to facilitate deployment of resources or to enable further investigation to take place. Reports received through partnership arrangements or by specialist units must be recorded on the force crime system at the first opportunity and must not be delayed to allow for further investigation. CRDMP oversight must be independent of operational or performance line management.

# National Crime Recording Standard (2 of 4)

- Timeliness of Recording: Where the information obtained at the first point of contact satisfies the crime recording decision making process the expectation is that identified crimes will be recorded without delay. It is expected that such crimes will be recorded on the same day the report is received and in any case recording must take place within 24 hours of the time the initial report was received. Exceptionally, in circumstances where a victim or person reasonably assumed to be acting on the victim's behalf, cannot be located to confirm that a victim related crime occurred then recording may be extended for up to 7 days. However, where the victim is not traced to confirm an initial report, (for a victim related crime); the expectation is that the CRDMP will be made on the basis of the available first contact information. All reports subject to delayed recording must contain an NCRS compliant rationale and have appropriate FCR oversight.
- 3.5 **Victim Focused Recording:** NCRS promotes a victim focused approach to crime recording. The intention is that victims are believed and able to benefit from their statutory entitlements under the Code of Practice for Victims of Crime (CPVC). This advice ensures consistency of victim focus:
  - i. No Victim No Crime: Where there are grounds to suspect that a 'victim related' crime i.e. a crime requiring victim confirmation may have taken place but no victim, (or person reasonably assumed to be acting on behalf of the victim), can immediately be found or identified, then subject to the exceptions identified at 3.6 (recording without victim confirmation), the matter must be recorded as a crime related incident until such time as the victim is located or comes forward to provide an account.
  - ii. **Unwilling Victims Guidance:** Where apparent criminal activity comes to the attention of the police, and the victim confirms that a crime has taken place, but declines to support an investigation or prosecution a crime must still be recorded.
- 3.6 **Recording without Victim Confirmation:** The concept of 'no victim no crime' is a guiding principle for 'victim related crimes' to deliver a consistent victim focus. However, there are two occasions where recording without victim confirmation is required:
  - i. Police Decide Recording is Appropriate/Necessary: If, having applied the principle outlined at 2.2 and 3.5 i, police believe there is clear evidence or significant grounds to show that a victim based crime has been committed, and that it is either necessary or appropriate to record that crime, a force must record even though the victim has declined to confirm or cannot be found. For example, there are occasions where individuals may fail to recognise that they are victims in relation to some crimes such as domestic abuse or fraud. This must not be used as a reason for failing to record an identified notifiable crime. There is no requirement to record a crime where an individual reports in the belief they are the victim, but specific counting rule guidance identifies that the actual victim (or loser) is another party e.g. a financial institution. However, appropriate advice should be given and referrals made to the initial caller to ensure the right service delivery. The reason for recording without victim confirmation must be explained within the crime record, and be the subject of appropriate supervisory review and FCR quality assurance oversight.
  - ii. **Parents, Carers and Professional 'Third' Party Reports:** Crimes are often reported by individuals acting on behalf of victims. These may be referred to as 'Third Party' reports and commonly such reports include the following:
    - Persons acting in a professional capacity e.g. doctors, nurses, social workers and teachers reporting crimes, (often of a safeguarding nature), on behalf of victims of any age.
    - b) Parents or Carers acting as a guardian or responsible adult, reporting crime in the best interests of and/or to ensure that a child, er young person or adult at risk has appropriate access to police services.

When such persons reports crimes, they should always be regarded as acting on behalf of a victim. Where there is no doubt as to their status and/or position or the veracity of their report, those reports must be recorded as crimes. Such recording must occur regardless of whether the victim has given their permission for the reporting individual to speak to the police and irrespective of whether the victim subsequently confirms that a crime has been committed. Other 'Third Party' reports from persons acting on behalf of victims should be treated on their individual merit and in line with guidance at paragraph 2.2 and 3.6 i within the Standard.



## **Joint Information Management Unit**

Operational Headquarters
Tower Street
Winchester
Hampshire
SO23 8ZD

**Telephone** 101

public.access@hampshire.police.uk

07 September 2022

Our ref:

HC/002091/22

Your ref:

Dear

## FREEDOM OF INFORMATION REQUEST

I write in response to the above referenced Freedom of Information request submitted on the 09/08/2022, Hampshire Constabulary has now considered this request, which has been repeated below and have responded accordingly.

Request	Response
Please provide me with the dates within	Hampshire Constabulary does not hold
the last 5 years on which the Force Crime	any information relevant to this request
Registrar (FCR) audited the Centurion IT	as the Centurion system in Hampshire
System used by the Professional	has not been audited in the time frame
Standards Department (PSD) for	specified.
compliance with the Home Office Crime	·
Recording rules (HOCR).	

## **COMPLAINT RIGHTS**

If you are dissatisfied with the handling procedures or the decision made by Hampshire Constabulary, you can lodge a complaint with the force to have the decision reviewed within 2 months of the date of this response. Complaints should be made in writing to the Public Access office at the address at the top of this letter.

If, after lodging a complaint with Hampshire Constabulary, you are still unhappy with the outcome, you may make application to the Information Commissioner at the Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire SK9 5AF, via telephone on 0303 123 1113 or 01625 545745 or at the website <a href="https://www.ico.org.uk">www.ico.org.uk</a>







## Yours sincerely

Nuala Richman **Public Access** Joint Information Management Unit











From: HMICFRS FOI [mailto:HMICFRSFoI@hmicfrs.gov.uk]

**Sent:** 22 September 2022 11:00

To:

Subject: RE: Freedom of Information request - Reference FOI2022-38

Dear

Thank you for your email.

As previously explained, we do not inspect PSD systems for compliance with the HOCR because we examine those IT systems used by police forces where there is a high chance of finding reports made by victims of crime, this does not include PSD systems.

The guidance and advice we have provided explains how we conduct our inspections. Whilst we appreciate you may have concerns about a particular force it is not within our remit to investigate or change processes based on individual complaints. If you do have a complaint about a force you should contact the Professional Standards Department in that force and the <u>Independent Office of Police Conduct</u> (IOPC) in the first instance.

We don't believe there's any further information we can provide in response to your query.

Yours sincerely

HMICFRS FOI Team

His Majesty's Inspectorate of Constabulary and Fire & Rescue Services

From:

**Sent:** 07 September 2022 08:39

To: HMICFRS FOI < HMICFRSFoI@hmicfrs.gov.uk>

Subject: RE: Freedom of Information request - Reference FOI2022-38

Do you trust this email? This email originated from outside the Home Office, or came from a Home Office system that has not been certified. Please exercise caution before opening attachments or clicking on links within this email or any suspicious email, particularly from unknown senders.

Hi,

Thanks for the explanation which I had seen before, but I did not receive an answer to my request about:

a. Has the HMIC ever inspected any police forces professional standards (PSD) IT system for compliance with the HOCR regarding criminal complaints/allegations made by the public against on duty officers and members of staff??? Here I am talking about raising an incident record according to the HOCR provisions (not crime recording). That can be delayed for complaints against officers.

To clarify Hampshire Police does not raise/log an incident report for officers and its staff in the same way it does for criminal allegations against members of the public. Hence there is no incident report in the RMS for HMIC to audit. Surely the HMIC knows if that is proper/legal or not.

**Thanks** 

From: HMICFRS FOI [mailto:HMICFRSFoI@hmicfrs.gov.uk]

**Sent:** 06 September 2022 14:05

Subject: RE: Freedom of Information request - Reference FOI2022-38

Dear

Thank you for your email.

In response to your question, no, HMICFRS has not audited the Centurion IT system. As explained in our response to FOI-2022-16 and FOI-2022-38 we examine those IT systems used by police forces where there is a high chance of finding reports made by victims of crime. In Hampshire Constabulary we looked at RMS (record management system) and Altaris (contact management system).

Please note, this has not been handled as an internal review, instead we hope this confirmation clarifies our position in response to your request.

Yours sincerely

FOI Team

Her Majesty's Inspectorate of Constabulary and Fire & Rescue Services

\*\*\*\*\*\*\*

From: Sent:

31 May 2024 09:55

To: Subject: 'enquiries@policeconduct.gov.uk' Request for information (FOI)

To IOPC Information Team.

Freedom of information Request.

Dear Information Team,

Please provide my with the dates over the last 5 years relating to audits of Hampshire Constabularies Professional Standards IT complaints system (Centurion I believe) by the IOPC. This should include:

- 1) Date of audit.
- 2) Organization or position of the individual conducting the Audit.
- 3) Result of audit.
- 4) Nature and description of the audit.
- 5) Whether or not the audit was to check for compliance with the HOCR/NCRS with regards to criminal complaints made against officers.

An email response is fine.



## The Home Office Crime Recording rules and the Police Complaints System.

IOPC statement. Excerpt from letter from it on this issue.

- 20. It was accepted in the 2017 conduct assessment that matters referred to Hampshire Police in 2012 and 2013 had not been recorded under HOCR. That is not the issue raised by your complaint which concerns whether your complaints about Mr Trencher, the force solicitor's conduct in 2017 should be recorded as a crime.
- 21. The IOPC's powers and duties derive from the Police Reform Act 2002 and relate to the police complaints system in England and Wales which includes requirements for forces to record, refer and investigate police complaints.
- 22. Police complaints are an expression of dissatisfaction with the service provided by the police. An expression of dissatisfaction may include allegations of criminality, misconduct, both or neither. Under the current legislation if a complainant has been adversely affected as a result of the matter complained of, their complaint must be recorded as a police complaint regardless of whether it includes an allegation of criminality or misconduct or not.
- 23. The IOPC has no powers or duties in connection with Home Office Crime Recording rules, which are intended to promote consistency and accuracy in statistics concerning criminal offending. Her Majesty's Inspectorate of Constabularies, Fire and Rescue Services (HMICFRS) inspect and audit compliance with them and with the Home Office are responsible for interpreting them.

From:

**Sent:** 09 May 2024 01:46

To: 'cardiff@administrativecourtoffice.justice.gov.uk'

Cc: 'civil.litigation@hampshire.pnn.police.uk'; 'legal.admin@policeconduct.gov.uk'; 'Danny

Simpson'; 'Jade.Clarke@dwf.law'

**Subject:** AC-2024-CDF-000059 Claimants Second Witness Statement AC-2024-CDF-000059 Claimants second witness statement 2.pdf

RE: AC-2024-CDF-000059

Duty of Candour omission by the Defendant's

For the attention of the Judge when this application is considered.

**CC: All Parties** 

Claimant's Second Witness Statement of 9/5/2024

Dear Sirs,

I am now in receipt of the Defendant's respective AOS filings (served 7/5/2024). I know it is not encouraged but I feel compelled to file a 2<sup>nd</sup> Witness Statement (attached) to highlight and answer serious substantive omissions under the duty of candour in the Defendants AOS filings for the benefit of the Court. This will enable it to make an informed decision based on the true facts of the case in children's best interests. The statement highlights breaches to the Court rules by the Defendant's by the way of withholding substantive information from the Court.



## **Claimants Second Witness Statement**

Date 9/5/2024

Court Reference AC-2024-CDF-000059



In response to the Defendants AOS filings Date of service on the Claimant 7/5/2024

## For the attention of the Judge when this application is considered

### Duty of candour omission by the Defendant's

Included evidence: Letter to the Claimant from Dorset Police dated 31 October 2023. See page 4 of this document.

Dear Sirs,

I am now in receipt of the Defendant's respective AOS filings (served 7/5/2024). There is a serious omission under the duty of candour. In reference to the statement by the First Defendant (the IOPC) it is not aware Dorset Police are pursuing the issue of the false police report produced by Hampshire Constabulary.

Here I direct the Court to:

First Defendants Summary Grounds of Defence Para 42(e) – page 23

This representation by the First Defendant is misleading and wholly inaccurate. Both Defendants know the matter of the false report as complained about is currently being pursued at a very high level by Dorset Police and not just by me. Please see the attached letter from Dorset Police confirming this. It has gone all the way up the chain to the respective Deputy Chief Constables. It is therefore not only the Claimant (me) who has raised the issue of the false police report with the Second Defendant but Dorset Police directly as well. Mr. Gary Watkins is a Dorset Police professional standards investigator who too has raised these very same issues as the Claimant (me) as the attached letter absolutely confirms.

The Second Defendant absolutely knows this and the First Defendant should too. Given this has now been raised as a defence issue it is important for the Court to understand it is not just I the Claimant (me) who have raised the matter of the false police report produced by Hampshire Police but Dorset Police directly as well. Under the duty of candour this should have been brought to the attention of the Court by the Defendant's, certainly given Dorset Police's alleged lack of action has now been raised in defence even though it is not true. Clearly the intention of omitting this salient truth is to try to further its vexatious and repetitive argument. This is a breach to the duty of candour. Cleary given Dorset Police's actions as identified in the letter the complaint is not unfounded, and this is extremely

damaging to the defence, yet has not been disclosed by either Defendant for the Court's benefit.

Furthermore, the Defendant's AOS filings now unwittingly confirm that the complaints made by me about the Defendant's being untruthful in complaint responses, letters and pre-action correspondence about my allegations into the false report already having been investigated to be completely correct, there was no investigation. Neither Defendant can identify and reference a single investigation into the matter of the false report and Dorset Police's evidence. Of course I can complain about that, along with being sent a false police report which lied to me. These complaints have absolutely nothing to do with my standing in reference to not being affected by the sexual offences or statutory legal failings in how Hampshire Constabulary originally dealt with the related child sexual abuse case. These are separate and different issues all together.

Breaches to the Rules:

#### **Judicial Review Guide 20223**

- 7.5 Duty of candour and cooperation with the Court
- 7.5.1 There is a special duty the duty of candour and cooperation with the Court which applies to all parties to judicial review claims. Parties are obliged to ensure that all relevant information and all material facts are put before the Court. This means that parties must disclose relevant information or material facts which either support or undermine their case. The duty of candour may require a party to disclose a document rather than simply summarising it.
- 7.5.2 It is very important that parties comply with the duty of candour. The duty is explained in more detail below at para 15.1 of this Guide.
- 7.6 Disclosure and requests for further information
- 7.6.1 The duty of candour should ensure that all relevant information is before the Court. The general rules governing the disclosure of documents in civil claims do not apply to judicial review claims.

\_\_\_\_\_

#### In closing.

If I may I would like to point out to the Court GCRO's are not a life sentence and offer no excuse for the police authorities to avoid uncomfortable evidence and then lie about it being investigated before to avoid accountability. Furthermore what is further lacking in the Defendants responses is the last 2 challenges in the High Court relating to the IOPC and Chief Constable I have won (CO/80/2019 and CO/2550/2018). So what does that make them? And as to the reference to 98 issues I have raised with them, well if that count is right most of those would have no doubt been to get them to deal with a child sexual offender lawfully and not continue to keep it out of the police system contrary to children's best interests. I will not apologise for that.

9 May 2024



**OFFICIAL** 

Dorset Police Professional Standards Department

Force Headquarters Winfrith, Dorchester Dorset DT2 8DZ

Our ref: CO/00806/23

TJW/3808/AW

Phone: 101 Ext. 3808

E-mail: <a href="mailto:complaints&misconduct@dorset.pnn.police.uk">complaints&misconduct@dorset.pnn.police.uk</a>

Date: 31 October 2023

Dear

## **COMPLAINT AGAINST POLICE**

I acknowledge receipt of your email of 14 October 2023 and apologise for the delay in this matter.

I have now received a response from DCC de Reya and as a result I have asked Mr Watkinson to arrange a meeting between Dorset and Hampshire Professional Standards Departments, to clarify exactly the position on the matters that you have raised.

During March of this year DCC de Reya has confirmed that she did in fact have a telephone/teams meeting with the then Hampshire DCC Hutson, on the issues raised by yourself and Mr Watkinson. This is confirmed in emails as you are aware.

My understanding is that various letters were exchanged which were the culmination of your original Dorset complaint dealt with by Mr Watkinson, but further paperwork and explanation was also to be provided by Dorset Professional Standards Department.

This position was not conveyed to Mr Watkinson and therefore nothing further was provided to Hampshire, which might account for the inactivity on the matter.

I apologise for this oversight and I am hoping that this meeting in the near future will provide clarity for me to inform you of both Forces position on your complaints.

I will be in contact in due course.

Yours sincerely

TJ Whittle

Joint Head of Complaints & Misconduct Unit

OFFICIAL Page 1 of 1

From: PUBLIC ACCESS Mailbox [mailto:public.access@hampshire.police.uk]

Sent: 22 April 2024 13:08

To:

Subject: RE: 17226/W



Requests for investigation reports under duty of candour denied. Also SAR requests for reports routinely denied (exemption will prejudice JR). We now know the reason for the subterfuge there are no investigation reports. They lied about it.

You have previously been advised of the following;

Hampshire Constabulary has refused access to the data under section 45(4)(a) of the Data Protection Act as disclosure would prejudice an official or legal inquiry, investigation or procedure.

Please refer to the ICO if you remain unhappy with our response.

Kind Regards

## S Carr | Public Access Manager

Joint Information Management Unit | Hampshire & Isle of Wight Constabulary and Thames Valley Police Address | Hampshire & Isle of Wight Constabulary, Mottisfont Court, Tower Street, Winchester, Hampshire, SO23 8ZD

Information Management Helpdesk:

Hampshire <u>information.management@hampshire.pnn.police.uk</u>
Thames Valley <u>information.management@thamesvalley.pnn.police.uk</u>

From: Sent:

09 May 2024 01:46

To:

'cardiff@administrativecourtoffice.justice.gov.uk'

Cc:

'civil.litigation@hampshire.pnn.police.uk'; 'legal.admin@policeconduct.gov.uk'; 'Danny

Simpson'; 'Jade.Clarke@dwf.law'

Subject: Attachments:

AC-2024-CDF-000059 Claimants Second Witness Statement AC-2024-CDF-000059 Claimants second witness statement 2.pdf

RE: AC-2024-CDF-000059

Duty of Candour omission by the Defendant's

For the attention of the Judge when this application is considered.

**CC: All Parties** 

Claimant's Second Witness Statement of 9/5/2024

Dear Sirs,

I am now in receipt of the Defendant's respective AOS filings (served 7/5/2024). I know it is not encouraged but I feel compelled to file a 2<sup>nd</sup> Witness Statement (attached) to highlight and answer serious substantive omissions under the duty of candour in the Defendants AOS filings for the benefit of the Court. This will enable it to make an informed decision based on the true facts of the case in children's best interests. The statement highlights breaches to the Court rules by the Defendant's by the way of withholding substantive information from the Court.

Thank you

From:

**Sent:** 09 May 2024 21:40

To:

'cardiff@administrativecourtoffice.justice.gov.uk'

Cc:

'civil.litigation@hampshire.pnn.police.uk'; 'legal.admin@policeconduct.gov.uk'; 'Danny

Simpson'; 'Jade.Clarke@dwf.law'

Subject:

AC-2024-CDF-000059 Claimants Second Witness Statement

RE: AC-2024-CDF-000059

**CC: All Parties** 

Claimant's Second Witness Statement of 9/5/2024

Also for the attention of the Judge when the application is considered.

Dear Sirs,

I would also like to add the following for the attention of the Judge's consideration along with my second witness statement as previously emailed to the Court Office regarding the identified breaches to the duty of candour by the Defendants. I believe it also relates to important information for the Court not disclosed or answered by either Defendant. However highly germane and substantive.

As to the proffered defence I am not a "qualifying complainant". This was not raised in CO/2550/2018 (The Honourable Mr. Justice Garnham) or CO/80/2019 (UT Judge Grubb). Both of these cases I won. The former case CO/2550/2018 was also related specifically to the false police report produced by Hampshire Constabulary, but before Dorset Police's new evidence of 2022/2023 further corroborating the allegation the police report produced by Hampshire Police complained of is substantively false. This too I believe is a germane fact that that the Court should be aware of, yet not addressed in the Defendant's AOS filings.

For the record I agree I was not a qualifying complainant regarding the raft of failings re the handling of the underpinning child sexual abuse case. I at no point have disputed or contested that. But I am a qualifying complainant when it comes to being lied to by way of being sent a false police report, which I know to be false by way of the evidence I had previously provided to Hampshire Police which was suppressed. Equally I am a qualifying complainant when my complaints are rejected on the wholly false premise they are repetitive and vexatious as they have been investigated before (when they have not). When a member of the public is lied to by the police, of course they have a right to complain about it. And this is what this is about, a member of the public being lied to and having complaints rejected on a false basis. It is not about the original policing fiasco at all, to which I was not a qualifying complainant, but was never the less instrumental in having those failings on the part of Hampshire Police corrected in children's best interests.



From:

**Sent:** 23 May 2024 19:38

To: 'Administrative Court Office Cardiff'

Cc: 'Danny Simpson'; 'Jade.Clarke@dwf.law'; 'legal.admin@policeconduct.gov.uk';

'civil.litigation@hampshire.pnn.police.uk'

**Subject:** High Court papers AC-2024-CDF-000059 - Claimants 3rd Witness statement

Attachments: AC-2024-CDF-000059 Claimants 3rd Witness Statement (3).pdf

High Court papers AC-2024-CDF-000059 - 3<sup>rd</sup> Claimants Witness Statement

To: The Admin Court

CC: All parties

Dear Sirs,

As promised third Claimants Witness Statement for the Judge re breaches to the duty of candour by the Defendants and addressing the new issues raised by the First Defendant in its AOS. Supporting Claimants bundle FILE 2 previously filed and served..



## **Third Witness Statement**

Date 23/5/2024

In response to the Defendants AOS filings. Date of service on the Claimant 7/5/2024



For the attention of the Judge when this application is considered

### Duty of candour omissions by the Defendant's and response to new issues raised

Dear Sirs,

- 1) This Claimants 3<sup>rd</sup> witness statement is in response to the new issues raised in Defendants AOS filings (served 7/5/2024) and about various breaches to the duty of candour by the way of omission and obfuscation.
- 2) The supporting evidence has already been filed with the Court by way of the Claimant's bundle (FILE 2).
- 3) This further filed evidence substantiates a very clear contempt of Court on the part of the Second Defendant in passed proceedings which I request the Court to use its prerogative to now act on given it is a slight on the Court and on the justice system in general. One that remains denied hence remains to be purged or referred to the Attorney General to prosecute as would be the case is if were a regular member of the public. This is addressed further down in my statement along with the supporting evidence proving the matter.
- 4) The additionally provided evidence and documents also make it clear the Defendants have failed to mention High Court Case CO/2550/2018 where the First Defendant made all the same arguments as now, eg: I am not a qualifying complainant and have no standing to complain. These were all robustly defeated and permission to proceed was granted. This too is further explained and addressed later in this statement.
- 5) The evidence also highlights a false statement in a prior pre-action response from the Second Defendant which too is a blatant breach to the duty of candour and hence the Claimant respectfully also requests the Court address.

6)	

7)	I have included the First Defendants (IOPC) pre-action response at the end of this
•	statement which indicates the new argument and material proffered by the First
	Defendant in its AOS filing did not appear and were not raised in its pre-action
	response to me.

It is children's best interest, the law and evidence from Dorset Police that counts of course and not what or who I am. That matters not.

- 8) The evidence of Contempt of Court by the Second Defendant. For the breached undertaking given by Mr. Roger Trencher in past proceedings refer to Claimants Bundle File 2 page 59 (EX 27). For the Parliamentary Commissioner's decision confirming the breach (which the second Defendant accepted) see (EX 28) page 69 and 78 for the Commissioners summary where it is made crystal clear. For the Force Solicitors denial of the very obvious see his correspondence on page 191 (EX 40). Notwithstanding the evidence of contempt, I believe this adequately demonstrates a perverse culture of denial at all costs within Hampshire Constabulary that extends all the way through to its legal department.
- 9) The Defendant's failed to bring the matter of High Court Case CO/2550/2018 to the Courts attention in terms of it invalidating the defence as put forward in the Defendant's AOS responses to the Court in this case. Here it was likewise argued by the Defendants in the papers and verbally at the hearing before the Honourable Mr. Justice Garnham I was not a qualifying complainant. The Judge entirely rejected that argument and granted permission for the application to proceed. It is important to also note that case was also about the false police report I was sent as produced by Hampshire Constabulary into the handling of the Arnewood School teacher child sexual abuse case. This breach to the duty of candour is made very evident in the supplied papers as I have now provided re CO/2550/2018 (FILE 2) which I will come too. This case also relied on some of the same evidence which was never answered or investigated, now even further bolstered by the new evidence provided to me by Dorset Police is 2022 and 2023, yet also summarily rejected. No mention or argument was made then in CO/2550/2018 by either Defendant that the evidence was not what it was purported to be. I am sure had it not have been credible or was frivolous the Honourable Mr. Justice Garnham would have dismissed the case there and then. He did not. It went on to a consent order which I address in my next point. There is an enormous difference to me not being a qualifying complainant re the underlying statutory failings regarding the Arnewood School teacher case where I

was instrumental in getting those issues addressed, as opposed to be a qualifying complainant about being lied to by way of being sent a false police report I knew to be false by way of the evidence I had submitted to the Second Defendant. It is also unarguable that I am not a valid complainant when it comes to the other challenged outcomes as well. Which relate to the same issue of being lied to and misled repeatedly in documents and legal and other responses from the Second Defendant now thoroughly evidenced for the Court. The Court is directed to page 220 (EX 17) of the Claimants first (original) bundle for the Judges order. For the Judicial Review Claim form explaining the claim refer to page 222 (also EX 17) of the same bundle. For the resulting consent order (I will come to this in my next point) see page 228 of (EX 17). For further analysis please refer to the Claimants FILE 2 For the First Defendant's AOS, pre-action response and skeleton argument relating to CO/2550/2018, these can be found in (EX 37) at page 135 to 170 of FILE 2. These documents adequately demonstrate for the Court they are now trying on the very same arguments here yet again, albeit both Defendants' know they have previously failed in the High Court before. That is remiss under the duty of candour and overriding objective. It is a deliberate omission that precludes the Court from being able to make an informed and just decision in this case. Of course the Court will know it is not bound by decisions of other High Court Judges, but it is highly unusual for a fellow Judges decision to be over ridden without very good cause, and here there is none.

## 10) The Court was misled and misdirected in CO/2550/2018 by both Defendants.

This was to hood wink the Court into agreeing to change the finalised consent order changed from an IOPC "direction" to a "recommendation". This resulted in the original evidence (EX 01 – pages 63 to 69 original bundle) once again being swept "under the carpet". Refer to the original consent order on page 228 (EX 17) of the Claimant' original bundle. Pages 38 to 52 (EX 25) of Claimants FILE 2 bundle consists of the applications and argument presented to the Court to get the order changed to a "recommendation". The Judges ruling agreeing the change can be found at page 234 (EX 17) of the Claimants original bundle. The evidence this was a false argument has now been inadvertently proven by way of a new letter and "memo" sent to me by the First Defendant (IOPC) dated 13/5/2024 included at pages 8 to 11 (EX 23) of FILE2. Of course this memo is correct under law, refer to page 245 (EX 17) of the Claimants original bundle. It is very implausible that a case worker knows more about the law than the Defendants respective legal departments and the senior solicitors they employ.

11) The Second Defendant lies in a pre-action letter. Likewise a breach to the duty of candour. Which is engaged at the start of the pre-action phase. Here I direct the Court to Mr. Tom Silson's (a solicitor acting for the Second Defendant) letter at page 78 (EX 05) of the Claimant's original bundle. The lies appear on page 78 (boxed as LIE 1 and LIE 2) of the document. The person from whom Mr. Silson was receiving instructions was Mr. David Winter the Head of Hampshire Constabularies Professional Standards Department (PSD). This is confirmed at the end of the letter (page 81). Then contrast this with the same Mr. David Winters letter to me dated 30/3/2023 page 459 (EX 21), note Ms. Stokel-Walkers

response he was given starting at paragraph 4 confirming no investigation had been undertaken. The other decisions by the Second Defendant now included in (EX 21) of FILE 2 underpin the challenged First Defendants (IOPC) decisions. These further prove there was no investigation at all, criminal or otherwise into my complaints. They were all summarily rejected complaints. Hence my request for the investigation reports I was not aware of after receiving Mr. Silson's letter of 2/6/2023. I further made a request for the investigation reports in my application form to the Court, which was ignored by both Defendants. The tactics of the Defendant's appear to have now moved from the complaints already being investigated (hence are repetitive and vexatious) to the evidence is not what it is purported to be (CO/2550/2018 disproves that). Well it is what it purports to be. I direct the Court back to (EX 01) to (EX 04) of the original Claimants bundle. I further draw the Courts attention to my in vain attempts to get the investigation reports to which Mr. Silson referred in his pre-action response. The First Defendant has now written to Hampshire Constabulary twice about my complaint about not being sent the investigation reports to which I would be entitled to as a matter of right, and still the complaint about the same has not been answered or even acknowledged. That is unlawful. Refer to page 139 (EX 12) of the Claimants original bundle for the unlawfully ignored complaint. And page 142 (EX 13) of the Claimants original bundle for my failed Subject Access Request to get the information (the investigation report/s) I was and still am entitled to if they exist. The Second Defendant refused the request on the basis it would "prejudice" the Judicial Review Proceedings of which there were none (only a pre-action letter had been issued). That is an additional deception as Mr. Silson refused to provide them to me as well. My requests under the duty of candour were also ignored. If they would prejudice proceedings as the Second Defendant claimed to the ICO they are relevant to those proceedings and should have been and still should be disclosed to the Court and me under the duty of candour, note page 57 (D8) of the Claimants original bundle. Also please note pages 55 to 60 (D8) of the original Claimants Bundle where the First Defendant (IOPC) has pursued the Second Defendant (The Chief Officer) about the non response to the Claimants (my) complaint about not being sent the investigation report/s referenced by Mr. Tom Silson in his preaction response letter. The IOPC have subsequently written to them a second time about this (email from Ms Alice Law dated 22/4/2024), yet still no response yet again from the Second Defendant. Why not? Well I believe that is because answering would be self condemning and incriminating on the part of the Second Defendant. There really has been no investigation at all. And that they should be candid with the Court about, but have not. The false argument about matters being investigated has even impacted the decision making of other agencies, refer to page 454 (EX 20) of the Claimants original bundle.

12) <u>Withholding evidence</u>. Not disclosing substantive information as highlighted above in point 11. Relevant substantive evidence which would "prejudice" proceedings as is the Second Defendant's position in correspondence with the Information Commissioner is a further evident clear breach to the duty of candour. If it will affect proceeding either way it should be disclosed to the Court

as it is relevant to those proceedings. Refer to page 171 (EX 15) of the Claimants original bundle. Here the information is denied to me hence the Court on the argument it would "prejudice proceedings". Then not provided when requested under the pre-action protocol either. That too is an affront to the Court and the rules.

- 13) Yet another duty of candour failing. Not bringing to the attention of the Court Dorset Police are pursing matters pertaining to the false report at the highest level. It has gone right up the command chain to both Force Deputy Chief Constables. That would not happen if the evidence was not what it appeared to be. Refer to page 505 (EX 22) of the Claimants original bundle. Here I also draw the Courts attention to my Second Witness statement dated 9/5/2024 on page 507 (WS 2) of the original bundle. This is highly relevant information. The Second Defendant should have made the Court aware of it. It throws a correct light from an authoritative third party on the evidence. It is not all a manufactured nonsense as they would have the Court believe at the expense of children's best interests.
- 14) Yet more misinformation. Then of course there is the matter of the misdirection employed by Superintendent Debra Masson when informing the IOPC the Second Defendant would not comply with its recommendation resulting from High Court case CO/2550/2018. Refer to page 451 (EX 19) of the original bundle. Here she informs the First Defendant (IOPC) the call to 101 was about a request for an address. As if a judicial review which ended in a Court agreed consent order (CO/2550/2018) would be about a request for an address. It was all about reporting a crime. It should have been logged and an incident number issued. It was not but should have been and the Honourable Mr. Justice Garnham clearly agreed with me on that in CO/2550/2018, and regarded me as a "qualifying" complainant as well. Now more new evidence from Dorset Police has become available proving the falsity of the report sent to me, I still am. That does not change. And as the evidence past and present has never been investigated under the PRA 2002 or otherwise dealt with under the provisions of the PRA 2002 by means of local resolution (which would be entirely inappropriate anyway) the complaint cannot be repetitious or vexatious. It's a valid complaint under the Police Reform Act 2002 and both versions of the IOPC Statutory Guidance and Regulations, that is both the 2015 and 2020 versions. It must be dealt with as such in children's best interests. False police reports into the handling of child sexual abuse cases are really not a good thing. And if I am not a valid complainant as they strangely cling to despite prior proceedings establishing otherwise why have they not carried out a mandated conduct assessment as required by the rules? Refer to the Head of the then IPCC Lesley Longstone's letter to the Children's Commissioner dated 9/16/2016 on page 254 (EX 18) of the Claimants original bundle. Specifically paragraph 5 on page 255 of the same document.

Furthermore everything I alleged herein is documented with evidence. None of it is frivolous or made up. To further make this point I draw the Courts attention to the Court orders and Second Defendants frivolous defence in CO/80/2019 page 13 (EX 24) of FILE 2 where the same old mantra of vexatious and abuse of process was used, and defeated. The resulting investigation from this particular High Court action is still not concluded after being sent back by the First Defendant (IOPC) to the Second Defendant (Chief Officer) for yet a second time, refer to page 8 (EX 23) of FILE 2. We are now at 6 years and counting. Then there is the referenced "village green" complaint. DJ Callaway's order on that where he expresses his gratitude is included on page 55 (EX 26) in FILE 2. Success in CO/212/2012 which resulted in the breached High Court undertaking (EX 27). The Parliamentary Commissioner decision confirming the denied breach (EX 28) by the Second Defendant. LJ Arden's Appeal Court ruling confirming serious SEN failings at the Arnewood School (EX 29). And the TSOL's letter confirming the same (EX 30). The news articles embarrassing the Second Defendant (EX 32), there were others. An ICO decision against Dorset Police is provided in (EX 35) page 124. I could provide more examples of where I succeeded despite of the Defendants, however when added to my success in getting a child sex offender of the streets when Hampshire Constabulary bizarrely kept it out of the system for 2 years I am sure the Court will get the picture. I am responsible for getting numerous and some very serious legal failing by the Second Defendant corrected. That cannot be disputed. The Defendants have made many mistakes previously, far too many mistakes. And this is simply a continuum of that same modus operandi and culture of denial and cover up at all costs which have gone before.

STATEMENT OF TRUTH

23 May 2024





10 South Colonnade Canary Wharf London E14 4PU

Tel: 0300 020 0096

Email: enquiries@policeconduct.gov.uk

By email only to:

23 February 2024

Legal/DS/00011949

## Proposed Judicial Review of the IOPC's decisions dated 31 January 2024.

I am instructed by the IOPC to reply to your letter of claim under the judicial review preaction protocol, purportedly dated 14 January 2024 but in fact sent by email on 14 February 2024.

#### Introduction

- 1) You are challenging 7 separate review decisions, made under paragraph 6A schedule 3 Police Reform Act 2002 ("PRA"), all dated 31 January 2024. In each case Hampshire Police, as the Appropriate Authority ("AA"), had decided to take no further action on your complaints and the IOPC's reviews determined that outcome was reasonable and proportionate.
- 2) I have numbered the complaints in the table below. Complaints 1-2 and 3-7 all relate directly or collaterally to the Conduct Assessment (the assessment) carried out by Mr Stephen Franks on behalf of the AA in 2016 (see below) concerning Hampshire Police's handling of allegations against a teacher made in 2012/13. In short you allege Mr Franks lied in the assessment and that the other people complained about have failed to correct his lies or to investigate your complaints about them. It is clear from the complaints themselves and from your letter of claim that you are seeking to re-open the assessment.
- 3) The reviews determined that no further action was appropriate it has previously been determined that you are not a qualifying complainant in relation to any failings in 2012/13 or the assessment, the complaints repeated the earlier complaints and/or were vexatious and an abuse of complaints procedures because they were collateral challenges to the earlier outcomes. You have produced material from Dorset Police which you say is new evidence supporting that the conduct assessment was false. You say that the reviews failed to evaluate that evidence and ignored it.

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- 4) As a matter of law, the IOPC has no power arising out of a review or otherwise to require Hampshire to re-open the assessment, it remains the case that you are not a qualifying complainant, and that the complaints are an abuse of the procedures for making complaints. However, if the IOPC had concerns that the assessment was flawed and there may be a realistic basis for bringing criminal or misconduct proceedings and a public interest basis in doing so, it would encourage Hampshire Police to re-open it. It has therefore evaluated the information you have provided from Dorset Police. Having done so, is of the view there is no such realistic basis and that the public interest in addressing the 2012/13 failings has been met by the 2014 criminal investigation and prosecution, the findings of the assessment, the review by Hampshire Safeguarding Children Board and the steps taken to address the failings.
- 5) For the reasons given above, the review decisions Complaints 1-2 and 3-7 were lawful and reasonable and there is no merit in the proposed challenge. The letter of claim does not appear to contain any grounds for challenging the review for complaint 3 which is in any event public law reasonable. If issued any claim will be defended.

## **The Complaints**

6) These are set out in the table below:

	IOPC Reference	Complaint Dated	Complaints as set out in the outcome letters
	Hampshire Police Reference		
1.	2022/170780 CO/1332/22	10 May 2022	(1) Mr Roger Trencher ignored evidence establishing serious deceit and lies in a conduct assessment produced by Mr Franks. (2) Mr Roger Trencher failed to forward vital evidence to IPCC personnel and failed to respond to you.
2	2022/177564 CO/2896/22	26 September 2022	(1) The PSD (Mr Stephen Franks) produced a false conduct assessment into child sexual abuse safeguarding failings. (2) Mr Roger Trencher and members of the PSD did not forward on the evidence that proved the falsity of the report to those with oversight. (3) The false report has never been corrected contrary to children's best

			interests. (4) You requested PSD to re- evaluate its prior responses to your complaints about Mr Trencher and others in PSD, and Mr Franks producing a false report into child sexual abuse safeguarding failings
3	2022/178129 CO/3077/22	10 October 2022	(1) Mr Maurice Smart did not produce accurate terms of reference (TOR) and he removed an important allegation. Mr Smart was also unresponsive to emails.
4	2023/188631 CO/1380/23	24 & 25 May 2023	<ul> <li>(1) Assistant Chief Constable Hutson failed to be fair, honest, provide good leadership, to be objective and failed to report or challenge improper conduct or failed to take action against the improper conduct. She has failed to perform her obligation and duties as her position mandates. ACC Hutson is party to suppressing evidence contrary to children's best interests and contrary to the duties of her post. ACC Hutson did not ensure PSD referred gross misconduct and criminal complaints to the IOPC.</li> <li>(2) Ms Rachel Stokel-Walker lied about a matter being investigated when it never had been.</li> <li>(3) Hampshire Constabulary were ordered by the IOPC to investigate Mr Trencher for lying as a result of a High Court Order. Hampshire Constabulary have failed to communicate with you in relation to the investigation.</li> </ul>
5	2023/191907 CO/2000/23	22 July 2023.	An unnamed individual in Hampshire Constabulary's legal department who was responsible for directing and instructing Mr Silson of Plexus Law to not to answer and to avoid in his pre-action response contrary to court rules. The unnamed individual directed Mr Silson to continue with subterfuge and cover up of evidence

			was just continued as directed by some individual in your legal department. Mr Silson is trying to suppress Dorset Police's evidence contrary to his duties to the court, and someone in the Hampshire Constabulary legal department is putting him up to it and authorising it.
6	2023/192018 CO/1813/23	6 July 2023	<ul> <li>(1) Individuals in Hampshire Constabulary's legal department deliberately and knowingly have not complied with Court rules. They have also attempted to pervert the course of justice.</li> <li>(2) Hampshire Constabulary have engaged a solicitor who lies and obfuscates. (3) Individuals in Hampshire Constabulary have lied about the matter being investigated when it had not.</li> </ul>
7	2023/185488 CO/1483/22	20 May 2022	(1) Ms. Stokel-Walker misled (lied) to PS Jones about my complaint being investigated. At no time has it been investigated. As she knows full well. If Hampshire Constabulary's position is it has, please identify, and provide the report of the investigation regarding the attached evidence regarding child sexual abuse safeguarding failings.
			(2) She lied about it not being a criminal complaint. It was about a crime report made to 101. There has also been a recent High Court order ordering it be dealt with under the provisions of the HOCR (as a criminal complaint).
			(3) She has ignored and contradicted that court order.
			(4) In an attempt to discredit me to PS Jones she raised previous issues and complaints that were not relevant to PS Jones in the determining of VRR. And misrepresented the facts once again, none

of the related complaints she alluded to for PS Jones' "benefit" have been investigated either (she is the one who has arbitrarily dispatched them). There is one currently under investigation after a court order. (5) She has failed to review the evidence at any time in proving there is a serious

- case to answer. Evidence cannot be ignored.
- (6) She misdirected the review of her decision to the OPCC. It was properly for the IOPC (as now agreed by the OPCC). Where it is now after I corrected matters.
- (7). She did not send me a copy of or summary of my compliant before "dealing" with is as is a standard requirement under the guidance.

### Background

- 7) All these complaints have their origin in allegations that a teacher named Tyrone Mark had inappropriate relationships with pupils at the Arnewood School where he taught. Your son attended that school, but the allegations did not relate to him.
- 8) In December 2012 a referral was made by the school to the Hampshire County Council's Local Authority Designated Officer (LADO) regarding Mr Mark's apparent over familiar. not sexual, relationship with an older pupil at the school. The school's investigation raised further concerns regarding Mr Mark giving the pupil gifts, cards, condoms, and the key to his flat<sup>1</sup>. The LADO referred the matter to Hampshire Constabulary's Central Referral unit (CRU), who, as both the teacher and the pupil resided in Dorset, "referred" the matter to Dorset Police. No police action was taken and Arnewood School instigated a disciplinary process during which Mr Mark resigned from his post in March 2013. In October 2013 a colleague of Mr Mark returned some items that had been left with him by Mr Mark to the school. These included copies of school records, photographs of pupils (not indecent and taken by the school) with details of sexual fantasies on or attached to the material. Hampshire Constabulary was contacted for advice who advised that no action was required by them, and that the material could be dealt with by the single

See Mark\_\_Tyrone\_-\_Web\_Decision\_-\_9951029.pdf (publishing.service.gov.uk) for the full details

- agency (the school) and the Disclosure and Barring service (DBS). The circumstances were referred to the National College for Teaching and Leadership who in July 2014 barred Mr Mark from teaching indefinitely.
- 9) It seems, because of publicity surrounding Mr Mark being barred, in December 2014 Hampshire Constabulary searched Mr Mark's home and seized computer equipment. Indecent images of children were recovered from it; he was charged, convicted, and sentenced to imprisonment for their possession in February 2016.
- 10) From IOPC case management records, it appears your first complaint arising out of this background which came to the IOPC's attention, was a "non-recording appeal" under reference 2016/062579 in January 2016. The complaint concerned failings by Hampshire Police in connection with the reports made in 2012/13. The AA determined neither you nor your son were qualifying complainants under the PRA as neither of you had been adversely affected by the alleged failings. You appealed to the IOPC (then the IPCC) which agreed and did not uphold the appeal. That decision has not been subject to any successful challenge.
- 11)You then entered into correspondence with the Children's Commissioner who in turn entered into correspondence with the IOPC which resulted in it asking Hampshire Constabulary to carry out a "conduct assessment" (the assessment) to determine if there was any indication that anyone handling the contact from the school in 2012/13 may have behaved in a manner that justified bringing disciplinary proceedings. That assessment was a non-statutory "scoping" investigation which the IOPC had no power to require the AA to carry out, but it agreed to do so. The assessment was provided in writing by Mr Stephen Franks and dated 22 December 2016. It identified several organisational failures in recording information and decision making but did not consider that any of them indicated individual misconduct which justified disciplinary proceedings or criminality. The report was considered by the Chief Constable who agreed and advised the IOPC of that decision in a letter dated 24 March 2017:

As you will see I have concluded that there is no indication that any member of staff may have committed a criminal offence or behaved in a manner which would justify disciplinary proceedings.

In my view the identified failings, which I regret, were organisational in nature, as opposed to a breach of the standards of professional behaviour on the part of any individual(s). I am satisfied that these failings have been addressed in the appropriate manner and that the Hampshire Safeguarding Children Board will ensure independent scrutiny of the changes we have made going forward.

12) You subsequently made a complaint under Hampshire Police reference MI/38/17 alleging that Mr Franks, and others involved in the review had conspired to cover up the failings of Hampshire Police in 2012/13. The AA refused to record the complaint on the grounds that, you were not a qualifying complainant because you were not adversely affected by it. You appealed to the IOPC under its reference 2017/082405 but it was not upheld on the same basis, and it also considered the complaint to be vexatious because you were complaining about those who carried out the assessment in an attempt to revisit the original complaints.

The majority are reviews and appeals against decisions by Hampshire Police not to record complaints or to "otherwise handle" them. There may be other complaints made directly to Hampshire Constabulary which have not come to the attention of the IOPC. Many but not all of the complaints since 2016 relate to the matters concerning Mr Mark and which were not recorded, or investigated because you were not a qualifying complainant and/or they were vexatious and/or an abuse of procedures for making complaints because they were in reality a collateral challenge the outcome of the conduct assessment and the decisions in 2016/062579 and 2017/082405 that you are not a qualifying complaint. No successful challenge has been made to the determination that you are not a qualifying complainant or that attempts to collaterally challenge the outcome of the conduct review are vexatious and/or an abuse of the complaints system. In judicial review application CO/2550/2018 you challenged one such determination, IOPC appeal decision 2018/101006 but subsequently withdrew the claim.

#### **Relevant Law**

- 15)All the complaints concerned in the reviews are made under the regime which came into effect on 1 February 2020.
- 16)The IOPC's statutory functions include the investigation of complaints and conduct matters recorded for persons serving with the police. A conduct matter is one where there is an indication that a person serving with the police may have committed an offence or behaved in a manner which would justify disciplinary proceedings.<sup>2</sup> A complaint is any expression of dissatisfaction but may only be recorded where the person complaining has been adversely affected by the matter complained about<sup>3</sup>.
- 17) The IOPC has no power to investigate matters which have not been recorded and referred to it or "called in". It may only direct matters to be recorded or treat them as such if they meet the definitions of a conduct matter or an eligible complaint. Importantly it has no powers or duties, whether following a review or otherwise to direct a force to carry out a "scoping" investigation such as the assessment which, which the IOPC had *requested* Hampshire to carry out. Similarly, the IOPC has no power to quash or re-open it.

<sup>&</sup>lt;sup>2</sup> Section 12 Police Reform Act 2002.

<sup>&</sup>lt;sup>3</sup> sections 12(1), (1A), (1B) and 29(5) Police Reform Act 2002

- 18) Where a person is a qualifying complainant, their complaint must be recorded under paragraphs 2(6) and 2(6A) of schedule 3 Police Reform Act 2020 (schedule 3) if:
  - (a) The person making it meets the description of a complainant because they are the person to whom the conduct complained of took place, they witnessed it and/or were adversely affected by it.
  - (b) They wish the complaint to be recorded.
- 19) Where someone is not a qualifying complainant then their complaints need not be recorded. There is no review or appeal against a determination that someone is not a qualifying complainant, although it could be subject to a judicial review challenge. Paragraph 5.13 of the IOPC Statutory Guidance advises that "...where a complaint is considered to fall outside the police complaints system, the person making it should be informed of this and why, as soon as possible. A record should be kept of the decision and of any other action taken". At least arguably you were not a qualifying complainant and the complaints subject to review should not have been recorded.
- 20)Under the pre-2020 regime an AA was not required to record a complaint if, among other things, it was repetitious or vexatious, oppressive, or otherwise an abuse of the procedures for dealing with complaints. As had been the case for a number of your pre-2020 complaints. The changes in 2020 were not intended to require that vexatious complaints be investigated. A vexatious complaint may be recorded under the new regime but, that it is vexatious will be taken into account when the AA decides if any further action is necessary (see below) and/or when the IOPC considers necessity to investigate.
- 21)Once a complaint is recorded the AA must decide if it required to be referred to the IOPC under paragraph 4 of the schedule and regulation 4 Police (Complaints and Misconduct) Regulations 2020. It is relevant to these matters that regulation 4(1)(a)(iii) requires the referral of complaints of "serious corruption", applying the IOPC Statutory Guidance at paragraphs 9.15-23 about its meaning. When considering the referral test, the AA must look at the conduct alleged in the complaint and consider whether that conduct, if substantiated, would constitute serious corruption as defined in the guidance. If it would, then the criteria for mandatory referral are met; the AA should not at that stage consider the merits of the complaint but must instead focus on the nature of what was being alleged. Whether the conduct alleged falls within the definition is a matter of objective interpretation of what was being alleged by reference to the definition<sup>4</sup>.

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<sup>&</sup>lt;sup>4</sup> R (on the application of Rose) v Chief Constable of the Greater Manchester Police [2021] EWHC 875 (Admin) at [44], [45]

- 22)On receipt of a referral, under paragraph 5 of the schedule, the IOPC must decide if it is necessary to investigate it. There are no statutory criteria for that determination, the IOPC considers the public interest and its statutory functions, under s10 PRA, including to uphold public confidence in the arrangements for investigating complaints and to ensure they are efficient and effective. If an investigation is not necessary, the IOPC may (but need not) under paragraph 5(2)(b) refer the complaint back to the AA to be dealt with by in accordance with paragraph 6. If not, the complainant will be notified of that decision and no further action is required of the IOPC or the AA.
- 23) Where a complaint has been recorded and not referred to the IOPC or it has been referred back under paragraph 5(2)(b) of the schedule then the complaint must be handled by the AA under paragraph 6. Under paragraph 6(2A) all complaints must be handled in such reasonable and proportionate manner as the AA determines. Paragraph 6(2B) explains this may include making arrangements for the complaint to be investigated or notifying the complainant that no further action is to be taken in relation to the complaint. A complaint which has been recorded, but which is not investigated is referred to one which is "otherwise handled".
- 24)Under paragraph 6(2C) of the schedule a complaint must be investigated if it appears to the authority that there is an indication that a person serving with the police may have committed a criminal offence or behaved in a manner that would justify the bringing of disciplinary proceedings, or there may have been the infringement of a person's rights under Article 2 or 3 of the European Convention on Human Rights. However, it is important to note:
  - (a) It is for the AA to determine if this test is met. The IOPC Statutory Guidance at 10.7 explains that the AA should take account any readily available evidence, and not focus solely on what the complainant says.
  - (b) There is an exception in Regulation 6 Police (Complaints and Misconduct) Regulations 2020, to the duty to investigate complaints falling within paragraph 6(2C) if they are substantially the same as other complaints which have previously been investigated or "otherwise handled" and there is no new no fresh substantive evidence or any fresh indication of misconduct or criminality.
- 25)If there is no duty to investigate the complaint then, as above, the AA must handle it reasonably and proportionately. This can include taking no further action, because for example, it comes within Regulation 6 Police (Complaints and Misconduct) Regulations 2020 as being substantially the same as one which has been handled previously, it is better handled by another process and/or is vexatious, see IOPC Statutory Guidance 12.10-11.
- 26)In this case all of the complaints were recorded, none were referred to the IOPC and in all cases the AA decided that no further action was the reasonable and proportionate manner of handling the complaint and you were informed of these outcomes.

- 27)Where a complaint has been handled otherwise than by investigation there is a right of review under paragraph 6A of the schedule as exercised by you in these cases. On a review the IOPC must determine if the outcome was reasonable and proportionate. Paragraph 6A(5) of the schedule provides that:
  - (5) Where the Director General is the relevant review body and the Director General finds that the outcome is not a reasonable and proportionate outcome, the Director General may—
  - (a) determine that it is necessary for the complaint to be investigated;
  - (b) make a recommendation under paragraph 28ZA.
- 28) It follows from the above that even where the IOPC determines the outcome was not reasonable and proportionate, it is in the Director General's unfettered discretion whether to determine a complaint should be investigated and/or to make a recommendation. Even if there has been a flaw in the handling of a complaint, the IOPC must still consider if it is appropriate, under paragraph 6A(5) to direct an investigation or make any recommendation. The Statutory Guidance 18.33 makes it clear they need not do so, where the result would inevitably be the same because "the focus of a Review is on whether the outcome is appropriate, rather than the process followed". It may not be appropriate to direct an investigation despite flaws in the handling where for example:
  - (a) Although the reasons for no further action given were wrong or mistaken, in all the circumstances, including if the complaint is vexatious and/or an abuse of police complaints procedures, no further action is the only reasonable or proportionate outcome.
  - (b) The complaint should have been referred to the IOPC as one alleging serious corruption, applying the test in *R* (on the application of Rose) v Chief Constable of the Greater Manchester Police [2021] EWHC 875 (Admin) at [44], [45] but where no reasonable IOPC decision maker would decide it is necessary to investigate the complaint.
- 29) This is because to direct an investigation where there are flaws in the decision making but no merit in an investigation, would not be efficient and effective and so contrary to the IOPC's statutory duties under s10 PRA.

#### Reasons for the decisions

- 30) Detailed reasons for not upholding the reviews are set out in the decision letter however these can be summarised as follows:
  - (a) For complaints 1-2 and 4-7 it was determined that no further action was the appropriate outcome because they were substantially similar to previous

- complaints and/or were vexatious because they were a collateral attempt to challenge the conduct assessment and/or outcome of previous complaints.
- (b) Complaint 3 concerned the investigation of a complaint against the Hampshire Force solicitor, Mr Trencher, that he had been untruthful during a local resolution of an earlier complaint you had made against him, that he had wrongly alleged you altered a document. The IOPC directed the AA it must investigate this complaint further in its decision 2020/129962. You then made the present complaint 3 about the investigator. The AA decided no further action was reasonable and proportionate and the review agreed because the first part should be addressed (if it is still then a matter of concern) at the end of the investigation and the second part, about failing to respond to email correspondence was vexatious. Grounds of Challenge and Responses (the numbering is that given by you for the grounds in letter of Claim on pages 3-4)

# Ground 1)

31) This alleges "failing to provide proper reasons and explanations as highlighted herein."

This is denied the reasons are set out in full within the decision letters.

Grounds 2)-8) and 10)

- 32) These all challenge the reasonableness of the decisions that the complaints had been considered before and/or they were vexatious because they had ignored "convincing authoritative 3rd party evidence that has never been evaluated or answered in any way shape and form". As set out above the complaints are all in one way or another challenging the truthfulness and/or rationality of the outcome of the assessment.
- 33)The evidence which you have produced and which you say has never been evaluated or answered is:
  - (a) A letter dated 20 September 2022 from Dorset Police stating:

The officer has explained that he liaised with the LADO knowing that Hampshire Police had said they would not deal with the case. He recalls that he felt that the matter was for Hampshire to investigate as the concerns appear to have arisen from the school and were reported as inappropriate communication between teacher and child. At the time he had no information to suggest there were offences in Dorset and it would be for the LADO to co-ordinate the investigation. He remembers that it was the LADO's preferred option that the matter be dealt with by the Education Authority. The information available to him from the referral and speaking to the LADO did not suggest offences had been committed in Dorset, he felt Hampshire Police should investigate and informed the LADO of his view.

[and in answer to your questions]

- 1. No file or any evidence on the Tyrone Mark case was sent to Dorset Police at any time.
- 2. No crime was recorded under the HOCR.

- 3. Dorset Police did not investigate.
- 4. Dorset Police did not make any decisions on the case.
- 5. Dorset Police did not decide the case should be handled on a single agency basis.
- 6. The case was not transferred to Dorset Police by Hampshire Police.
- 34)A letter dated 27 April 2023 stating from Det Supt Kessell at Dorset Police saying he would direct an investigation but that he had no power to do so.
- 35)An email trail ending 21 August 2014 from Hampshire Police stating that it holds no information about any investigation of Mr Tyrone.
- 36)A letter from Plexus Law stating it did not agree there was any fresh indication that anyone serving with Hampshire police may have committed an offence or behaved in a way which would justify disciplinary proceeding and that previous complaints had been investigated and handled accordingly. You have annotated to say these are lies.
- 37)A copy of the summary of the conduct assessment with your annotations stating that the passage "the matter was referred to Dorset Police who decided that a single agency referral was appropriate and could be conducted by the school" is a lie.
- 38) For the avoidance of doubt the IOPC has evaluated the evidence regardless that it has no legal power to re-open the assessment. It understands you consider it to be a lie in the assessment where it states "the matter was referred to Dorset Police who decided that a single agency referral was appropriate and could be conducted by the school" because the material you have supplied from Dorset Police, as set out above, shows no file was provided by Hampshire Police to Dorset Police and/or that there was no transfer of the "case".
- 39)The assessment also said that "the LADO referred the matter to Hampshire Constabulary's Central Referral unit (CRU), who, as both the teacher and the pupil resided in Dorset, referred the matter to Dorset Police. Dorset Police decided that a single agency referral was appropriate to be conducted by the school."
- 40)In the IOPC's view, the information from Dorset Police is not materially different to what is said in the assessment. It makes clear that the LADO knew that Hampshire Police had said they would not deal with the case, and that the LADO then decided the matter should be dealt with by the Education Authority. There is no reference in the Conduct Assessment to a "file" being provided to Dorset from Hampshire or any "case" being transferred. Nor does the assessment maintain that the allegations raised in 2012/13 were investigated at that time by Hampshire (or Dorset) Police. As there were no records kept it does not appear possible to determine exactly what information was passed between Hampshire and Dorset in 2012/13. However, it appears from the assessment

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- and the absence of records that it must have been largely or entirely informal. That was, of course, a serious failing, as identified by the review (see below).
- 41)You have not disclosed the letter you sent to Det Supt Kessell that led him to say he would direct an investigation but, in any event, it is not evidence in itself that the conduct assessment was false.
- 42) The conduct assessment did identify the following failures:
  - 1) The referral from the LADO in December 2012 and subsequent contact with Dorset were not recorded on RMS [Records Management System].
  - 2) The further referral in October 2013 and interaction with the LADO following the return of items belonging to Mr Mark by a colleague was not recorded on RMS.
  - 3) The referral by the LADO in December 2012 ought to have resulted in an initial police investigation by Hampshire Police to establish the nature of the relationship between teacher and pupil.
  - 4) That Hampshire Constabulary had not followed local and national safeguarding procedures by not establishing the full facts of a case prior to concluding whether a position of trust allegation should be single agency and if a criminal investigation is required. The report acknowledged that the decision in December 2012 to refer to Dorset Police on the basis that the teacher and pupil both resided in Dorset was in accordance with the Constabulary's local procedure. It however recommended that all contacts regarding LADO referrals and decisions reached should be recorded on RMS including cross border cases.
- 43) The Echo article you have provided dated 4 March 2017 records that Hampshire Safeguarding Children Board (HSCB) had also found the force's initial inquiry concerning Mr Mark fell short of the standard expected.
- 44) The assessment stated that no individual officer has been identified for whom there was an indication they may have breached the standards of professional behaviour in a manner which justified disciplinary proceedings or committed an offence. The IPCC accepted that assessment in 2017 because there was no realistic basis on which disciplinary proceedings could not be brought or any offence prosecuted against any identifiable officer.
- 45) As explained above IOPC has no power arising out of a review or otherwise to require Hampshire to carry out a new assessment and it remains the case that you are not a qualifying complainant and therefore the review decisions no further action was reasonable and proportionate was correct. Notwithstanding so, if it had concerns that the assessment was flawed and believed there may now be a realistic basis, for bringing criminal or misconduct proceedings and there was a public interest in doing so, it would encourage Hampshire Police to re-open it. However, there is no such realistic basis, having regard to the Dorset material or otherwise and the public interest has been met by the 2014 investigation and prosecution, the recognition of the failings in 2012-13 and the steps taken to address them.

#### **Ground 9**

46) This alleges a failure by the AA to have referred your complaints to the IOPC on the grounds it was mandatory because some or all of your complaints amounted to an allegation of "serious corruption". It is not accepted the complaints do amount to serious corruption. Even if they did meet the mandatory referral criteria, no reasonable IOPC decision maker would decide it is necessary to investigate them, they are bare allegations, characterising your disagreement with Mr Frank's assessment (or those who have previously handled your complaints and representations) as perverting the course of justice for which there is no realistic basis.

## Summary response to the claim

47) The review decisions were lawful and reasonable and the IOPC will defend any proceedings if issued.

### **Service of Proceedings**

48)Proceedings may be served at the address set out above and electronic service will be accepted provided it is reciprocated, and on condition that documents which are being formally served are sent to legal.admin@policeconduct.gov.uk with details of the case, our reference and the term "SERVICE" clearly shown in the subject line of that email. Please note that strict compliance with these terms is a condition of our agreement to accept service by email for the purposes of paragraph 4.2 PD 6A CPR.

## Details of any other interested parties (IP)

49)You have identified that the Chief Constable of Hampshire Police is an IP. The IOPC is of the view that the individuals complained against are also interested parties and you should liaise with the Chief Constable or their legal representatives regarding whether they need to be served separately with any proceedings.

### **ADR Proposals**

50) The IOPC will defend any proceedings and in any event, it is unable to change its review decisions without the intervention of the Court, see *R* (on the application of Dennis) *v* Independent Police Complaints Commission [2008] EWHC 1158 (Admin). Alternative dispute resolution is not therefore appropriate.

#### **Disclosure**

51) The IOPC has no material that is relevant to disclose in accordance with its duty of candour.

Yours sincerely

& Stupion

Danny Simpson Solicitor for the Director General

**Cc Hampshire Police** 

From: Alice Law [Alice.Law@policeconduct.gov.uk]

Sent: 22 April 2024 14:22

To:
Subject: IOPC Reference 2023/197109

Follow Up Flag: Follow up Flag Status: Follow up

This is no 2 "chaser" email by the IOPC sent to Hampshire Police re unlawfully not acknowledging the complaint about not sending me the investigation report into my complaint after Tom Silson informed me (and others) there had been an investigation. First one sent on 01/03/2024 by Alexandra Bailey. Still nothing. That's unlawful under the PRA 2002 and related guidance.

Dear

Thank you for contacting the Independent Office for Police Conduct (IOPC). We acknowledge receipt of your email dated 19 April 2024, the content of which has been noted. The IOPC reference number is 2023/197109 which you should quote in all future correspondence to us regarding this matter.

Further to your email, we have sent a chaser email to the Professional Standards Department (PSD) of Hampshire Constabulary. We have also made them aware of your request for your complaint to be formally recorded under the Police Reform Act (PRA) 2002.

You should hear from them in due course. Please see their contact details below, should you wish to contact them directly:

Hampshire Constabulary Professional Standards Tower Street Winchester Hampshire SO23 8ZD

Tel: 101

Email: PublicComplaintsMB@Hampshire.police.uk

Please see the following links to our Complaint Guide and FAQs on our website: 20220707 A guide to complaint system 2022.pdf (policeconduct.gov.uk)
Frequently asked questions | Independent Office for Police Conduct

Kind regards,

Alice Law Customer Contact Advisor Independent Office for Police Conduct (IOPC) PO Box 473 Sale M33 0BW

**Tel:** 0300 020 0096

Email: enquiries@policeconduct.gov.uk
Website: www.policeconduct.gov.uk

Twitter: @policeconduct

Find out how we handle your personal data.

The IOPC is proud to have achieved <u>Customer Service Excellence | Independent Office for Police</u>

Conduct (IOPC)

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How satisfied were you with your experience with the IOPC's Customer Contact Centre? Let us know by **taking this short survey** 

We welcome correspondence in Welsh. If you contact us in Welsh, we will respond in Welsh and this will not delay our reply.

Rydym yn croesawu gohebiaeth yn Gymraeg. Os cysylltwch â ni yn Gymraeg, fe gewch ymateb yn Gymraeg, heb arwain at oedi.

We welcome correspondence in Welsh. We will respond to you in Welsh and this will not lead to delay.

Rydym yn croesawu gohebiaeth yn y Gymraeg. Byddwn yn ymateb i chi yn y Gymraeg ac ni fydd hyn yn arwain at oedi.

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Gall y neges hon a'i chynnwys gynnwys gwybodaeth gyfrinachol, freintiedig neu hawlfraint. Fe'u bwriedir at ddefnydd y derbynnydd arfaethedig yn unig. Os derbynioch y neges hon mewn camgymeriad, mae'n rhaid i chi beidio â datgelu, copïo, dosbarthu na chymryd unrhyw gamau sy'n dibynnu ar y cynnwys. Yn hytrach, rhowch wybod i'r anfonwr ac yna dilëwch ef yn barhaol. Mae unrhyw farn neu safbwyntiau a fynegir yn y cyfathrebiad hwn yn eiddo i'r awdur yn unig ac nid ydynt o reidrwydd yn cynrychioli barn yr IOPC. Dim ond staff penodedig sydd wedi'u hawdurdodi i wneud cytundebau rhwymol ar ran yr IOPC trwy e-bost. Nid yw'r IOPC yn derbyn unrhyw gyfrifoldeb am gytundebau anawdurdodedig y daethpwyd iddynt â gweithwyr neu asiantau eraill. Ni all yr IOPC warantu diogelwch yr e-bost hwn nac unrhyw atodiadau. Tra bod negeseuon e-bost yn cael eu sganio'n rheolaidd, ni all yr IOPC gymryd unrhyw gyfrifoldeb am unrhyw firws y gellir ei drosglwyddo â'r rhyngrwyd. Mae systemau cyfathrebu'r IOPC yn cael eu monitro i'r graddau a ganiateir gan y gyfraith. O ganlyniad, gall unrhyw e-bost a/neu atodiadau gael eu darllen gan staff monitro.

From: Sent:

29 May 2024 22:03

To:

'Administrative Court Office Cardiff'

Cc:

'Danny Simpson'; 'legal.admin@policeconduct.gov.uk'; 'Jade.Clarke@dwf.law';

'civil.litigation@hampshire.pnn.police.uk'

Subject: Attachments:

AC-2024-CDF-000059 - Missing doc from Claminats bundle AC-2024-CDF-000059 Claimants Fourth Witness Statement.pdf

AC-2024-CDF-000059 – Claimants 4<sup>th</sup> Witness Statement

Attention: Admin Court Office

**CC:** All Parties

Dear Sirs,

Fourth Claimants witness statement to help the Court.

**Yours Sincerely** 

# **Claimant's Fourth Witness Statement**

Date 29/5/2024

In further response to the Defendants AOS filings. Date of service on the Claimant 7/5/2024



I believe this further Witness Statement may help the Court distil the Defendants obfuscation from the true facts and legal issues relating to this case.

I have now carefully gone through all the 2<sup>nd</sup> Defendants (Hampshire Constabulary's) decisions again relating to the disputed complaints and can assure the Court of the following.

- 1) Not a single complaint outcome from the 2<sup>nd</sup> Defendant has ever addressed the evidence from Dorset Police other than to generically say it is repetitious and an abuse of process as it has all been dealt with before to dismiss it with a broad brush. The evidence has never been specifically answered in the 2<sup>nd</sup> Defendants decision letters other than to summarily and generically dismiss it on the basis I am not a valid complainant (under both the HOCR and PRA 2002). This is established by reading the 2<sup>nd</sup> Defendants decisions under pinning the 1<sup>st</sup> Defendants challenged decisions included in the Claimant's Main Bundle exhibit (EX 21). The other decisions referenced in these outcomes and used by the 2<sup>nd</sup> Defendant to try and justify these outcomes rely on the very same obfuscation tactic to dismiss uncomfortable evidence without ever answering it. That is using the excuse I am not a valid complainant. That is unsustainable and designed to mislead. Wrong decisions under law cannot be used to justify other equally wrong decisions to avoid answering uncomfortable evidence. I am a qualifying complainant without a doubt and hence the evidence should have been fully answered and addressed in the decisions.
- 2) Likewise in High Court case CO/2550/2018 the 1<sup>st</sup> Defendant (IOPC) did not raise the spectre of the evidence not being what it was purported to be, that is a latter day invention that has been introduced into the mix by the 1<sup>st</sup> Defendant prior to which has never previously been raised by the 2<sup>nd</sup> Defendant by way of its complaint decisions. Refer to (EX 37) in the Claimants FILE2 for the 1<sup>st</sup> Defendants AOS in CO/2550/2018.
- 3) I would also like to further clarify my comment included on the CO/2550/2018 Consent order appearing on page 217 of the Claimants FILE 2 (EX 43). Clearly I only withdrew my challenge to decision ref 2018/101006 (point 2) as it had been substantively conceded too by point 1 of the order where I was recognised as a valid complainant under the HOCR. As such I thought the evidence would be appraised and answered. Alas that was not the case.

# STATEMENT OF TRUTH



From:

**Sent:** 13 June 2024 13:59

To:

'Administrative Court Office Cardiff'

Cc:

'Danny Simpson'; 'Jade.Clarke@dwf.law'; 'civil.litigation@hampshire.pnn.police.uk'; '!

Legal Admin'

Subject:

AC-2024-CDF-000059 Note to the Case Lawyer

Attention Admin Court

**CC**: All Parties

AC-2024-CDF-000059 - Note to the Case Lawyer

Dear Sir/Madame,

When my case is considered I would ask you have regard to the Hamid jurisdiction regarding the evidenced breaches to the duty of candour by the Defendants. These relate to breaches to the duty of candour, misdirecting the court and substantive omissions on the part of both Defendants, and prior contempt of court on the part of the 2<sup>nd</sup> Defendant. These specific matters I believe should go before the designated "Hamid" Judge for a determination.

Thank you