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Committee on  
Standards in  
Public Life

# Tone from the top

Leadership, ethics and  
accountability in policing

June 2015



Chair: Lord Paul Bew  
Fifteenth Report Cm 9057



Fifteenth Report of the Committee on  
Standards in Public Life

# Tone from the top

## Leadership, ethics and accountability in policing

Presented to Parliament by the Prime Minister  
by Command of Her Majesty

June 2015

Cm 9057

**This information is also available on the Committee on Standards in Public Life website: <https://www.gov.uk/government/organisations/the-committee-on-standards-in-public-life>**



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# Foreword from the Chair of the Committee on Standards in Public Life

June 2015

Dear Prime Minister,

I am pleased to present the Committee's 15th report. It is the first report in the Committee's history that has looked specifically at policing.

The police do a difficult and important job on behalf of the public. Despite some recent significant standards failures, they remain among the most trusted public office holders. In the context of reduced expenditure there is unprecedented focus on the leadership, ethics and accountability of individuals delivering services to the public. This places even greater emphasis on all public office holders – both elected and appointed – to be accountable and demonstrate their commitment to high ethical standards.

Police and Crime Commissioners (PCCs) were established to inject greater dynamism and visibility into local policing and offer a new, more direct form of 'democratic accountability'. In particular, they were intended to create greater responsiveness to local conditions and problems. Our eight month study of leadership and accountability of local policing provides evidence of this new impetus in many areas – greater innovation, increased visibility and a greater focus on community engagement and victim support. There is also widespread recognition of the importance of the College of Policing's Code of Ethics, the core policing values and the need for all the new mechanisms to support high standards of behaviour and propriety.

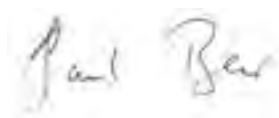
However there is also clear evidence of significant standards risks, including continuing confusion over roles and responsibilities, insufficient challenge and scrutiny of PCCs' decisions and insufficient redress where a PCC falls below the standards of behaviour that the public expects of a holder of public office.

Under current arrangements the accountability of PCCs rests almost entirely upon democratic processes. It is for voters to assess their standards, but only at four-year intervals. In between elections more effective day to-day scrutiny and transparency of PCCs' decision making is needed, including through the operation of Police and Crime Panels, and stronger safeguards are needed in the appointments of Chief Constables and the roles of statutory officers.

The Home Secretary has already made clear that as the police accept a transfer of power from Whitehall to communities, with the introduction of democratic, local accountability, they must accept much more transparency and scrutiny.

Our call is for greater energy and consistency to be applied to promoting high ethical standards and for a more robust set of checks and balances in the accountability structures of local policing to enable the public to make a fair and balanced assessment of their PCC.

Our recommendations are intended to support both current and future arrangements. With the introduction of elected metro mayors taking on the powers of the PCC and increasingly devolved powers and budgets, this is an apposite moment to make our recommendations.



Lord Paul Bew  
Chair, Committee on Standards in Public Life

## **Executive summary**



# Executive summary

1. The public expects high ethical standards from the police that serve them. Trust in the police is vital – from the Chief Constable to the most junior police officer. Police ethics – their honesty, their integrity, their impartiality, their openness – should be beyond reproach. Above all, this requires effective accountability and leadership to create a culture where high standards of behaviour are the norm. High standards – of both conduct and accountability – also need to be demonstrated by those charged with holding the police to account.
2. The Police Reform and Social Responsibility Act 2011 (the Act) created elected Police and Crime Commissioners (PCCs) to “ensure the police respond to local priorities and are directly accountable to the public.”<sup>1</sup> PCCs set the strategic direction and aims of the police force and have responsibility for delivering community safety and reducing crime and delivering value for money. PCCs control over £12bn of police force funding.<sup>2</sup> They have the statutory responsibility to appoint a Chief Constable as well as for their removal. In addition to the PCCs’ local role, they have a regional and national role to ensure cross border resilience and capability and to meet national threats such as terrorism or organised crime. PCCs can and have entered into collaboration agreements with other PCCs and organisations to improve the efficiency or effectiveness of policing, for example by sharing back office functions. The Act also provided for the establishment of local Police and Crime Panels who have a dual scrutiny and support role in respect of the PCC and have some powers of veto on budgets and on the appointment of a Chief Constable.
3. PCCs represent a deliberate and substantial strengthening of the locally elected element of the tripartite arrangements for policing accountability. The model is one of democratic accountability “replacing bureaucratic accountability with democratic accountability” where “the public will have elected Police and Crime Commissioners and will be holding them to account for how policing is delivered through their force.”<sup>3</sup> The model is primarily reliant on the cycle of elections as the main means of holding PCCs to account. The average turnout for the PCC election in 2012 was 15.1%. The Committee’s public research has found that knowledge of the policing accountability arrangements is not very high<sup>4</sup> and there is a very low level of public interest in policing – 60% of respondents said they were not interested in finding out about policing issues in their local area<sup>5</sup>. Rather, for the public, the key accountability mechanism is the ability to question or challenge “their” local beat team or commander on specific areas of concern.
4. The statutory Policing Protocol,<sup>6</sup> which sets out to all PCCs, Chief Constables and Police and Crime Panels how their functions will be exercised in relation to each other, makes clear that all parties will abide by the Seven Principles of Public Life – Selflessness, Integrity, Objectivity, Accountability, Openness, Honesty and Leadership.

1 Home Office. White Paper Policing in the 21st Century: Reconnecting police and the people. Cm 7925. July 2010

2 National Audit Office. Police accountability: landscape review. HC 963 Session 2013-14. 22 January 2014. p.4

3 Ibid

4 Ipsos MORI. Public Awareness of Police Accountability. December 2014. Analysed in Public Awareness of Police Accountability prepared for the Committee on Standards in Public Life by Chris Prosser and the Committee’s Research Advisory Board, using data collected by Ipsos MORI through the Capibus OmniBus survey, 2015

5 Ibid

6 The Policing Protocol Order. 2011

5. The Committee believes that any accountability and governance framework for policing should similarly reflect the Seven Principles of Public Life, and operate in a way which is capable of ensuring ethical behaviour, reducing ethical risks and providing effective accountability in order to command public confidence.
6. This matters because our policing system relies on policing by consent in a way that meets the differing needs and priorities of communities. It also relies on the operational independence of the police. But operational independence does not mean that there can be exceptionalism for the police – the public is clear on what the ethical standards should be and is consistent in its expectation that those in public life should abide by them. Year on year the public has affirmed that the definition of standards set out in the Seven Principles is still relevant and should continue to apply to public office holders and all those delivering public services.
7. The Committee recognises that the role of police officer is a unique and valuable one. It does not underestimate the challenging and often unexpected situations the police face every day. “Police officers are expected to make quick but finely-calibrated judgements about when, how and how much of their power it is justified to use”<sup>7</sup> and the vast majority of police officers do so with integrity. They are operating in a fast moving landscape with changing demands of crime where increased accountability, professionalisation and ethical behaviour will be key to ensuring public confidence.
8. The Committee’s surveys tell us that public experience of core policing values is generally positive. They show that the majority of respondents thought senior police officers could be trusted to tell the truth and the large majority of respondents thought they would be treated fairly as a victim of crime reporting it to the police.<sup>8</sup> This view is reinforced by other surveys which showed that 65% of respondents thought police officers could be trusted to tell the truth,<sup>9</sup> and 63% of adults gave positive ratings of local police.<sup>10</sup> Research carried out specifically for this inquiry showed that the majority of respondents believed that the police are held to account for their actions and that police deal with crime and anti-social behaviour issues that matter in their local area<sup>11</sup>.
9. The democratic accountability of the PCC must not negate oversight of those who hold public office. As the government acknowledged:

*“the public need to have the right information to judge the Commissioner’s performance and they need to know the Commissioner can be called to account with effective scrutiny and appropriate checks and balances, in particular at a local level.”<sup>12</sup>*

10. Accountability should be tested between elections by demonstrable compliance with standards of conduct, propriety and performance. It should be tested and verified by independent scrutiny, with failure addressed with appropriate and timely sanctions.
11. The Committee is conscious that all those involved in the new local accountability arrangements have had to adapt to new relationships and ways of working, with relatively little guidance and support from central Government. PCCs in particular faced a huge task to develop their Police and Crime Plans setting out their priorities and establish their offices in a short space of time after delayed elections. The Committee has borne this in mind throughout the course of the inquiry.

7 London Policing Ethics Panel. Ethical challenges of Policing in London. 2014. <https://www.london.gov.uk/sites/default/files/LPEP%20-%20Ethical%20Challenges%20of%20Policing%20in%20London%20October%202014.pdf>

8 Committee on Standards in Public Life. Survey of public attitudes towards conduct in public life. 2012-2013

9 Ipsos MORI. Trust in Professions. 2013

10 Office for National Statistics. Crime Statistics, Focus on Public Perceptions of Crime and the Police, and the Personal Well-being of Victims. 2013 – 2014. <http://www.ons.gov.uk/ons/rel/crime-stats/crime-statistics/focus-on-public-perceptions-of-crime-and-the-police--and-the-personal-well-being-of-victims--2013-to-2014/index.html>

11 Ipsos MORI. Public Awareness of Police Accountability. December 2014. Analysed in Public Awareness of Police Accountability prepared for the Committee on Standards in Public Life by Chris Prosser and the Committee’s Research Advisory Board, using data collected by Ipsos MORI through the Capibus OmniBus survey. 2015

12 Home Office. White Paper Policing in the 21st Century: Reconnecting police and the people. Cm 7925. July 2010. para 2.25

- 12.** The Committee has found evidence of:
- a. recognition of the importance of the College of Policing’s Code of Ethics and core policing values and diverse good practice in implementing and embedding the Code within police forces;
  - b. increased professionalism that is ethically based and an acknowledgement of the importance of leadership in policing to support high ethical standards;
  - c. increased visibility, greater focus on victim support and local public engagement by PCCs in comparison to the Police Authorities they replaced, but questions around the wider impact of that engagement;
  - d. the existence of various mechanisms, of varying effectiveness, to support high standards of behaviour and propriety such as information transparency, audit committees, ethical frameworks, scrutiny plans, controls to manage conflicts of interests and arrangements to engage, promote and monitor best practice – these arrangements will need to be consistently and actively implemented with regular monitoring of compliance and impact.
- 13.** The Committee has also identified significant standards risks including:
- a. confusion amongst the public and the participants about roles and responsibilities, especially in relation to where operational independence and governance oversight begin and end;
  - b. a significant absence of a clear process to take action against a PCC whose conduct falls below the standards expected of public office holders, resulting in that behaviour going unchallenged and uncensured;
  - c. concerns about the robustness of current selection processes for chief officers;
  - d. PCCs not encountering sufficient constructive challenge or active support in exercising decision making powers;
  - e. barriers to the effective operation of Police and Crime Panels as scrutinisers including support, resources and the consistency and credibility of representative membership;
  - f. a lack of timely and accessible information being provided to Police and Crime Panels by PCCs affecting Police and Crime Panels’ ability to scrutinise and support the PCC;
  - g. potential for high risk conflict of interests in roles jointly appointed by PCCs and Chief Constables (which although relatively rare, may increase in number) and risks inherent in the combined role of Chief Executive and Monitoring Officer to the PCC;
  - h. confusion between, and inherent tensions in the current police complaints system and the complaints system attaching to PCCs, and a gap in the expectations of the public in how complaints against PCCs would be resolved, especially when this involved unethical but not criminal behaviour.
- 14.** Combined, these factors impact on the ability of Police and Crime Panels to ensure, “that decisions of PCCs are tested on behalf of the public on a regular basis.”<sup>13</sup> There are benefits for PCCs in active engagement with Police and Crime Panels as a source of local knowledge, political support and leverage. PCCs need to play their part in sustaining open and trusting relationships. There is also scope for Police and Crime Panels to develop a more strategic future focus with better forward planning.

<sup>13</sup> Stuart Lister. Scrutinising the role of the Police and Crime Panel in the new era of police governance in England and Wales. SAFER COMMUNITIES. 2014. 13 (1), p. 22-31

15. The operational and strategic roles of the Chief Constable and PCC respectively are not clearly defined and this has created confusion in the minds of the public which has fed into the complaints system. The evidence has also shown that success or failure in the current framework depends not only on the skills and experience but also on the personalities of and the relationship between the Chief Constable and the PCC. Whilst this is not a substantially new issue – constructive relationships were an important factor when Chief Constables were accountable to Police Authorities – it becomes critical when it is a one-on-one relationship.
16. The risk that the balance of power will become asymmetric or dysfunctional argues for transparency in working relationships and appropriate checks and balances. The Committee is not convinced that the existing safeguards in the framework are sufficient, given that the PCC as a single individual directly controls local policing, crime strategy and a significant budget. This matters because policing in times of austerity may mean that Chief Constables will increasingly be making difficult operational decisions which may not be supported by the public or the PCC.
17. The Committee considers a minimum code of conduct for PCCs an essential component in ensuring there is clarity as to the standards of conduct and behaviour expected from the individuals concerned and in providing the public with certainty as to what is and is not acceptable conduct. This will in turn increase transparency in the complaints system and produce a common standard of conduct which could be relied upon in any future power of recall.
18. The Committee noted the establishment of Ethics Committees in some areas, but considers they are an adjunct to, not an answer to, embedding a standards culture. Nor are they part of the formal accountability for holding Chief Constables to account. The Committee believes the remit of Ethics Committees needs to be sharply focussed and clearly differentiated from other groups such as Independent Advisory Groups. As new bodies in an already crowded landscape, their effectiveness should be regularly reviewed.
19. The Committee has concluded that to provide assurance that high ethical standards of behaviour are capable of being upheld and to sustain core policing values<sup>14</sup> there needs to be a strong and continuing focus on:
  - **clarity of responsibility and accountability;**
  - **developing a sustainable culture of embedding high ethical standards; and**
  - **robust effective ethical leadership.**
20. The Committee's key recommendations in summary are:

### **For the Home Office:**

- **The Home Secretary should conduct an urgent review of whether there are sufficient powers available to take action against a PCC whose conduct falls below the standards expected of public office holders.**

### **For Police and Crime Commissioners:**

- **PCCs' responsibility for holding Chief Constables to account on behalf of the public should explicitly include holding the Chief Constable to account for promoting ethical behaviour and embedding the College of Policing's Code of Ethics. Each PCC's Police and Crime Plan should set out how they intend to do this, and their Annual Report should show delivery against the objectives set out in the plan.**

<sup>14</sup> See recommendation to Committee on Standards in Public Life from Public Administration Select Committee – Caught red-handed: Why we can't count on Police Recorded Crime statistics. Thirteenth Report of Session 2013-14. HC 760. 9 April 2014. Para 91

- PCCs and their Deputies should be subject to a mandatory national minimum code of conduct.
- PCCs' appointment procedures should comply with open and transparent appointment processes including:
  - a requirement for there to be an independent member on the appointment panel set up to oversee the appointments process for Chief Constables and senior Office of PCC staff;
  - a requirement that a criterion for selection be that the panel are satisfied that the candidates can meet the standards of the Seven Principles of Public Life; and
  - details of the independent panel member should be published.

### **For the Police and Crime Panel:**

- Police and Crime Panels should produce a forward plan of work specifying, as appropriate, the information required from PCCs in order for them to carry out their work.

### **For the Associations:**

- The Association of Police and Crime Commissioners, Association of Policing and Crime Chief Executives, the National Police Chiefs' Council and Local Government Association should work collaboratively to produce a model Memorandum of Understanding between the PCC and Chief Constable to include working arrangements, recognition of the role of statutory officers and a supporting statutory officer protocol.
  - Drawing on existing good practice and experience, the Association of Police and Crime Commissioners, Association of Policing and Crime Chief Executives and the Local Government Association should work together to develop national guidance on the meaning of a decision of 'significant public interest', so that it is better understood when PCCs should publish records of such decisions.
21. In particular, the Committee has considered how best to harness democratic accountability as a means of encouraging all current and future PCCs to adopt and take seriously the best practice that lies at the heart of all the recommendations in this report. The Committee has produced an Ethical Checklist, set out overleaf, to be used at PCC elections starting with the forthcoming elections in April 2016. This checklist will inform the public about the ethical approach of all candidates seeking election to the post of PCC. If the tone and culture of policing is set by those at the top, then the public is entitled to know that the person they vote for will promote, support and sustain high standards.

## Ethical Checklist

1. Will your Police and Crime Plan for 2016-7 include a commitment to hold the Chief Constable explicitly to account for promoting ethical behaviour and embedding the College of Policing's Code of Ethics?
2. Will you publicly commit to abide by a code of conduct once that has been adopted by the Association of Police and Crime Commissioners?
3. Will you require the same of any Deputy you appoint?
4. When making appointments of Chief Constable, Deputy PCC or senior staff to your office will you ensure open and transparent appointment processes and include an independent external member on the appointing panel?
5. Will you publish, in an easily accessible format, details of your pay and rewards, gifts and hospitality received, your business interests and notifiable memberships?

## Our recommendations in full:

Number	Recommendation
1	The Association of Police and Crime Commissioners, working with the Association of Policing and Crime Chief Executives should develop a nationally agreed minimum code of conduct by the end of 2015, which all current PCCs should publicly sign up to by then, and all future PCCs on taking up office.
2	PCCs and their Deputies should receive an ethical component as an essential part of their induction. While this should be locally tailored and delivered it should cover the Seven Principles of Public Life, the Association of Police and Crime Commissioners Ethical Framework and the College of Policing's Code of Ethics. This is to provide an understanding of ethics in practice and the role of PCCs as ethical leaders, promoting and modelling the high standards of conduct for which they hold others to account.
3	A Deputy PCC should be subject to the same mandatory national minimum code of conduct as PCCs and publicly available protocols should be in place for their relationships with other employees of the PCC.
4	The Association of Police and Crime Commissioners, Association of Policing and Crime Chief Executives, the National Police Chiefs' Council and Local Government Association should work collaboratively to produce a model Memorandum of Understanding between the PCC and Chief Constable to include working arrangements, recognition of the role of statutory officers and a supporting statutory officer protocol.
5	Joint Audit Committees should publish an Annual Report in a form that is easily accessible to the public.
6	PCCs' responsibility for holding Chief Constables to account on behalf of the public should explicitly include holding the Chief Constable to account for promoting ethical behaviour and embedding the College of Policing's Code of Ethics. Each PCC's Police and Crime Plan should set out how they intend to do this, and their Annual Report should show delivery against the objectives set out in the plan.

Number	Recommendation
7	The Police and Crime Commissioner Elections Order should be amended so that all candidates for the post of PCC should be required to publish their responses to the Committee's Ethical Checklist. For the May 2016 elections all candidates should be asked to consider and answer the Checklist and the Committee will be encouraging relevant media outlets to play their part in seeking out and publicising their responses.
8	Drawing on existing good practice and experience, the Association of Police and Crime Commissioners, Association of Policing and Crime Chief Executives and the Local Government Association should work together to develop national guidance on the meaning of a decision of 'significant public interest', so that it is better understood when PCCs should publish records of such decisions.
9	Police and Crime Panels should review the PCC's Annual Report in public session attended by the PCC as part of their annual scrutiny programme and make any recommendations as appropriate.
10	<p>As a matter of good practice:</p> <ul style="list-style-type: none"> <li>■ PCCs should publish a forward plan of decisions identifying the subject matter of the decision, why it is key, the meeting at which the decision is due to be taken, who will be consulted before the decision is taken and what reports/papers will be available for inspection; and</li> <li>■ Police and Crime Panels should produce a forward plan of work specifying, as appropriate, the information required from PCCs in order for them to carry out that work.</li> </ul>
11	The Home Secretary should conduct an urgent review of whether there are sufficient powers available to take action against a PCC whose conduct falls below the standards expected of public office holders.
12	To demonstrate an equivalent level of transparency and accountability to the Chief Constables that they oversee, the Association of Police and Crime Commissioners and Association of Policing and Crime Chief Executives should work together to host and make publicly available a list of PCCs' pay and rewards, gifts and hospitality and outside business interests, including notifiable memberships, in an easily accessible format.
13	Chief Constables and PCCs should keep the arrangements for gifts, gratuities and hospitality registers and business interests, including notifiable memberships, and other employment under regular review as part of ensuring and evidencing that the Code of Ethics remains embedded in everyday practice.
14	Where a Joint Chief Financial Officer is appointed, an explicit policy and appropriate controls should be put in place to manage any potential conflicts of interest; be made publicly available; and regularly monitored by the Joint Audit Committee.
15	Where a Joint Press/Media Officer is appointed, an explicit policy and appropriate controls should be put in place to manage any potential conflicts of interest, be made publicly available, and regularly monitored by the Joint Audit Committee.
16	The Joint Audit Committee should scrutinise the basis of the assurances provided as to the integrity of crime data, including the related performance management systems.



Number	Recommendation
17	<p>PCCs and their Deputies should publish a register of meetings with external stakeholders and routinely publish information about all significant meetings involving external attempts to influence a public policy decision. The published information should include dates of meetings, details of attendances and meaningful descriptors of subject matter. It should normally be published within one month on their website in an easily accessible format.</p>
18	<p>All parties with responsibility for complaints should make clear and actively publicise where their responsibilities – especially in relation to actual investigations and their outcomes – begin and end.</p> <p>The implementation of the proposed changes to the police complaints and disciplinary systems should be monitored locally by PCCs and nationally by the Home Office, IPCC and HMIC.</p> <p>Responsibility for handling police complaints through local resolution should not sit with those with appellate responsibility in relation to the same complaints.</p> <p>The Home Office should consider whether or not complaints about PCCs should continue to be handled by the IPCC.</p>
19	<p>The Committee endorses the Home Affairs Committee’s recommendations that:</p> <ul style="list-style-type: none"> <li>■ the Home Office bring forward proposals to amend the powers of commissioners to suspend or remove chief constables under Section 38(2) and 38(3) of the Police Reform and Social Responsibility Act 2011 by stipulating the grounds on which they may do so.</li> <li>■ the Home Office should also provide guidance to commissioners on the use of their powers in both respects. In the case of a suspension there should also be a clear system of safeguards similar to those which guide suspension in respect of conduct.</li> <li>■ Police and Crime Panels inquire and report into the circumstances whenever a chief constable’s service is brought to an end irrespective of whether the Schedule 8 scrutiny process is formally engaged.</li> <li>■ the Home Office bring forward proposals to extend the Schedule 8 process to include scrutiny by the police and crime panel where a commissioner chooses not to agree to an extension of the chief constables’ contract to bring it in line with the process for the removal of a chief constable.</li> </ul>



Number	Recommendation
20	<p>PCCs' appointment procedures should comply with open and transparent appointment processes including:</p> <ul style="list-style-type: none"><li>■ a requirement for there to be an independent member on the appointment panel set up to oversee the appointments process for Chief Constables and senior Office of PCC staff; and</li><li>■ a requirement that a criterion for selection be that the panel is satisfied that the candidates can meet the standards of the Seven Principles of Public Life.</li><li>■ details of the independent panel member should be published.</li></ul> <p>Where a PCC intends to appoint a deputy PCC the PCC should disclose that fact and the intended Deputy (if known) at the time of the election.</p> <p>A decision to suspend or accept a resignation of a Chief Constable or to appoint a Deputy PCC should be regarded as a decision of 'significant public interest'.</p>

# 1

## Context

# Chapter 1:

## Context

### Introduction

- 1.1** In October 2014, the Committee on Standards in Public Life began an inquiry into local policing accountability in England and Wales. The aims of this inquiry were to:
- identify what structures were in place in the model for local policing accountability for ensuring high standards of behaviour;
  - examine how effective those structures were;
  - identify what worked well and what could be improved; and
  - consider the role of leaders in promoting, supporting and sustaining high standards.
- 1.2** The Committee is responsible for promoting high standards of behaviour by all public office holders which includes members of the police service, Police and Crime Commissioners (PCCs) and local councillors. The statutory Policing Protocol, which sets out to all PCCs, Chief Constables and Police and Crime Panels how their functions will be exercised in relation to each other, makes clear all the parties must abide by the Seven Principles set out in the First Report of the Committee on Standards in Public Life.<sup>15</sup>
- 1.3** The Seven Principles are: Selflessness, Integrity, Objectivity, Accountability, Openness, Honesty and Leadership. The First Report set out the common threads to ensure the Seven Principles were properly understood and would become integral to the conduct of individuals and the culture of organisations. These are: 1) codes of conduct; 2) independent scrutiny; and 3) guidance and education. Accountability and scrutiny are central to the Committee's work.
- 1.4** The Committee's remit means it does not investigate individual allegations of misconduct against the police or PCCs. Nor does it comment on the relative merits of past, present or future policing models. These are matters for Parliament. The Committee's concern is that the governance structures in place at any time actively promote, uphold and sustain high ethical standards of behaviour at every level of policing.
- 1.5** To collect evidence for this inquiry the Committee published a consultation paper, undertook desk based research, held stakeholder meetings including visits to five police areas, commissioned public research and held several roundtable discussions (see appendix I for methodology). The Committee is grateful to all those who have responded and engaged at every stage.

### Timing of this inquiry

- 1.6** This inquiry is timely for several reasons. First, the new model has been in place for over two years and, as with any new system it is sensible to review its operation, test how well it is living up to its original rationale and learn any lessons. Secondly, although the model has a role to play in promoting ethical behaviour and limiting ethical risks, the model itself and elements of it have been the subject of criticisms, mostly arising from standards issues.

<sup>15</sup> Committee on Standards in Public Life. Members of Parliament, ministers, civil servants and quangos (First Report) Cm 2850. May 1995

**Figure 1:**  
Newspaper headlines of policing scandals



Committee on Standards in Public Life, 2015

- 1.7** Lastly, in light of recent scandals and criticisms, several political parties indicated that they were proposing further changes. The Labour Party repeated its intention to abolish PCCs, originally set out in the report of the Independent Police Commission.<sup>16 17</sup> The Conservative Party manifesto committed to, “enable fire and police services to work more closely together and develop the role of our elected and accountable Police and Crime Commissioners.”<sup>18</sup> The Home Secretary has also said that there is “a debate to be had” on the issue of PCC recall.<sup>19</sup> The results of the May 2015 General Election have determined the direction of travel.
- 1.8** While structural alterations are for Parliament, the Committee believes that any further development of the role of PCCs and changes to the model of local policing accountability should be informed by the widest possible range of evidence including public confidence in standards and integrity of policing. The promotion and sustainability of high standards of behaviour should be integrated into the design and implementation of any changes. They should not be left as a ‘bolt on’ after-thought.
- 1.9** With further changes likely, including the introduction of ‘metro mayors’ and increased powers for PCCs, this is an apposite moment to renew the focus on the ethical standards expected of police leaders.

## Other relevant reviews

- 1.10** This inquiry comes at a time of Home Office reviews of the police complaints system and whistleblowing,<sup>20</sup> a review of the police disciplinary system and a review of the anti-corruption capability in all police forces by Her Majesty’s Inspectorate of Constabulary (HMIC). Policing has also been under increased Parliamentary scrutiny with an inquiry into policing architecture by the Home Affairs Committee (HAC) and an inquiry into police recorded crime statistics by the Public Administration Select Committee (PASC). Additionally, in

16 BBC Radio 5 live appearance by Ed Balls. March 2015  
<http://blogs.independent.co.uk/2015/03/15/ed-balls-rehearses-ed-milibands-lines-for-the-budget-reply/>

17 Independent Police Commission. Policing for a Better Britain. 2013  
<http://independentpolicecommission.org.uk/uploads/37d80308-be23-9684-054d-e4958bb9d518.pdf>

18 Conservative Party. Conservative Party Manifesto. 2015. p.60

19 Theresa May MP. Letter from Rt Hon Home Secretary to Home Affairs Select Committee in response to Child sexual exploitation and the response to localised grooming – follow-up. 10 February 2015. Sixth Report of Session. 2014-15

20 Home Office. Improving Police Integrity: Reforming the police complaints and disciplinary systems. December 2014. Cm 8976  
[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/385896/45363\\_Cm\\_8976\\_Accessible.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/385896/45363_Cm_8976_Accessible.pdf)

January 2014, the National Audit Office published a review of the police accountability landscape and the College of Policing carried out a review of police leadership in 2015.<sup>21</sup>

- 1.11** The proliferation of reviews may in itself reflect concerns about the accountability of the police and how well the demands placed on it now and in future can be met. Indeed, in concluding its own report, the PASC asked this Committee to: “conduct a wide-ranging inquiry into the police’s compliance with the new Code of Ethics; in particular the role of leadership in promoting and sustaining these values in the face of all the other pressures on the force.”<sup>22</sup>
- 1.12** The various reviews mentioned above focus on the systems that hold police officers to account. This inquiry complements those reviews by looking at how far and how well high standards of behaviour are integral to the design, operation and monitoring of such systems and procedures, and how ethical risks are identified and proportionately managed.

## Policing reform

- 1.13** Policing in England and Wales is subject to rapid change and extensive challenge. In the last decade serious public concerns about police standards have arisen such as, “Hillsborough, Orgreave Colliery, the investigation of the murder of Stephen Lawrence and how police conducted themselves afterwards, the resignation of a Cabinet Minister as a result of the actions of at least one dishonest police officer, the sexual deception of citizens who trusted undercover police officers and others.”<sup>23</sup> In 2012, the government introduced significant reforms with the aim of improving standards of police integrity.<sup>24</sup> These included the creation of the College of Policing to professionalise policing, which published a new Code of Ethics, online publication of a national list of chief officers’ pay and rewards, gifts and hospitality, a national register of officers struck off from the police, strengthening of the role of the Independent Police Complaints Commission (IPCC), and a new annual all-force inspection programme by HMIC of police effectiveness, efficiency and legitimacy.<sup>25</sup>
- 1.14** At the same time, PCCs were elected to become ‘the voice of the public’ in holding Chief Constables to account through democratic scrutiny. The Police Reform and Social Responsibility Act 2011 (the Act) abolished Police Authorities, and replaced them with directly elected PCCs for each police force outside London, as a means of improving the accountability and transparency of the police to their local communities. As the Home Secretary has said: “The purpose of directly-elected Police and Crime Commissioners was clear. They’d be elected, visible, well-known in their communities and accountable to the electorate”.<sup>26</sup>
- 1.15** PCC elections were held in November 2012 with an average voter turnout of 15.1%. A review by the Electoral Commission following the elections, found that the timing of the election and the fact that no other elections were held at the same time negatively affected the turnout.<sup>27</sup> Questions have been raised over the extent and legitimacy of the PCCs’ electoral mandate when the voter turnout is so low and whether other mechanisms are required to enable the public to scrutinise policing on a continuous basis in addition to the four year electoral cycle.

21 College of Policing. Leadership review- Interim Report. 2015. [http://www.college.police.uk/What-we-do/Development/Promotion/the-leadership-review/Documents/CoP\\_Leadership\\_Review\\_Interim\\_report.pdf](http://www.college.police.uk/What-we-do/Development/Promotion/the-leadership-review/Documents/CoP_Leadership_Review_Interim_report.pdf)

22 Public Administration Select Committee. Caught red-handed: Why we can’t count on Police Recorded Crime statistics. Thirteenth Report of Session 2013-14. 9 April 2014. HC 760. <http://www.publications.parliament.uk/pa/cm201314/cmselect/cmpubadm/760/760.pdf>

23 Her Majesty’s Inspector of Constabulary State of Policing. The Annual Assessment of Policing in England and Wales. 2012/13. p.59

24 The Rt Hon Theresa May MP. Oral statement to Parliament- Home Secretary on police reform. 22 July 2014 <https://www.gov.uk/government/speeches/home-secretary-on-police-reform>

25 Ibid 10. This inspection programme is known as PEEL inspections

26 The Rt Hon Theresa May MP. (Speech) Police and Crime Commissioners, one year on: warts and all. 7 November 2013 <https://www.gov.uk/government/speeches/police-and-crime-commissioners-one-year-on-warts-and-all>

27 Electoral Commission. Police and Crime Commissioner elections in England and Wales. Report on the administration of the elections held on 15 November 2012. March 2013

## Future changes to the policing landscape

- 1.16** In addition to the structural changes outlined, police officers also face changes in the type of work they carry out, the types of crime committed and the operational context. College of Policing analysis shows that officers spend an increasing amount of time on public protection work, managing high risk offenders and protecting victims who are at risk and often vulnerable.<sup>28</sup> This analysis also argues that while crime survey data shows that crime overall is declining, indications are that there is an increase in crime complexity, organised crime gangs operating across the UK, and ‘new’ crimes such as modern slavery and cyber-enabled crime which present new challenges for every force.
- 1.17** Police budgets are also subject to austerity measures. The 2010 government spending review called for a 20% reduction in funding across police forces between 2010 and 2014.<sup>29</sup> The NAO has recently concluded that central government funding to PCCs reduced by £2.3 billion (25% in real terms between 2010-11 and 2015-16).<sup>30</sup> In the past five years the number of police officers has fallen by 11%.<sup>31</sup> The Home Office is currently considering developing options for updating or replacing the current police funding formula used to allocate central government funding to the 43 police forces in England and Wales. It has been said that some forces could therefore see their funding substantially reduced.<sup>32</sup> PCCs are subject to a cap of 2% on their precept<sup>33</sup> as part of the cap on local council tax increases. While it has heard evidence that this is at odds with PCCs’ local mandate and democratic accountability, the Committee has concluded that this an aspect of the wider question of Parliament’s overall control of local expenditure, and so has made no recommendations in this respect.
- 1.18** Further changes to policing may occur as a result of future devolutionary changes in England with some major cities proposing a shift to elected mayoral models of accountability and other voices calling for greater regional collaboration, or merging of police forces, to provide better specialisation and a lower cost base.
- 1.19** The Committee stresses that in tackling these many pressures and changes, it is vital that any governance structures for policing are robust in upholding the Seven Principles of Public Life and promoting ethical behaviour, is capable of providing effective accountability, and can command public confidence and trust.

## Trust in the police

- 1.20** The British policing system relies on policing by consent and is underpinned by the Peelian Principles set out in the 1829 Metropolitan Police Act.<sup>34</sup> The Peelian Principles were, for Sir Robert Peel<sup>35</sup>, about: “getting out into the community dealing with the daily issues that concern people, and earning their respect and co-operation in preventing crime.”<sup>36</sup> The system places trust and the public at the centre of police accountability. HMIC comments that: “public consent and approval of the police and their actions is essential to the efficiency and effectiveness of the police”<sup>37</sup>.
- 1.21** In 2012 the Committee conducted a survey into public attitudes towards conduct in public life. The survey captured reflections on public perceptions of accountability and trust of elected officials and police officers. Findings showed that elected officials were regarded by members of the public as least trusted to tell the truth, senior police officers were trusted significantly more and judges were most trusted. The findings also showed that the public generally regard junior rather than senior employees as more accountable. However

28 College of Policing. College of Policing Analysis: Estimating demand on the police service, 2015

29 HM Treasury. Spending Review 2010. Cm 7942. October 2010

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/203826/Spending\\_review\\_2010.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/203826/Spending_review_2010.pdf)

30 National Audit Office. Financial Sustainability of police forces in England and Wales. HC 78 Session 2015-16. 4 June 2015

31 College of Policing, College of Policing Analysis: Estimating demand on the police service, 2015

32 Tim Brain. Bedfordshire police precept repercussions. 2015. <https://policinginsight.com/analysis/bedfordshire-police-precept-referendum-repercussions/>

33 Precept is the amount of council tax reserved for police funding

34 Independent Police Commission. Peelian Principles. <http://independentpolicecommission.org.uk/peelian-principles>

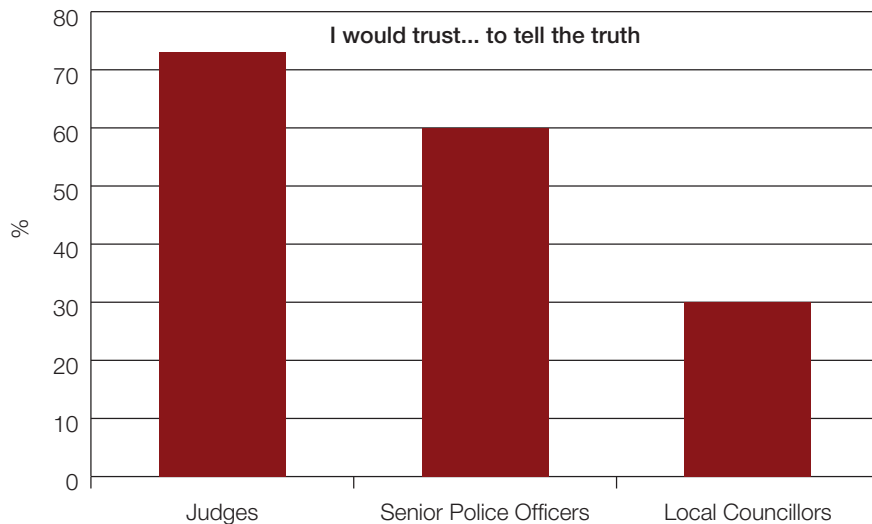
35 Sir Robert Peel was a UK Prime Minister during the first half of the 19th century. Peel also served as a Home Secretary and in this role was responsible for creating the modern police force

36 Rae and Masfield. Policing in Northern Ireland. Delivering the New Beginning? 2014. Liverpool University Press. p.627

37 Her Majesty’s Inspector of Constabulary. State of Policing The Annual Assessment of Policing in England and Wales 2012/13. 2014. p.2

this was the opposite for police officers in relation to other professions.<sup>38</sup> Further public research by the Committee in 2014 also indicated that senior police officers were, “considered relatively trustworthy” by the public.<sup>39</sup>

**Figure 2:**  
Level of public trust in the police



Committee on Standards in Public Life, 2015

- 1.22** This view from the Committee’s research has been reinforced by other surveys. The annual Ipsos MORI survey of *Trust in Professions* showed that 65% of respondents thought police officers could be trusted to tell the truth,<sup>40</sup> and in an Office for National Statistics Survey (ONS) 61% of adults gave positive ratings of local police.<sup>41</sup> It is reassuring, given the importance of public trust in policing, that figures remain high and stable, but levels of trust will need to be monitored and sustained.
- 1.23** In the course of this inquiry, the Committee has heard that the key accountability mechanism for the public was the ability to question or challenge their local beat team or area police commander on neighbourhood concerns and priorities, such as drug dealing, drunkenness and illegal parking. However, while policing was not generally a routine concern for residents, it could, nevertheless, escalate rapidly as a result of particular incidents or crime patterns. Having well-resourced, prioritised and responsive local police forces is important for gaining the trust and confidence of the public for the overall democratic system of policing.
- 1.24** The Committee has also been conscious throughout of the heavy demands made on front-line officers, by both the pressures on police forces and changes in accountability discussed earlier in this chapter and by increasing public expectations of the ethical standards of the police. This point is reinforced by London Policing Ethics Panel who said:

*“the ethical pressures on police officers can actually make ‘policing by consent’ even harder than is ordinarily thought. The police are, as we have seen, granted great authority. And this is public authority – the police’s job is to enforce our society’s most important laws, day-to-day. The police will face more ethical dilemmas than most of us, where something bad will unavoidably happen. And when they make mistakes these will often have larger-than-normal impacts on people’s lives.”<sup>42</sup>*

<sup>38</sup> Committee on Standards in Public Life. Survey of public attitudes towards conduct in public life. 2012

<sup>39</sup> Committee on Standards in Public Life. Public Awareness of Police Accountability prepared for the Committee on Standards in Public Life by Chris Prosser and the Committee’s Research Advisory Board, using data collected by Ipsos MORI through the Capibus OmniBus survey. 2015

<sup>40</sup> Ipsos MORI. Trust in Professions. 2013

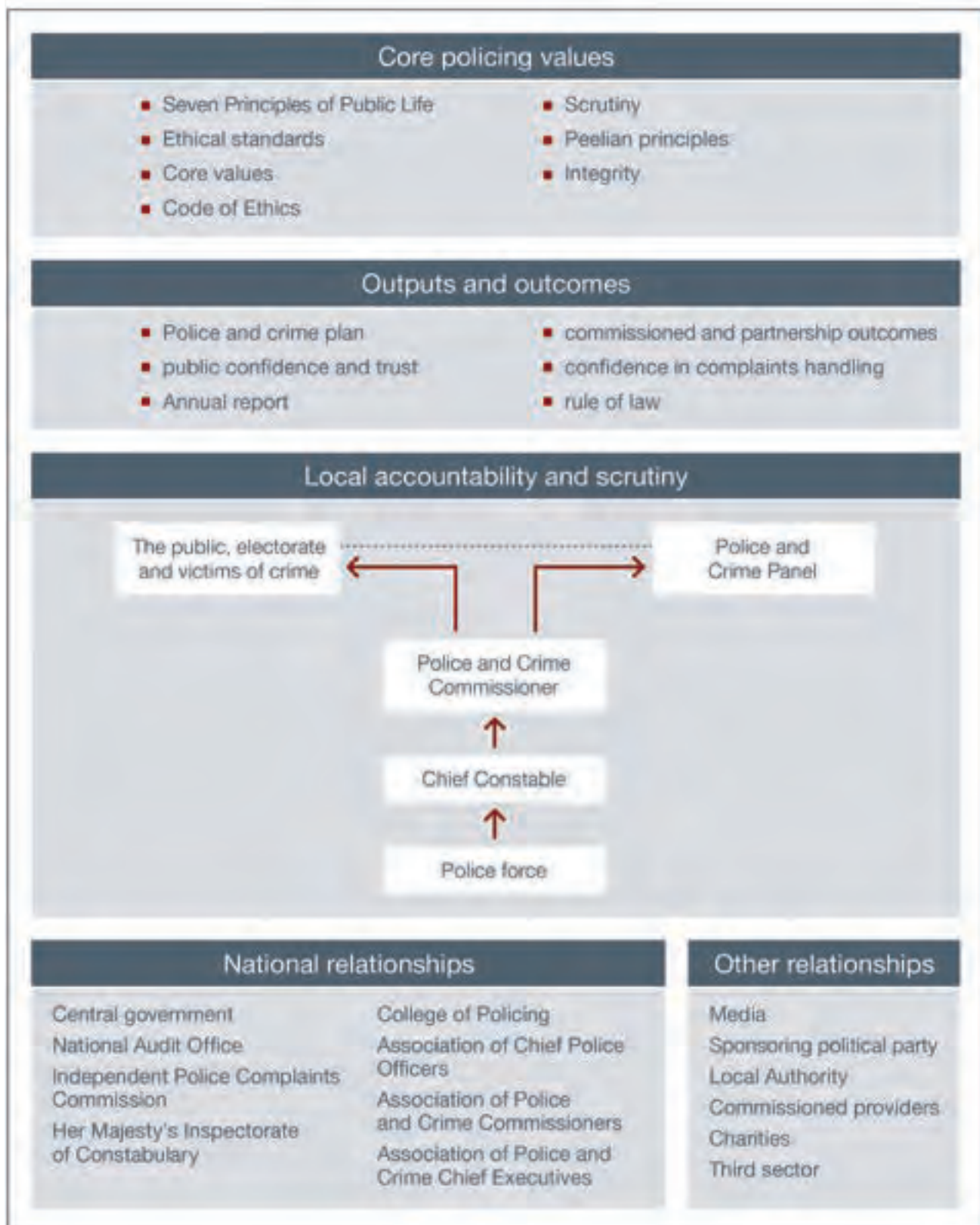
<sup>41</sup> Office for National Statistics. Crime Statistics, Focus on Public Perceptions of Crime and the Police and the Personal Well-being of Victims, 2013 to 2014

<sup>42</sup> London Policing Ethics Panel. Ethical challenges of Policing in London. 2014. p.12



## The current model of policing accountability

**Figure 3:**  
The model of local policing accountability



Committee on Standards in Public Life, 2015



- 1.25** The current model of local policing accountability is outlined in figure 3. The central box titled 'local accountability and scrutiny' identifies the key participants and sets out that the PCC is:

*"accountable to the electorate; the Chief Constable is accountable to their PCC. The Police and Crime Panel within each force area is empowered to maintain a regular check and balance on the performance of the PCC in that context".<sup>43</sup>*

- 1.26** The central box refers to scrutiny as a means to facilitate accountability. Scrutiny is conducted primarily by the electorate, by interrogating published information such as performance data. Public scrutiny is a continuous process, but the holding to account through the electoral process is periodic. Police and Crime Panels were established to review and scrutinise decisions and actions on behalf of the public, and make reports and recommendations to the PCC, related to the discharge of the PCC's function.<sup>44</sup> The effectiveness of the Panels' scrutiny function is discussed further in chapter 3.
- 1.27** The bottom two boxes of the diagram set out the relationships between the participants in the central box with national and local organisations. The diagram does not include all the relationships but it does demonstrate the variety of stakeholders with an interest in policing accountability. The box titled 'national relationships' includes formal relationships with central government and organisations such as the Independent Police Complaints Commission (IPCC) which are responsible for setting national policy or standards for those in the central box to follow, and informal relationships with organisations who provide guidance and advice, such as the College of Policing and the Association of Police and Crime Commissioners (APCC). The box titled 'other relationships' includes the relationship with the local authorities, partnership organisations, those providing commissioned services and external influences such as the media, who play an important role in informing and influencing public opinion. The two top boxes of the diagram identify some underpinning values and outputs.
- 1.28** The Committee acknowledges that the diagram is simplified and recognises there are additional complexities regarding the interaction between the components that are not shown, some of which are discussed in later chapters of the report.

## Variations in accountability

- 1.29** Figure 3 outlines local policing accountability in England and Wales, except London, which has different arrangements. Strategic oversight for policing in London is the responsibility of the Mayor's Office for Policing and Crime (MOPAC). MOPAC has the legal responsibility to ensure the maintenance, efficiency and effectiveness of the Metropolitan Police and to hold the Metropolitan Commissioner of Police to account. Under the Act, MOPAC is formally led by the Mayor of London. The Mayor's capacity is analogous to the role of PCC outside London.<sup>45</sup> The Mayor of London can appoint a Deputy, to carry out some functions, such as policing and crime. The current Mayor of London delegates most powers for policing and crime to his Deputy, excluding the power to issue a Police and Crime Plan and to appoint and remove senior Metropolitan police officers.
- 1.30** The Mayor of London is held to account by the London Assembly. The Assembly also represents the interests and concerns of people in London by investigating issues of importance such as policing and crime.<sup>46</sup> A governance framework ensures the processes and systems needed are in place for MOPAC to operate in an appropriate and accountable way. The framework includes the requirement for a Police and Crime Plan. A Police and Crime Committee is responsible for scrutinising the work of MOPAC by reviewing the Police and Crime Plan and investigating the actions, decisions and functions of MOPAC. Further details of policing accountability in London are found in appendix A of the report.

43 The Policing Protocol Order 2011, Section 14. p 3

44 Police Reform and Social Responsibility Act 2011 c.13

45 Greater London Authority. About MOPAC. 2015. <https://www.london.gov.uk/priorities/policing-crime/about-mopac>

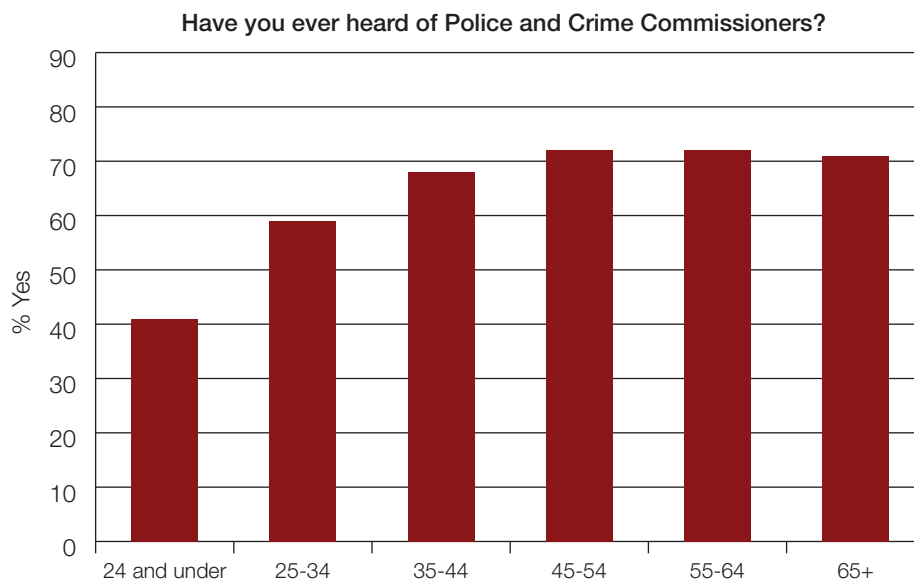
46 Greater London Authority. London Assembly. 2015. <https://www.london.gov.uk/mayor-assembly/london-assembly>

**1.31** In November 2014 it was announced that Greater Manchester will elect a Mayor, as a central feature of proposals to devolve more powers to the Greater Manchester area. When implemented Manchester may well reflect aspects of the London model of policing accountability. The intention in Greater Manchester to elect a Mayor has been given greater prominence as part of the Cities and Local Government Devolution Bill proposed in the Queen's Speech in May 2015. In line with the government's commitment to devolving power across England, the Bill will allow cities to have elected mayors, who in turn could undertake the functions of PCCs. Subsequently such a model of accountability may emerge in other large cities. The Committee notes the possible future complexities of having an elected Mayor for a combined authority area, which covers a different or larger area from the area for which existing PCCs have responsibility.

## Public awareness of local policing accountability

**1.32** Research undertaken by the Committee indicates varying levels of public awareness of local policing accountability. 68% of people surveyed in 2014 had heard of PCCs, but less than half knew that they are elected into their role and that they are elected by the public. The responses received differed depending on the age, social grade, ethnicity and level of education attained by those who were asked.<sup>47</sup>

**Figure 4:**  
Public awareness of PCCs

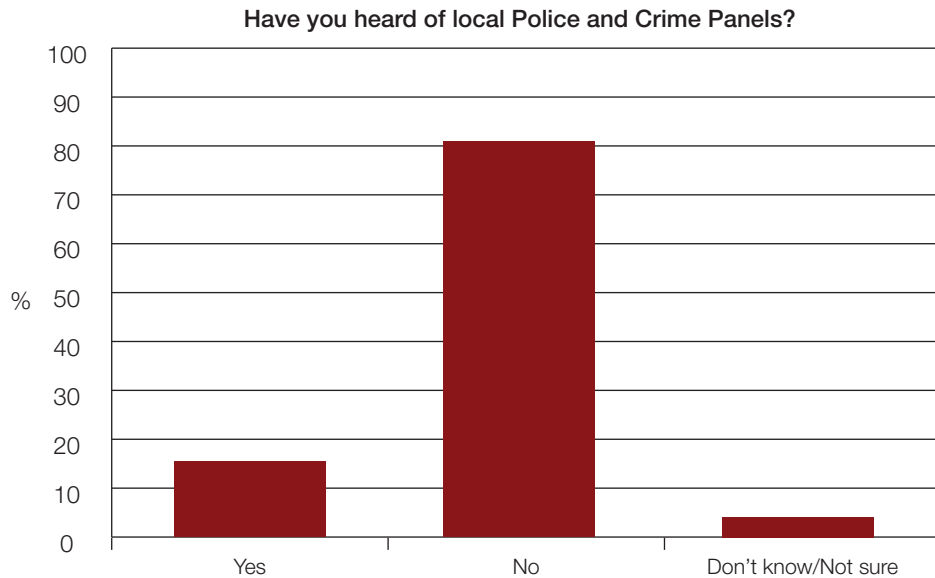


Committee on Standards in Public Life, 2015

<sup>47</sup> Committee on Standards in Public Life. Public Awareness of Police Accountability prepared for the Committee on Standards in Public Life by Chris Prosser and the Committee's Research Advisory Board, using data collected by Ipsos MORI through the Capibus OmniBus survey. 2015

**1.33** The research also indicated that 85% of people asked were unaware of the existence and function of Police and Crime Panels.<sup>48</sup>

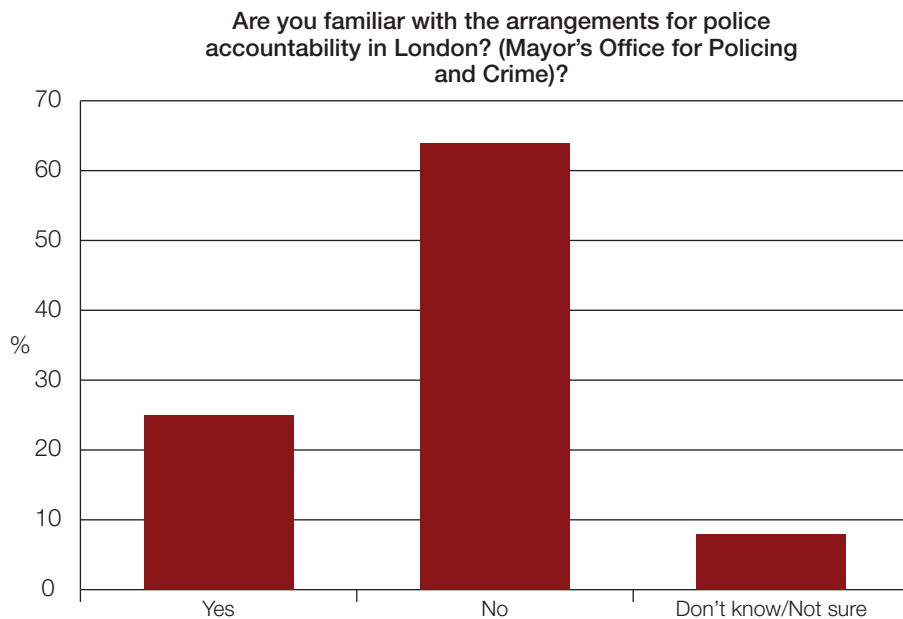
**Figure 5:**  
Public awareness of Police and Crime Panels



Committee on Standards in Public Life, 2015

**1.34** The Committee's research indicates that public awareness of the arrangements for police accountability in London is low. The majority of people surveyed in 2014 showed a lack of awareness regarding the differing arrangements for policing accountability in London compared with other areas in England and Wales.

**Figure 6:**  
Public awareness of policing accountability arrangements in London



Committee on Standards in Public Life, 2015

<sup>48</sup> Committee on Standards in Public Life, Public Awareness of Police Accountability prepared for the Committee on Standards in Public Life by Chris Prosser and the Committee's Research Advisory Board, using data collected by Ipsos MORI through the Capibus OmniBus survey. 2015

## The balance between local and national accountability

- 1.35** The evidence from the inquiry has reflected a debate around the extent to which accountability is locally or nationally based. This is a debate that has continued for a century as Watch Committees became, in turn, Police Committees and Police Authorities before the Act introduced PCCs. Within the tripartite arrangement of the Home Office's national overview and the Chief Constable's operational freedom for policing deployment in upholding the law, the main changes have been in the powers exercised by local democracy.
- 1.36** The abiding question is where national principles and standards are required and to what extent they should be adapted for local circumstances. The Committee has heard differing views:

"mechanisms for accountability, leadership and ethics, should where possible, be standardised across elected officials to ensure fair and equal scrutiny."

Warwickshire PCC Ron Ball

"The widely varying approaches of different PCC's (sic) in this area is evidence that, while local arrangements are often very helpful to meet local conditions, that can also lead to poor practice in some areas being unaddressed. There should be broad national standards allowing local variation while maintaining core values."

Lawyers in Local Government

"Local priorities need to be taken into account and seen positively as opposed to negatively i.e. as a 'postcode lottery'. The ethical framework in North Yorkshire may well be very different to, for example, Avon and Somerset (chosen at random), but that is not a bad thing. Although both areas are dealing with the same Code of Ethics, both could implement very different ethical frameworks but be equally suitable."

North Yorkshire PCC Julia Mulligan

- 1.37** The Act intended to give the public greater influence in determining local police priorities and local policing bodies more flexibility to respond to them in a way that suits their local circumstances. This was in the context of a broader "localism agenda" pursued by the government which was devolving greater responsibility and funding of public services to local bodies.
- 1.38** As set out in figure 3, at a local level, PCCs are directly accountable to the local electorate and the local Chief Constable accountable to the elected PCC. Local scrutiny is provided through the giving of information to the public, through the local Police and Crime Panel and local audit arrangements.
- 1.39** There remains however a role for national scrutiny and monitoring, which is provided by:

### The Home Office

- 1.40** The Department maintains oversight in order to provide assurance to Parliament about the expenditure of public money. The Home Office *Accounting Officer Accountability System Statement for Policing and Crime Reduction* for the financial year 2014-15 sets out the framework in place to provide that assurance.<sup>49</sup> This statement sets out that the Home Secretary has backstop powers to intervene under Sections 40 and 40A

<sup>49</sup> Home Office. Home Office accounting officer accountability system statement for policing and crime reduction. 2015

Police Act 1996 if the local policing body (i.e. the PCC) or police force is failing or will fail to discharge any of its functions effectively. There is no detailed explanation of the specific circumstances that would trigger the use or the exact process for using the powers although the statement does suggest action in:

*“cases of systemic failure on the part of the police force or the body itself. Ultimately drawing on advice from HMIC, external audit report, and other sources, I [Accounting Officer] may advise the Secretary of State to make use of these backstop powers.”*

- 1.41** The statement gives some examples of how the Home Secretary could use the powers, such as directing HMIC to look into and report on any issue, giving a direction to the body in cases of systematic failure or a danger of effective and efficient policing not being delivered, or prescribing procurement under specific arrangements.
- 1.42** Such powers were not used when there were significant calls, including from the local Police and Crime Panel and the HAC, for the South Yorkshire PCC, Shaun Wright, to resign. The Committee is of the view that Section 40 of the Police Act 1996 does not give the Home Secretary power to direct that the functions of the PCC are exercised by a third party or to require the PCC to cease to exercise their functions. Rather the power to give directions is to the PCC as the local police body and relates only to the deficiencies in the efficiency or effectiveness of the relevant police force (not the PCC) and only where these have been identified in a report under Section 54 stating that the local police force is not efficient or not effective. The Home Secretary appears therefore to have no powers to remove, suspend or direct PCCs in relation to the conduct of their duties. This is to be contrasted with the provisions which do allow the Home Secretary to remove a Chief Constable.

### National Audit Office (NAO)

- 1.43** The NAO scrutinises public spending, evaluating value for money nationally. The NAO examined in January 2014 how reforms to the policing accountability landscape were operating and identified potential risks to value for money.<sup>50</sup> The review considered whether the new arrangements allowed the Home Office to fulfil its Parliamentary duty to assure that any funds allocated to local policing bodies were used with regard to value for money. As the NAO response to our consultation paper notes:

*“The government’s policy of localism does not mean government departments do not need good information to make decisions about the level of central funding provided to local bodies. In particular, we think it reasonable that the Department should put itself in a position to understand when local bodies are under threat of being unable to discharge properly the statutory duties placed on them by central government.”<sup>51</sup>*

- 1.44** The NAO has recently published a report on the financial sustainability of forces, the management of risks to value for money from funding changes and the support given by the Home Office for the financial management capacity and capability of forces.<sup>52</sup>

### Her Majesty’s Inspectorate of Constabulary (HMIC)

- 1.45** HMIC inspects and reports on the efficiency and effectiveness of police forces. The inspection reports are publicly available. HMIC previously had direct rights of access to Police Authorities. The PCC can commission HMIC to carry out an inspection within their force area<sup>53</sup> and the Home Secretary can direct HMIC to look into and report on any issue.<sup>54</sup> HMIC’s role does not currently extend to the Office of the PCC.<sup>55</sup> HMIC is likely to have a future role in inspecting the police complaints function if the PCC chooses

50 National Audit Office. Police Accountability: Landscape Review. HC: 963. 2013-2014

51 Ev64 written submission from National Audit Office

52 National Audit Office. Financial sustainability of police forces in England and Wales. HC 78 Session 2015-16. 4 June 2015

53 See “Crime recording in Kent – Interim Progress report” 31 January 2014 or “An inspection on the effectiveness and efficiency of the single counter-terrorism grant in the East Midlands region.” 10 December 2014

<https://www.justiceinspectors.gov.uk/hmic/about-us/working-with-others/pcc/commissions-from-pccs/>

54 Home Office. Home Office Accounting Officer Accountability System Statement for Policing and Crime Reduction 2014. para 49

55 Ibid. para 20

to move the exercise of that function to their office, but there is currently no power to scrutinise the PCC's commissioning of expenditure or to inspect other functions previously carried out by the force or Police Authority.

- 1.46** The PEEL programme of HMIC inspections is a national annual programme of all-force inspections, with HMIC reaching an assessment based on a series of set questions and using criteria that allow graded judgements to be made. Evidence is extracted in a consistent manner and to a consistent method so that a “similar balance of evidence is considered for each force.”<sup>56</sup> These assessments are published so that the public can judge the performance of their force and policing as a whole.

### Independent Police Complaints Commission (IPCC)

- 1.47** The IPCC's primary statutory purpose is to secure and maintain public confidence in the police complaints system in England and Wales. It is independent and investigates the most serious complaints and incidents involving the police, as well as handling certain appeals from people who are not satisfied with the way police have dealt with their complaint. The IPCC was established by the Police Reform Act 2002 and became operational in April 2004. Since that time its remit has been extended to include complaints against PCCs and their deputies and MOPAC.
- 1.48** In order to secure and maintain public confidence in the police complaints system in England and Wales the IPCC issues statutory guidance to the police service on the handling of complaints.<sup>57</sup> PCCs, police officers and staff working within police forces must have regard to the guidance. It is intended to assist them in complying with their legal obligations, achieving high standards in the handling of complaints and conduct matters and places increased emphasis on local resolution of complaints. This guidance does not apply to complaints about PCCs.

### The College of Policing

- 1.49** The College sets technical and professional standards for policing, including the Code of Ethics which:

*“sets out the principles and standards of behaviour that will promote, reinforce and support the highest standards from everyone who works in policing in England and Wales.”*

- 1.50** With nine policing principles, based on the Seven Principles of Public Life, the Code is intended to “underpin and strengthen the existing procedures and regulations for ensuring standards of professional behaviour for both police officers and police staff.” Although Chief Constables are required to have regard to the standards set, the College does not engage with force implementation, inspect against standards, or investigate failures to meet standards. That is the responsibility of individual forces, HMIC, and the IPCC respectively. The College also produces national registers of chief officers' business interests, register of gifts and hospitality, chief officers' pay and reward packages.
- 1.51** The Code of Ethics provides a national standard which is embedded locally, but it promotes the use of the National Decision Making Model to help embed ethical reasoning and provides guidance on how behaviour that does not uphold the policing principles or meet expected standards will be handled. The College provides a framework for forces to assess their own progress in embedding the Code.

### Other national guidance

- 1.52** The national standards framework for policing incorporates the Seven Principles of Public Life which apply to all public office holders including Chief Constables, PCCs and local councillors. The Policing Protocol states all parties to the protocol will abide by the Seven Principles.<sup>58</sup> In addition the public oath taken by PCCs on appointment specifically refers to acting with integrity, being transparent and being accountable to the public.

<sup>56</sup> HMIC. PEEL 2014 Methodology. 2014. <https://www.justiceinspectors.gov.uk/hmic/wp-content/uploads/2014-peel-methodology.pdf>

<sup>57</sup> Independent Police Complaints Commission. Statutory Guidance to the police service on the handling of complaints. 2013

<sup>58</sup> The Policing Protocol Order 2011. para 10

- 1.53** The APCC, in discussion with this Committee, has developed an Ethical Framework for PCCs, the intention being that the framework should be, “led and developed by PCCs themselves”. The guidance states that the framework could be used to meet the obligation under the Local Policing Bodies (Specified Information Order) 2011 to publish: “a statement of policy of the elected local policing body in relation to the conduct of relevant office holders, including procedures for the handling of complaints and conduct matters.”
- 1.54** Although it is a national organisation for PCCs, the APCC does not take a corporate approach, taking instead the view that responsibilities and accountabilities of PCCs are locally based. It does not consider: “consistency is essential, or that comparisons desirable, or that there needs to be national registers, or national formats.”<sup>59</sup> It and PCCs in general see ‘consistency’ as contrary to local accountability as it “is inhibiting their relationship with local people and reducing their ability to respond to local wishes.”
- 1.55** Some independent PCCs take a different view on consistency when it comes to the question of whether a power of recall should be introduced for PCCs. In that instance, they argue PCCs should be consistent with any recall regime for MPs.<sup>60</sup>
- 1.56** The Committee promotes the Seven Principles of Public Life as consistent descriptors of ethical standards and believes that consistency does not equal central control or prescription. The whole rationale of a principles-based approach is that the principles represent common standards and core values, which can then be translated into outcome focused locally based rules, codes or methods of implementation which are flexible enough to adapt to changing circumstances.
- 1.57** Common standards and codes of conduct based on the Seven Principles of Public Life are a feature of the standards framework for other elected officials such as Members of Parliament and local councillors, including those who sit on the Police and Crime Panel, and for the Chief Constable the PCC is holding to account.
- 1.58** Thus, in considering in this report how far local policing accountability measures up to the Seven Principles of Public Life, the Committee has examined the appropriate local and national balance required to provide assurance of high ethical standards. In some cases the Committee recognises that the evidence it has seen is only related to process, and that insufficient time has elapsed to assess outputs and outcomes. As the College of Policing recently commented: “achieving changes to culture and practice in any organisation is difficult and requires commitment, consistent implementation and joint endeavour.”<sup>61</sup>
- 1.59** The Committee therefore welcomes the concordat between the College of Policing, HMIC and IPCC confirming that they are “collectively engaged in promoting and monitoring best practice and continuous improvement in policing, in order to ensure public confidence.” The concordat sets out the common understanding and approach of the bodies in relation to each other and their respective roles and responsibilities.<sup>62</sup>
- 1.60** In compiling this report, the Committee has sought assurances that ethical standards are, and are capable of being, upheld, in the model for local policing accountability. The Committee has considered all Seven Principles of Public Life, but for conciseness, the inquiry’s findings in the following chapters are structured around discussion of the Principles of Leadership, Accountability, Integrity and Openness.

59 Ev3 written submission from the Association of Police and Crime Commissioners

60 Ibid

61 Ibid. 8. para 5.7.7

62 College of Policing, Her Majesty’s Inspectorate of Constabulary and the Independent Police Complaints Commission. June 2014

# 2

## Leadership

### *The Seven Principles of Public Life*

*Holders of public office  
should exhibit these  
principles in their own  
behaviour. They should  
actively promote and  
robustly support the  
principles and be willing  
to challenge poor  
behaviour wherever  
it occurs*



# Chapter 2:

## Leadership

- 2.1** The Committee's principle of Leadership does not refer to leadership capability or skills but instead refers to the importance of public servants demonstrating the other six Principles of Public Life in their everyday work, providing an example to each other and creating a culture in which high standards are the norm.<sup>63</sup>
- 2.2** The descriptor reads:

*"holders of public office should exhibit these principles in their own behaviours. They should actively promote and robustly support the principles and be willing to challenge poor behaviour wherever it occurs".<sup>64</sup>*

- 2.3** Throughout this inquiry the Committee has considered the extent to which individuals in leadership roles in policing exemplify, promote and sustain high standards of behaviour. Individual behaviour is shaped by organisational culture, driven by leadership and by example. As the Chair of the PASC recently acknowledged, "the tone and culture of an organisation is set by those at the top" and that: "the people below tend to take their lead and adopt the same attitudes and behave in the same way as their leaders".<sup>65</sup> Lord Justice Leveson made a similar point in his report, suggesting that:

*"in a hierarchical organisation such as the police, the tone is set from the top, and how leaders behave will have an obvious filtering effect right through the force."<sup>66</sup>*

### Changing nature of police leadership

- 2.4** This inquiry took place within the context of a rapidly changing landscape for policing. The Home Office has argued that in forthcoming years: "the police service will need to show leadership about how to act professionally in more challenging economic circumstances".<sup>67</sup>
- 2.5** The College of Policing is currently carrying out a review looking at leadership within the police. Although the focus of the review is on operational leadership and the skills and structures required, questions of ethics and behaviour are integral.

<sup>63</sup> Committee on Standards in Public Life. Standards Matter, A review of best practice in promoting good behaviour in public life. 2013. p.36

<sup>64</sup> Committee on Standard in Public Life. The 7 principles of public life. 1995. <https://www.gov.uk/government/publications/the-7-principles-of-public-life/the-7-principles-of-public-life--2>

<sup>65</sup> House of Commons. Public Administration Select Committee. Our work in 2010-2015 parliament. 2015. <http://www.publications.parliament.uk/pa/cm201415/cmselect/cmpublicadm/1152/1152.pdf>. p.5

<sup>66</sup> The Leveson Inquiry. An inquiry into the culture, practices and ethics of the press executive summary. 2012. [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/229039/0779.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/229039/0779.pdf). p.20

<sup>67</sup> Home Office. Policing in the 21st Century: Reconnecting the police and and the people. 2010. [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/118241/policing-21st-full-pdf.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/118241/policing-21st-full-pdf.pdf). p.24

- 2.6 In evidence to the Committee, Detective Superintendent Marley from the College of Policing suggested that:

*“leadership has changed in the recent decades, leadership was very different in the 1980’s. There has in the past been an emphasis on avoiding accountability, a fear of accountability, and to a certain extent that still remains. The work the College is doing opens up leadership so we look at things in a different way and there is less of a blame culture”.*<sup>68</sup>

- 2.7 The College of Policing published research on the role of leadership in promoting ethical police behaviour which concluded that police leadership had improved, becoming more inclusive and open. Ethical behaviour was identified as an output of good leadership, rather than a specific style of leadership adopted by individuals. The research highlighted the dynamic nature of policing and the future implications for policing leadership in specific areas such as diversity, resourcing, bureaucracy, roles, skills and governance.<sup>69</sup>
- 2.8 The Police Foundation also suggested that the current police leadership model is not fit for addressing the challenges currently faced by the profession, and that there is a need to change how, “police leadership is conceived, formulated, learned and applied”. The Foundation note that the task of “engendering change” in policing leadership is not easy.<sup>70</sup>
- 2.9 These observations on the challenges for policing and the structures and skills required to lead them are important. However, the Committee’s broader interest is with all individuals within policing adhering to the Seven Principles of Public Life and supporting the embedding of these Principles within the culture of the police force.

## Leadership and standards

- 2.10 Those in management positions within the police force and the Office of the PCC are expected to:

*“demonstrate leadership in upholding high ethical standards – by observing high standards themselves, by demonstrating high standards to others through their own behaviour and by challenging inadequate standards when they see them”.*<sup>71</sup>

68 Committee on Standards in Public Life. Concluding roundtable. Detective Superintendent Marley. 2015

69 College of Policing. Role of leadership in promoting ethical police behaviour. Findings of qualitative case study research. [http://whatworks.college.police.uk/Research/Documents/150317\\_Ethical\\_leadership\\_FINAL\\_REPORT.pdf](http://whatworks.college.police.uk/Research/Documents/150317_Ethical_leadership_FINAL_REPORT.pdf). 2015

70 Dr Bryn Caless and The Police Foundation. Report of a Police Foundation Roundtable ‘How can policing meet the leadership challenges ahead?’. 2015. [http://www.police-foundation.org.uk/uploads/holding/projects/dr\\_bryn\\_caless\\_leadership\\_roundtable.pdf](http://www.police-foundation.org.uk/uploads/holding/projects/dr_bryn_caless_leadership_roundtable.pdf). p.1

71 Committee on Standards in Public Life. Local Policing – accountability, leadership and ethics, Issues and Questions paper. [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/360941/Police\\_Accountability\\_Structures\\_-\\_Issues\\_and\\_Questions\\_Paper.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/360941/Police_Accountability_Structures_-_Issues_and_Questions_Paper.pdf). 2014. p.12

## Chief Constables

2.11 Figure 7 highlights some of the key leadership roles within the police force.

**Figure 7:**  
Police force leadership structure



Committee on Standards in Public Life, 2015

2.12 Responsibility for supporting, promoting and embedding high ethical standards for operational policing throughout the force predominantly sits with Chief Constables. They, along with their chief officers such as deputies and assistants, set the expectation for high standards of behaviour. The College of Policing advocates that it is primarily a responsibility for chief officers to ensure: “that there is more of a consensus on ethical standards in policing, and on the values that the police service should espouse.”<sup>72</sup> Chief Constables are accountable for the force’s adherence to the Seven Principles of Public Life, and the embedding of the College of Policing’s Code of Ethics in the force.

2.13 The Police Superintendents’ Association of England and Wales (PSAEW) told the Committee that:

*“chief officers need to be responsible for not only setting the culture from above, but supporting and shaping the culture below, and additionally ensuring alignment between the two”.*<sup>73</sup>

2.14 This point correlates with interim findings from the College of Policing Leadership Review which said: “those at the top of an organisation have significant influence over the culture and behaviours displayed by the rest of the workforce”. The review states:

*“encouraging the involvement of chief officers in adopting professional development and applying the best recruitment and selection practices is a crucial strategic element of driving change”.*<sup>74</sup>

72 College of Policing. Chief Officer misconduct in policing. An exploratory study. 2015. [http://whatworks.college.police.uk/Research/Documents/150317\\_Chief\\_officer\\_misconduct\\_FINAL\\_%20REPORT.pdf](http://whatworks.college.police.uk/Research/Documents/150317_Chief_officer_misconduct_FINAL_%20REPORT.pdf). p.80

73 Committee of Standards in Public Life. Stakeholder meeting, Police Superintendents Association. 2015

74 College of Policing. Leadership Review Interim report. 2015. [http://www.college.police.uk/What-we-do/Development/Promotion/the-leadership-review/Documents/CoP\\_Leadership\\_Review\\_Interim\\_report.pdf](http://www.college.police.uk/What-we-do/Development/Promotion/the-leadership-review/Documents/CoP_Leadership_Review_Interim_report.pdf). p.15

**2.15** However adhering to the Leadership Principle, and thereby exemplifying high standards, is the responsibility of all police officers and staff. The HAC explains that despite the police being “a hierarchical organisation”, a “high degree of independence and responsibility” ensures ethical standards and behaviours are displayed by every individual within the force.<sup>75</sup>

**2.16** The College of Policing’s Code of Ethics sets out the ethical principles and standards in policing. The preamble to the Code explains:

*“the legal status of the Code of Ethics applies to the police forces maintained for the police areas of England and Wales and relates specifically to chief officers in the discharge of their functions.”<sup>76</sup>*

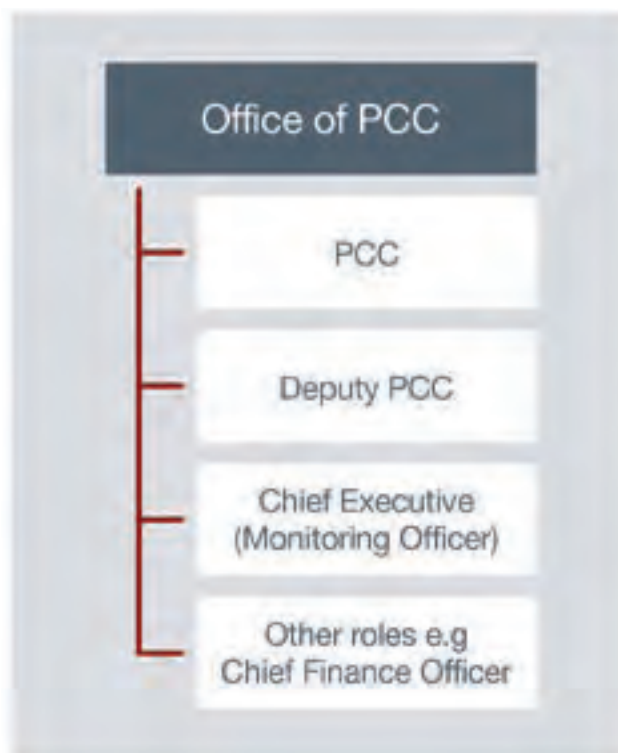
**2.17** While it is the Chief Constable’s responsibility to ensure that the Code is genuinely embedded, promoted and sustained, it is also the individual responsibility of officers and staff personally to adhere to the Code.

**2.18** The Committee emphasises the need for the Code to be espoused at all levels and particularly by those supervising frontline operations. In any organisation, but particularly in a hierarchical organisation like the police, values and behaviours are conditioned and reinforced by what happens in the immediate peer group and team surroundings.

## Police and Crime Commissioners

**2.19** The PCC has overall leadership responsibility for the PCC’s Office. The management structure of the Office of the PCC (OPCC) is shown in the diagram below.

**Figure 8:**  
Office of the PCC leadership structure



Committee on Standards in Public Life, 2015

<sup>75</sup> Home Affairs Committee. Leadership and standards in the police. Third report of Session 2013-14. HC 67-1.1 July 2013. p 8

<sup>76</sup> College of Policing. Code of Ethics, A Code of Practice for the Principles and Standards of Professional Behaviour for the Policing Profession of England and Wales. 2014. [http://www.college.police.uk/What-we-do/Ethics/Documents/Code\\_of\\_Ethics.pdf](http://www.college.police.uk/What-we-do/Ethics/Documents/Code_of_Ethics.pdf). p.1

- 2.20** All PCCs take an oath when accepting their role.<sup>77</sup> Under the oath the PCC pledges to lead policing for the people. This commitment means that PCCs are not only responsible for upholding their own ethical standards and those of their Office in line with the Seven Principles of Public Life, but also those of the Chief Constable.
- 2.21** The Committee's consultation paper asked what the key responsibilities of PCCs as ethical leaders were, how these were being managed and what could be improved. Respondents from all stakeholder groups agreed that it was the responsibility of the PCC to set out a clear vision for the public as to what ethical policing looked like in their police force. Responses highlighted ways in which PCCs were demonstrating ethical leadership, such as adopting the Code of Ethics or a code of conduct, adhering to the Seven Principles of Public Life or following an ethical framework overseen by an ethics board or committee.
- 2.22** Some PCCs have voluntarily chosen to adopt the College of Policing's Code of Ethics as a means of upholding high ethical standards in policing. For example, the Code has been adopted by the South-west Regional PCCs comprising five PCCs from police areas across the region<sup>78</sup>. The South-West Regional PCCs state that the Code has been adopted to, "assure the public of the standards we expect from our police service".<sup>79</sup>
- 2.23** Alternative codes of conduct have been drawn up by PCCs for Lincolnshire, Cheshire, Norfolk, Sussex, and West Mercia and Warwickshire. These codes variously incorporate the Seven Principles of Public Life, elements of the Policing Protocol, the PCCs' oath, the College of Policing's Code of Ethics, and are in line with the APCC's Ethical Framework<sup>80</sup>. The APCC Ethical Framework (set out in appendix D) is an overarching framework to guide PCCs in setting out their key principles of ethical behaviour. Adherence to the framework by PCCs is advised but voluntary. The Committee was in June 2015 advised by the APCC that the vast majority of PCCs had put in place an ethical framework or a code of conduct.<sup>81</sup>
- 2.24** The Committee questions whether the voluntary nature of the APCC Ethical Framework is a strong enough mechanism to ensure that high ethical standards are met. The Committee considers that a code of conduct is necessary to ensuring that the Seven Principles of Public Life are properly understood and become integral to the conduct of individuals and the culture of organisations. A code of conduct is needed to provide clarity as to the standards of conduct and behaviour that are expected. It provides transparency for the public and forms a basis for redress when they consider the standards of conduct and behaviour have not been met.
- 2.25** The Committee acknowledges the benefit of having locally adapted codes of conduct for PCCs, but also recognises the need for an agreed minimum standard of what is required nationally to provide assurance of high ethical standards. The Committee therefore recommends that:

## Recommendation 1

The Association of Police and Crime Commissioners, working with the Association of Policing and Crime Chief Executives should develop a nationally agreed minimum code of conduct by the end of 2015, which all current PCCs should publicly sign up to by then, and all future PCCs on taking up office.

<sup>77</sup> See chapter 3, p.52

<sup>78</sup> Avon and Somerset Police and Crime Commissioner website. 2015. <http://www.avonandsomerset-pcc.gov.uk/News-and-Events/News-Archive/2013/December/South-west-signs-up-to-new-police-code-of-ethics.aspx>.

<sup>79</sup> Avon and Somerset Police and Crime Commissioner website. 2013. <http://www.avonandsomerset-pcc.gov.uk/News-and-Events/News-Archive/2013/December/South-west-signs-up-to-new-police-code-of-ethics.aspx>

<sup>80</sup> Information drawn from Police and Crime Commissioner websites and online documents. 2015. <http://www.lincolnshire-pcc.gov.uk/Transparency/Information-about-the-Police-and-Crime-Commissioner.aspx>, <http://www.cheshire-pcc.gov.uk/Home.aspx>, [http://www.norfolk-pcc.gov.uk/documents/OPPCN/policies/codes\\_of\\_conduct/CodeOfConductStaff.pdf](http://www.norfolk-pcc.gov.uk/documents/OPPCN/policies/codes_of_conduct/CodeOfConductStaff.pdf), <http://www.sussex-pcc.gov.uk/the-pcc/transparency/>, <http://www.warwickshire-pcc.gov.uk/key-information/policies-procedures/code-of-conduct-pcc/>

<sup>81</sup> Committee on Standards in Public Life. 2015. Stakeholder meeting, APCC

- 2.26** The Committee believes that induction is an important moment in which to help guide the ethical behaviour of newly elected office holders at the earliest opportunity<sup>82</sup> and provide them with the awareness, understanding and capability needed to fulfil their role in representing the public and upholding the Seven Principles of Public Life.
- 2.27** The next PCC election will take place in 2016. Turnover will mean training and induction is required for the newly elected PCCs. The Committee expects that learning from the existing cohort of PCCs will be captured and incorporated in any training and induction programme for new PCCs. The Committee accordingly recommends that:

## Recommendation 2

PCCs and their Deputies should receive an ethical component as an essential part of their induction. While this should be locally tailored and delivered it should cover the Seven Principles of Public Life, the Association of Police and Crime Commissioner's Ethical Framework and the College of Policing's Code of Ethics. This is to provide an understanding of ethics in practice and the role of PCCs as ethical leaders, promoting and modelling the high standards of conduct for which they hold others to account.

## Deputy PCCs

- 2.28** The PCC can appoint a Deputy PCC. This is a political appointment, analogous in a certain sense to a Minister's appointment of a special adviser. However, unlike a special adviser, a Deputy PCC is not bound by a code of conduct, and no such national code yet exists. In contrast, the code of conduct for special advisers sets out the standards of conduct required, and defines the parameters of their relationship with civil servants, the media and their involvement in politics.<sup>83</sup> On appointment the Deputy PCC is a member of the PCC's staff and the PCC can delegate certain functions to the Deputy. However it is the Chief Executive who fulfils the statutory function of Head of Paid Service. The Committee heard evidence that greater clarity in defining the parameters of the relationship between the Deputy PCC and other employees of the PCC in such a code or accompanying protocols was needed.

## Recommendation 3

A Deputy PCC should be subject to the same mandatory national minimum code of conduct as PCCs and publicly available protocols should be in place for their relationships with other employees of the PCC.

## PCCs' standalone role

- 2.29** Despite the support that some PCCs receive by appointing a Deputy, the position of a PCC is fundamentally a standalone role. This has been described as "monocratic".<sup>84</sup> The powers available to PCCs as elected individuals, which are greater than those held corporately by Police Authorities, create a level of asymmetry within policing accountability, shown illustratively in figure 9. While most respondents agreed that this undoubtedly provides a clearer line of accountability, there are inherent risks in any model which concentrates substantial powers in the hands of just one individual, who in the case of a PCC, also has one-on-one oversight of the Chief Constable.

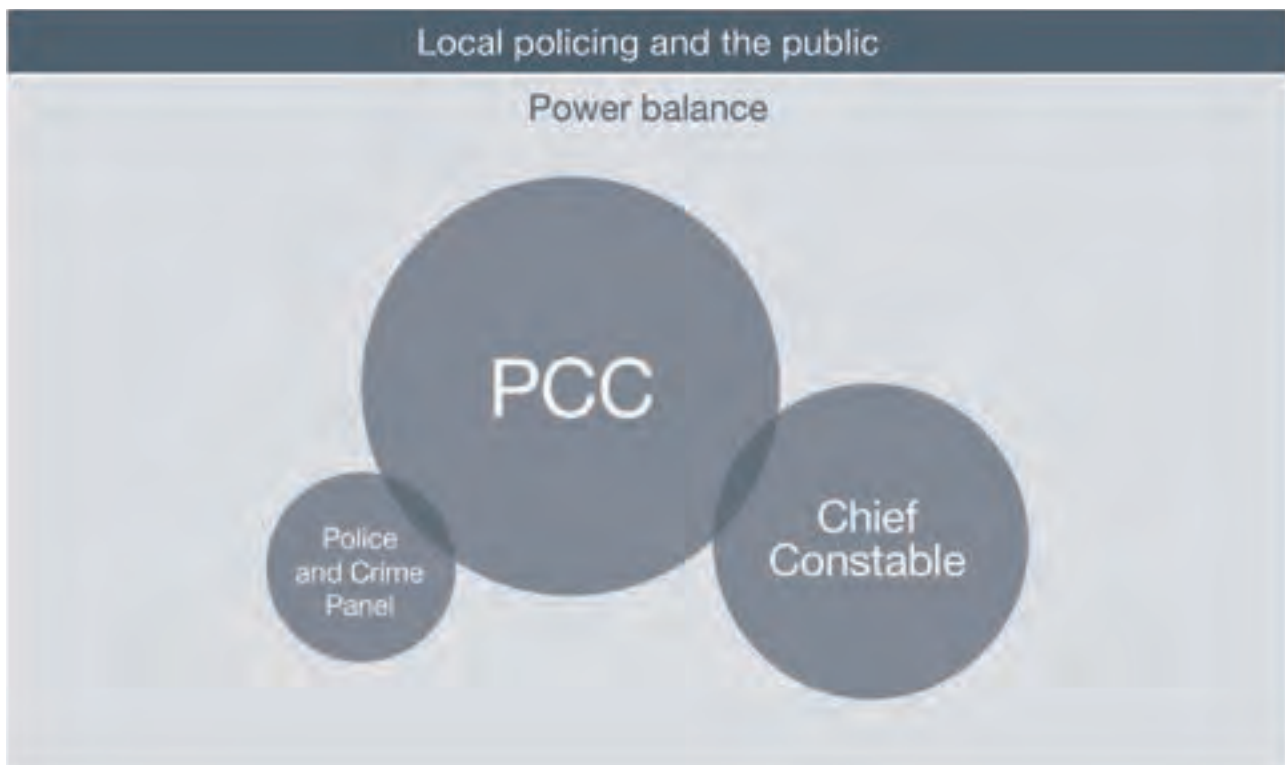
82 Committee on Standards in Public Life. *Ethics in Practice: Promoting Ethical Conduct in Public Life*. 2014. [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/336976/2902536\\_CSPL\\_EthicsInPractice\\_acc.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/336976/2902536_CSPL_EthicsInPractice_acc.pdf)

83 Cabinet Office. *Code of conduct for special advisers*. 2010. <https://www.gov.uk/government/publications/special-advisers-code-of-conduct>

84 Ev49 written submission from Professor John Raine

**Figure 9:**

The balance of power in the model of local policing accountability



Committee on Standards in Public Life, 2015

- 2.30** During the inquiry the Committee heard concerns about the potential leadership and accountability challenges presented by the apparent imbalance of power. The Association of Democratic Services Officers commented: “given the role of the PCC as a single individual in direct control of local policing, crime strategy and a significant budget, the current public accountability structure feels insufficient.”<sup>85</sup>
- 2.31** Chapter 3 considers the role of the Police and Crime Panel as a check and balance for the ‘monocratic’ PCC, but it is worth noting here that the Panel can decide to scrutinise both the ethical standards of the PCC and the PCC’s role in holding the Chief Constable to account for embedding the Code of Ethics. There should be no confusion in the terms of reference between Panels and separately constituted Ethics Committees (discussed later in the chapter). Both bodies can play a useful role in promoting and supporting high standards of behaviour.
- 2.32** The Committee has also heard that other individuals in leadership roles, such as Monitoring Officers, Chief Finance Officers and Chairs of Audit Committees, can support the PCC as an ethical leader and act as a constructive challenge, or counter-balance to the ‘monocratic’ nature of the PCC role. These roles are discussed in the following sections of the chapter.

## Monitoring Officer and Chief Finance Officer

- 2.33** The Act requires a PCC to appoint a Chief Executive and a Chief Finance Officer. Both roles are politically restricted and appointments must be made on merit. The Chief Executive supports and advises the PCC in delivering the manifesto, carrying out duties and as the Head of Paid Service managing the day-to-day running of the office. The Chief Executive also holds the role of Monitoring Officer. The Monitoring Officer has a statutory duty to report to the PCC if it appears that any proposal, decision or failure within the organisation has broken, or is likely to break, the law or a code of practice. A copy of the report must also

<sup>85</sup> Ev2 written submission from the Association of Democratic Services Officers



be sent to the Police and Crime Panel. The Monitoring Officer is therefore a check on ensuring that the PCC, or anyone acting on the PCC's behalf, acts lawfully.

- 2.34** The combined role of Chief Executive and Monitoring Officer is unusual. It is contrary to the position in local government where the roles are carried out by different individuals, in MOPAC where the Greater London Authority Monitoring Officer has a residual role, or in a company when the company secretary would perform a similar role as distinct from the Chief Executive. The Committee is concerned that the combined role, which merges executive and ethical responsibilities, presents an ethical risk, particularly as the Chief Executive is appointed, performance monitored and can be dismissed solely by the PCC. As a consequence, both parties are placed in a vulnerable position where conflicts of interest may arise.
- 2.35** Chief Executive and Monitoring Officer roles carry different responsibilities. Tensions between the roles may occur, for example when the PCC wants to pursue a course of action at the limits of their powers or which tests the legislative framework. Another specific responsibility of the Monitoring Officer is to provide advice to the Police and Crime Panel on complaints against the PCC. This could place the individual in an adversarial position with their employer, particularly in a political environment where the only avenue available to them would be to make a complaint themselves to the Police and Crime Panel. This route may be further complicated by any political allegiances of the PCC and members of the Police and Crime Panel. It is important that senior officers are able to 'speak truth unto power.' The ethical risk is exacerbated by the fact that there is no equivalent statutory protection on dismissal as afforded to local authority Chief Executives, Monitoring Officers and Chief Finance Officers (CFO).<sup>86</sup>
- 2.36** The CFO role has similar legal duties and responsibilities relating to unlawful or potentially unlawful spending by the PCC or those acting on the PCC's behalf. Similarly, the CFO of the Chief Constable is subject to the same legal duties and responsibilities in relation to the Chief Constable. The Committee has heard that an effective working relationship based on openness and trust between the two CFOs and the Chief Executive (and the Force Solicitor and Head of Legal Services) is essential – standards of behaviour can have financial consequences. The Committee heard evidence that successful relationships provide a supportive structure through which these officers can discuss issues and triangulate their thinking.
- 2.37** The statutory duties of the two CFOs are largely identical and, "there is a reciprocal duty on both to support the other in the execution of their duties in relation to policing matters."<sup>87</sup> However, it should be noted that this element of support is lost if the Chief Constable and PCC decide to appoint a Joint CFO – something that is discussed further in chapter 4.
- 2.38** The Financial Management Code of Practice ('Code of Practice') for police forces requires a scheme of governance to be prepared by the PCC, advised by the CFO and in consultation with the Chief Executive, the Chief Constable and police force CFO. This sets out the powers and functions to be exercised both in relation to entering into contracts and disposing of property and also to achieving the objectives of the Police and Crime Plan and delivering efficient and effective policing. The Committee has seen several codes and schemes of governance which adopt a similar template. The Home Office guidance for PCCs *Have you got what it takes? Delivering through your Chief Executive and Monitoring Officer* also refers to the need for the Chief Executive, Chief Constable and PCC to agree effective governance structures, arrangements and instruments to ensure legal compliance.
- 2.39** The Committee concludes that Chief Constables and PCCs should put in place a Memorandum of Understanding setting out their ways of working, a shared understanding of key issues such as matters which amount to a decision of 'significant public interest'<sup>88</sup>, and the role of statutory officers. This memorandum can be accompanied by a separate Monitoring Officer protocol setting out how statutory requirements will operate and the agreed working arrangements.

<sup>86</sup> Although we note these statutory protections have been eroded as a result of the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015 No 881 which came into force on 11 May 2015

<sup>87</sup> Home Office. Financial Management Code of Practice for the Police Forces of England and Wales. October 2013, p. 8, para 4

<sup>88</sup> See chapter 3, p.61



- 2.40** The Committee is of the view that such arrangements are an essential safeguard of the statutory officer's role, a role which reinforces high ethical standards, probity and good governance. The Committee recommends that:

### Recommendation 4

The Association of Police and Crime Commissioners, Association of Policing and Crime Chief Executives, the National Police Chiefs' Council and Local Government Association should work collaboratively to produce a model Memorandum of Understanding between the PCC and Chief Constable to include working arrangements and recognition of the role of statutory officers and a supporting statutory officer protocol.

- 2.41** The Committee is aware that the Society of Local Authority Chief Executives and Senior Managers (SOLACE) has issued a call for evidence on a local public sector code of ethics, intended to be an overarching statement of ethics based on values and behaviours.<sup>89</sup> The code is intended to be applicable to all those who hold managerial leadership roles in local public services led by locally elected politicians, including the statutory officers of PCCs. The Committee supports this initiative and considers that any code, once developed, could sit alongside the Memorandum of Understanding and statutory officer protocol.

## Audit Committees: independent advice and governance assurance

- 2.42** The PCC and Chief Constable are required under the Code of Practice to establish an independent Audit Committee. It recommends that this requirement is met through a shared body between the PCC and Chief Constable. Since November 2012 joint Audit Committees have been established by all PCCs and Chief Constables. The Code of Practice sets out the role of these committees, which consider internal and external audit reports and advise on good governance principles and risk management arrangements. The Code of Practice makes recommendations concerning committee membership, representation and terms of reference.
- 2.43** The Committee initially queried whether a joint Audit Committee might find themselves arbitrating disagreements between the PCC and Chief Constable. The evidence received showed that the joint Audit Committee arrangements are working well in practice. No evidence was submitted to the Committee to indicate that conflicts of interest have arisen. This reflects the findings of a survey by Grant Thornton of senior people from within the police sector which found that:
- Over 90% agreed or strongly agreed they were satisfied Audit Committee allocates sufficient time to the business of both organisations to provide appropriate assurance on key issues and risks; and
  - The majority agreed that both the PCC and Chief Constable or an immediate report, meets regularly with the chair of the Audit Committee to discuss risks and assurances.<sup>90</sup>
- 2.44** The Grant Thornton report provides useful guidelines for an effective Audit Committee including ensuring clarity of purpose through agreed terms of reference, regular dialogue with both parties, a plan of work, a skilled chair and varied membership.
- 2.45** Joint Audit Committees clearly have a role to play in providing independent advice, governance assurance and supporting the Chief Constable and PCC and their officers in making effective decisions and in enhancing public trust and confidence in the governance of the Office of the PCC and the police force.
- 2.46** To provide assurance to the PCC and Chief Constable and the public that it is undertaking its responsibilities, Cleveland Joint Audit Committee, like some others, has published an Annual Report. The report includes the committee's terms of reference, details of its members, confirmation that they have

<sup>89</sup> SOLACE. Code of ethics consultation. 2015. <http://www.solace.org.uk/press/2015-05-08-code-of-ethics-for-local-public-service-senior-man/>

<sup>90</sup> Grant Thornton. Police reform: a developing picture. April 2014. p. 9-11

signed a code of conduct based on the Seven Principles and details of training received. The report goes on to set out the external and internal audit work undertaken in the year and other relevant matters. The Committee commends this practice and recommends that others follow suit:

## Recommendation 5

Joint Audit Committees should publish an Annual Report in a form that is easily accessible to the public.

## The role of leadership in embedding the College of Policing's Code of Ethics

**2.47** This section highlights ways the Committee has seen police leaders embedding the Code of Ethics as a means of promoting, reinforcing and supporting the highest standards in policing.

"The Code of Ethics is essential for public trust, and public trust is central to the success of the force"

Former Northumbria Chief Constable

- 2.48** An amendment<sup>91</sup> to the Police Act 1996 makes the Code of Ethics applicable to all members of the police force and places an additional responsibility on chief officers and leaders to promote and reinforce the Code amongst the wider force. The same expectation is not applicable to PCCs.
- 2.49** The College of Policing acknowledges that adopting of the Code of Ethics is not a legal requirement for PCCs, although some PCCs may choose to do so.<sup>92</sup> The College of Policing has made clear that it is not averse to PCCs developing an alternative to the Code of Ethics, provided it is based on the policing principles and applicable to non-police force staff.<sup>93</sup>
- 2.50** The Committee was told by one Chief Executive during the inquiry that the College of Policing's Code of Ethics was suitable for police forces and has good underlying principles but was not applicable to the PCC and OPCC, so the PCC should adhere to their own code of conduct. Another Chief Executive had told the Committee of the difficulty associated with applying the Code of Ethics to some members of the OPCC who were police staff and others who were not.<sup>94</sup>
- 2.51** A number of consultation responses received from police forces, Police and Crime Panels, PCCs, an academic and member of the public suggested that the joint adoption of the Code of Ethics was an effective way to ensure accountability and promote and sustain ethical values in policing.
- 2.52** The Police Superintendents' Association of England & Wales (PSAEW) shared with the Committee evidence from the Thames Valley police force about their experience embedding the Code of Ethics. Learning from Thames Valley in identifying 'what works' and 'what hurts' is shown below.

91 Police Act 1996, c16. <http://www.legislation.gov.uk/ukpga/1996/16/section/39A>

92 Ev16 written submission from College of Policing

93 Committee on Standards in Public Life. Stakeholder meetings. 2015

94 Ibid

Thames Valley research – Code of Ethics <sup>95</sup>	
What works	What hurts
Value-based approach to ethics programmes	
Ethical culture, supported by ethical programme	Standalone ethical programme
Ethical discussion and rewarding ethical behaviour	Too much focus on punishing lack of compliance to the Code Unquestioning obedience
Focus on colleagues or society	Focus on self-interest
More time for decision-making promotes ethical behaviour	Rushed decision-making encourages unethical behaviour
Challenging unethical practice	Ignoring unethical practice
Peer influence (positive)	Peer influence (negative)
Thoughtful implementation of goals and targets	Carelessly implemented goals and targets
Regularly reinforcing ethical behaviours	
Immersive ethical training	
More important for people to know that the organisation is fully committed to the Code, rather than knowing all the content of the Code of Ethics	
Moral reasoning by leaders	
Fairness and respect	

**2.53** Thames Valley research found that the most effective codes are part of a broader programme of culture change and should be regularly reinforced and monitored. These findings demonstrate what the Committee has long argued – that a code of conduct alone is not sufficient for genuine culture change. Its principles and standards should demonstrably underpin decision-making and behaviour, be supported by relevant organisational policies, processes and procedures, which are complied with, and appropriate training or disciplinary proceedings taken where there is non-compliance.

**2.54** Visible championing and demonstrable Leadership by the Chief Constable is integral to ensuring the Code of Ethics is embedded. The same is required of PCCs in order for them to have credibility in holding the Chief Constable to account for maintaining high standards of behaviour required of them and their force.

<sup>95</sup> Thames Valley Research provided by the Police Superintendents' Association to the Committee on Standards in Public Life. 2015

## Code of Ethics in Merseyside<sup>96</sup>

During the inquiry the Committee were told by a number of stakeholders of the achievements in Merseyside in embedding the Code of Ethics. As a result the Committee spoke to Joanne Liddy, Chief of Staff at Merseyside Office of the PCC about the reasons for Merseyside's success.

### Merseyside Police Force

Merseyside's Chief Officer team decided that the Code of Ethics would be embedded alongside an existing campaign. The 'Just Campaign', which has become known as the 'Just Trilogy', includes three integrated campaigns 'Just Think', 'Just Talk' and 'Just Lead'. It was established by Chief Constable Jon Murphy, when joining the force in 2012. Joanne told that Committee that: *"the campaign, which has become the 'policing style' for Merseyside Police, embeds integrity, decision-making and leadership within the force"*.

The Committee heard how some staff and officers were initially confused by the purpose of the College of Policing's Code of Ethics. Face-to-face meetings allowed them to ask questions and clarify that the Code's purpose was to reinforce the good behaviours already present, to promote high standards in policing and ensure every individual was responsible for maintaining these standards.

The Merseyside police force holds monthly roadshows as a mechanism to assure the Code is properly and practically embedded. Approximately 2500 officers and staff have attended the most recent round of 22 road shows. The roadshows provide an opportunity to have direct contact with the Chief Constable, chief officers and the PCC. The roadshows focus on the role of leadership within the force and ensuring the right decision can be made.

Merseyside's adoption of the Code of Ethics has been recognised by HMIC<sup>97</sup> as good practice. Joanne Liddy told the Committee that: *"the force's approach to the Code of Ethics is very successful, because of the focus on what the code genuinely means in practice and the requirement for everyone to evidence this in their personal behaviour on a day-to-day basis"*.

### Merseyside Office of the PCC

The Office of the PCC has created its own vision and values which are very similar to the Code of Ethics.

The Merseyside PCC uses adherence to the Code of Ethics as a practical way of holding the Chief Constable to account by attending the roadshows and via the PCC's quarterly meetings, when the force is publicly scrutinised. The quarterly meetings have included presentations from the force and Audit Committee regarding the embedding of the Code of Ethics.

Accountability is also achieved by the PCC Chief of Staff's attendance as an independent member on the force's staff dismissal appeal panel. Dip sampling of police complaints is undertaken by the Office of the PCC monthly for assurance of the process. The Office of the PCC also monitor public correspondence to the police force and the force's handling of this.

- 2.55** Other mechanisms employed by PCCs to hold the Chief Constable to account include the monitoring of whistleblowing procedures and complaints and the role exercised by PCCs in monitoring crime statistics (these mechanisms are discussed in more detail later in the report). The Cheshire PCC explained how he proactively required an annual integrity review by the CFO to provide assurance to the PCC that chief officers were demonstrating the highest levels of integrity.<sup>98</sup>

96 Committee on Standards in Public Life. Stakeholding meeting with Merseyside Office of the PCC. 2015

97 HM Inspectorate of Constabulary. Police Integrity and Corruption Merseyside Police. 2014  
<https://www.justiceinspectorates.gov.uk/hmic/wp-content/uploads/merseyside-crime-and-integrity.pdf>

98 Ev12 written submission from Cheshire Police and Crime Commissioner

- 2.56** Some PCCs have established Ethics Committees. Summarised below is an example of how Greater Manchester PCC and Chief Constable established an Ethics Committee as a means of implementing and monitoring ethical standards in the police force. Background information on Ethics Committees can be found in appendix E.

### Greater Manchester Ethics Committee

The Ethics Committee is a collaborative effort between the PCC and Chief Constable, “to help build trust and confidence”.<sup>99</sup> The Ethics Committee met for the first time in June 2014.

Underpinned by principles of integrity and transparency, ethical policing and scrutiny, it is the aim of the Ethics Committee to ensure that all police officers and staff: “maintain the highest standards of ethical and professional standards at all times”.<sup>100</sup>

The Ethics Committee was set up to deal with both thematic policing issues and daily ethical issues faced by members of the force, but not to handle individual cases against officers.

The Committee is chaired by the Bishop of Manchester and consists of a further 12 members. Collectively the Committee members contribute a range of experience such as policing and crime, human rights, diversity and equality, community cohesion and health. The Deputy Chief Constable of Greater Manchester police also attends the Ethics Committee meetings, not as a member, but as a police representative. The Deputy told the Committee that he considered the panel membership to be good and representative of the local community.

Bishop Walker told the Committee he was: “*very used to chiring committees, but this one is exceptional in combining both a depth and breadth of understanding of the issues with a real reach into the heart of the diverse communities that constitute Greater Manchester*”.

The Ethics Committee identifies a work programme and requests information from the police and other organisations on ethical issues. Some panel members take responsibility for gathering evidence before findings are brought back to the Ethics Committee for consideration. The use and impact of body worn cameras was the first thematic issue investigated.

The Police and Crime Panel indicated that it was keen to be informed of the Ethics Committee’s work once they had started reporting.

The Committee was told that the Ethics Committee’s output will be transparent because reports will be published. The public are not invited to the meetings due to the sensitivity of the issues discussed. Bishop Walker suggested that as the Ethics Committee matured an annual report would be a good tool for ensuring public transparency.

At the time of the Committee’s visit in February the members of the Greater Manchester Ethics Committee were exploring how best to measure their success and capture lessons learned. The Committee recently heard that the Ethics Committee has been reflecting on their success and learning so far.

- 2.57** Ethics Committees are still relatively new and their impact is yet to be known. However the Committee was recently updated on the progress of the Avon and Somerset Ethics Committee (discussed in appendix E) set up early this year. The emerging findings are discussed overleaf.<sup>101</sup>

<sup>99</sup> Tony Lloyd Police and Crime Commissioner Greater Manchester. 2015 <http://www.gmpcc.org.uk/down-to-business/ethics-committee-2/>

<sup>100</sup> Police and Crime Commissioner for Greater Manchester. Ethics Committee, A new way of approaching ethical standards in policing in Greater Manchester. 2014. <http://www.gmpcc.org.uk/wp-content/uploads/2014/03/PCC-Ethics-Committee-2014-NEW.pdf> p.1

<sup>101</sup> Update on Avon and Somerset’s Ethics Committee, provided by Professor MacVean of Bath Spa University. 2015

## Avon and Somerset Ethics Committee

In March 2015 Avon and Somerset Constabulary formally implemented an Ethics Committee (see appendix E). Since then two meetings have been held. Ethical dilemmas submitted to the Ethics Committee for the inaugural meeting included: naming police officers and staff at point of charge, considering the negative connotations associated with the term 'whistleblower' for officers and staff and whether drivers recorded as being over the legal drink drive limit should be named in local media on point of charge.

The first two meetings have found support from all members of the police force from the chief officers to front line officers and staff. Deliberation of ethical dilemmas has provided a new way of thinking, which individuals can apply to their daily decisions. So far the researchers argue that the Ethics Committee has shown that better decisions can be made by taking into account wider considerations, and the Code of Ethics can help facilitate positive challenge to decisions without the fear of repercussion between colleagues.

The Ethics Committee has created an environment that enables officers and staff to articulate logical and rational considerations and suggestions which are valid and well founded. The experience and expertise of the committee Chair along with engagement by senior management, has been supportive to the concept of constructive challenge. Early evaluation of the Ethics Committee has shown that members have found its implementation to have had a positive impact on their daily decision-making and to have enabled them to challenge in a constructive manner.

Three ethical dilemmas have already been presented for consideration at the next Ethics Committee, one relating to body worn cameras. The future progression of the Ethics Committee will be seen when the dilemmas considered are not purely reflective discussions, but require proactive suggestions regarding the decision-making process of the referrer.

- 2.58** These emerging findings are encouraging. The Committee considers Ethics Committees are an adjunct to, but not an answer to, embedding a standards culture. Nor are they part of the formal accountability system for holding Chief Constables to account. The Committee believes that the remit of Ethics Committees needs to be sharply focussed, and clearly differentiated from other groups such as Independent Advisory Groups. As new bodies in an already crowded landscape their effectiveness should be regularly reviewed.
- 2.59** To demonstrate their own ethical Leadership, and to effect a culture of high ethical standards in the police force which commands the public's trust and confidence, the Committee considers it important that PCCs set out how they will ensure the Code of Ethics is implemented locally in their police force. The Committee recommends:

### Recommendation 6

PCCs' responsibility for holding Chief Constables to account on behalf of the public should explicitly include holding the Chief Constable to account for promoting ethical behaviour and embedding the College of Policing's Code of Ethics. Each PCC's Police and Crime Plan should set out how they intend to do this, and their Annual Report should show delivery against the objectives set out in the plan.

# 3

## **Accountability**

### *The Seven Principles of Public Life*

*Holders of public office  
are accountable to the  
public for their decisions  
and actions and must  
submit themselves to  
the scrutiny necessary  
to ensure this*

# Chapter 3:

## Accountability

### Accountability and scrutiny

**3.1** Accountability is described by the Committee as:

*“holders of public office are accountable to the public for their decisions and actions to and must submit themselves to the scrutiny necessary to ensure this”.*<sup>102</sup>

**3.2** The meaning of accountability is discussed in appendix B.

**3.3** Scrutiny is an essential component of Accountability and integral to the conduct of individuals and culture of organisations. As the Committee’s First Report outlines, necessary scrutiny is independent, institutional and routine:

*“wherever there is scope for behaviour falling below the highest standards, then internal systems must be supported by independent scrutiny and monitoring. Part of this will be routinely performed by auditors, but in certain circumstances an independent body to oversee the framework within which actions are taken and to monitor compliance can be an important additional safeguard in maintaining public confidence.”*<sup>103</sup>

**3.4** This inquiry has considered whether the overarching arrangements for local policing accountability are effective and consistent with standards accepted as appropriate and applicable to those in public life.

**3.5** Under current arrangements:

*“the public accountability for the delivery and performance of the police service is placed into the hands of the PCC on behalf of their electorate. The PCC draws on their mandate to set and shape the strategic objectives of their force area in consultation with the Chief Constable. They are accountable to the electorate; the Chief Constable is accountable to their PCC. The Police and Crime Panel within each force area is empowered to maintain a regular check and balance on the performance of the PCC in that context.”*<sup>104</sup>

**3.6** This chapter looks at the key actors within the model of accountability: the PCC, the Police and Crime Panel, Chief Constable and the public. Their relationship to one another is shown in figure 10.

102 Committee on Standards in Public Life. The seven principles of public life.

<https://www.gov.uk/government/publications/the-7-principles-of-public-life/the-7-principles-of-public-life--2>

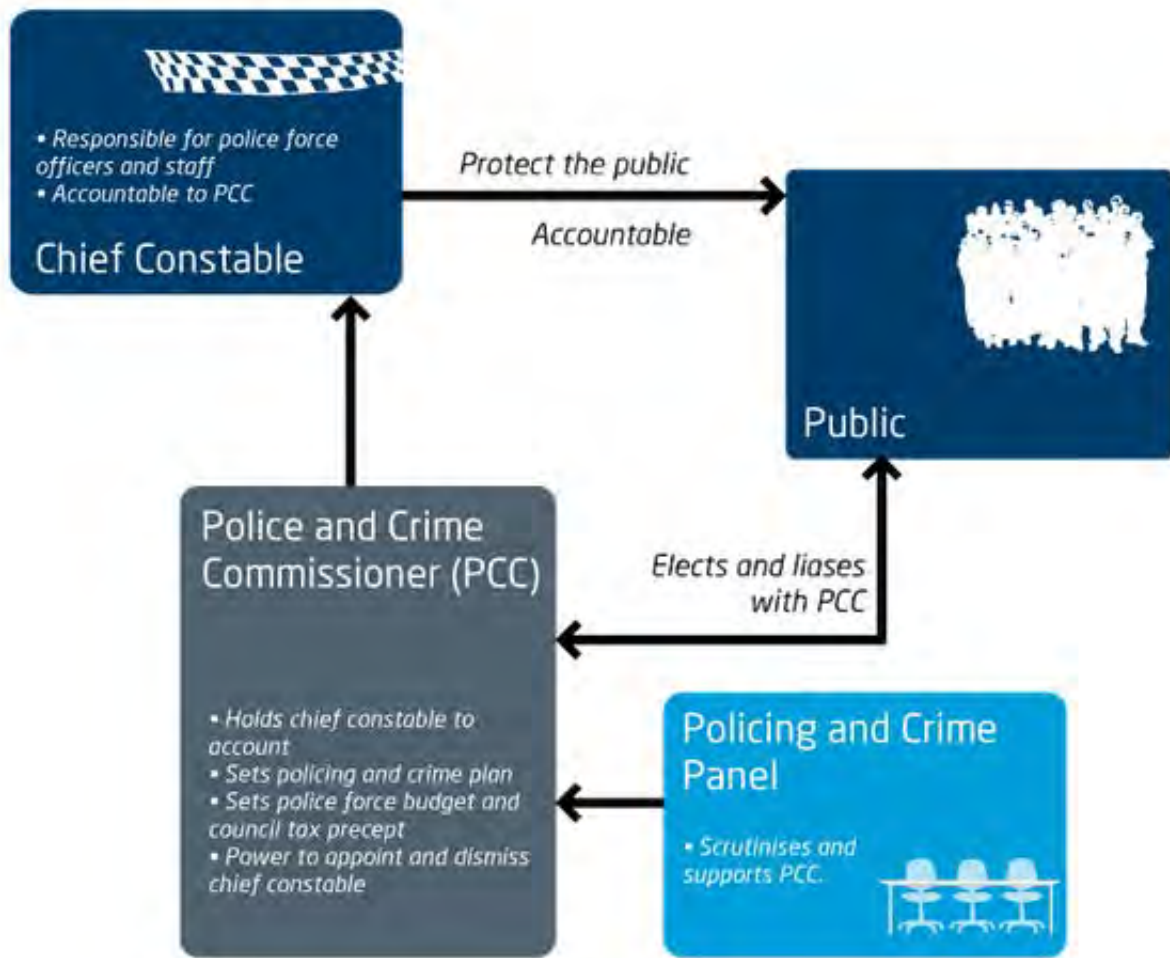
103 Committee on Standards in Public Life. First Report- MPs, Ministers, Civil Servants and Executive Quangos. 1995

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/336840/1stInquiry\\_Summary.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/336840/1stInquiry_Summary.pdf).

104 The Policing Protocol Order 2011. [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/117474/policing-protocol-order.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/117474/policing-protocol-order.pdf). p.3



**Figure 10:**  
ACPO representation of local policing accountability<sup>105</sup>



## The Police and Crime Commissioner

- 3.7** PCCs are elected, the aim being that the public could hold them directly accountable for, “how policing is delivered through their force”.<sup>106</sup> The intention was to “empower the public – increasing local accountability and giving the public a direct say on how their streets are policed”.<sup>107</sup>
- 3.8** PCCs replaced Police Authorities which were made up of 17 appointed members, including local councillors, independent members and Magistrates. The Police Authority had been responsible for the maintenance of an “efficient and effective police force”<sup>108</sup>, oversight of the performance of the police force and delivery of a policing strategy in agreement with the Chief Constable of the force. Many of the responsibilities of Police Authorities were passed directly to the PCC. It was argued that by moving from a large appointed authority to a standalone elected PCC, accountability would be streamlined – introducing more direct accountability between the PCC and the public and providing one visible figure responsible.<sup>109</sup>

<sup>105</sup> National Police Chiefs Council. 2015. <http://www.acpo.police.uk/About/Governance.aspx>

<sup>106</sup> Home Office. Policing in the 21st Century: Reconnecting the Police and the People. 2010 [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/118241/policing-21st-full-pdf.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/118241/policing-21st-full-pdf.pdf). p.3

<sup>107</sup> Ibid

<sup>108</sup> Association of Police and Crime Commissioners. Role of the PCC. 2015. <http://apccs.police.uk/role-of-the-pcc/>

<sup>109</sup> Home Office. Police and Crime Commissioners, one year on: warts and all. 2013 <https://www.gov.uk/government/speeches/police-and-crime-commissioners-one-year-on-warts-and-all>

- 3.9** PCC elections provide formal periodic democratic accountability on a four yearly cycle. In between elections the PCC is held to account through the provision of information which the public can scrutinise and may use to inform their choice at the next election.

### Democratic legitimacy

- 3.10** Democratic accountability in policing – through the ballot box – has a positive intent, but may be harder to achieve in practice. The legitimacy of the PCCs' democratic mandate has become the subject of criticism stemming from the poor electoral turnout across the country. The average turnout for the 2012 PCC elections was 15.1%. The Electoral Commission noted this was: "the lowest recorded level of participation at a peacetime non local government election in the UK".<sup>110</sup> In comparison local council elections in May 2013 had a turnout of 31%<sup>111</sup> and the London Mayoral election a turnout of 38%.<sup>112</sup> The Electoral Commission found that where PCC and other local elections were combined the turnout had been higher, in comparison to places where it was not.<sup>113</sup> Low turnout has continued to be an issue more recently with PCCs elections in the West Midlands and South Yorkshire where voter turnout was even lower at 10.4% and 14.65% respectively.
- 3.11** The government has committed to timing the 2016 PCC elections alongside other polls.<sup>114</sup> This is welcome. A recent referendum in Bedfordshire proposing an increase to the police precept was timed alongside the general election and recorded a significantly higher level of turnout of 60.38%, indicating a benefit in aligning electoral cycles.<sup>115</sup>
- 3.12** Some responses to the Committee's consultation identified the lack of alignment between electoral cycles and poor electoral turnout as representing a gap in democratic accountability.<sup>116</sup> However other evidence highlighted possible unintended consequences of aligning electoral cycles. In Avon and Somerset the Committee were told by Councillor Ashton that:

*"the last PCC election fell on the same day as [the] Bristol Mayoral election. This raised concern in the rural areas that the result may be skewed by the largest population centre. If future elections were to align to other election cycles (with Parish, Town, Unitary and general elections) this would be demanding, and risks politicising the PCC role if people were to vote on a common line in multiple elections."*<sup>117</sup>

- 3.13** The public research for this inquiry showed that the majority of people (53%) did not know that PCCs were elected, though more thought PCCs were elected than appointed by any other means, as shown in figure 11. More than a quarter of respondents said they did not know how PCCs were appointed. Just under half of the respondents (44%) said that they recalled the 2012 PCC elections.

110 The Electoral Commission. Police and Crime Commissioners elections in England and Wales. Report on administration of the elections held on 15 November 2012. [http://www.electoralcommission.org.uk/\\_\\_data/assets/pdf\\_file/0003/154353/PCC-Elections-Report.pdf](http://www.electoralcommission.org.uk/__data/assets/pdf_file/0003/154353/PCC-Elections-Report.pdf). p.6

111 The Electoral Commission. Local Elections May 2013. Report on the administration of the elections held in England and Anglesey on 2 May. <http://www.lgcplus.com/Journals/2013/07/15/f/b/l/Local-Elections-May-2013-report.pdf>

112 London Elects. Your London, Your Vote. 2012. <http://www.londonelects.org.uk/im-voter/results-and-past-elections/results-2012>

113 Rallings and Thrasher. The Electoral Commission. The 2012 Police and Crime Commissioners elections in England and Wales: aspects of participation and administration 2013. [http://www.electoralcommission.org.uk/\\_\\_data/assets/pdf\\_file/0005/154472/PCC-2012-electoral-data-Report.pdf](http://www.electoralcommission.org.uk/__data/assets/pdf_file/0005/154472/PCC-2012-electoral-data-Report.pdf)

114 Home Office. Government Response to the Electoral Commission reports on the 2012 PCC elections. 2013.

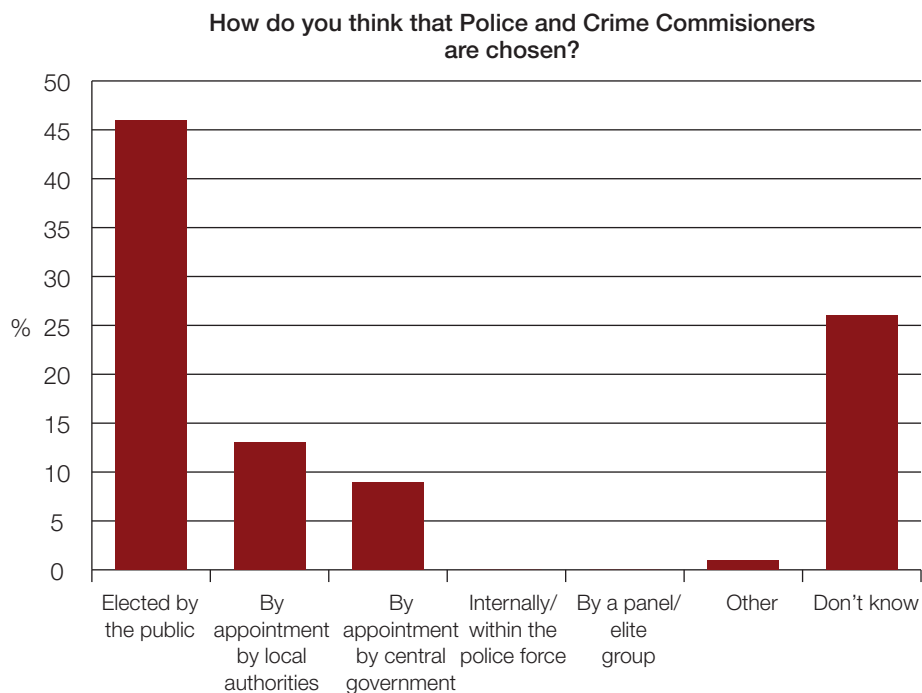
<https://www.gov.uk/government/speeches/government-response-to-the-electoral-commission-reports-on-the-2012-pcc-elections>

115 Luton on Sunday. 2015. <http://www.luton-dunstable.co.uk/Bedfordshire-Police-referendum/story-26479237-detail/story.html>

116 Ev49 written submission from Professor John Raine. Ev82 written submission from Siddhartha Bandyopadhyay

117 Committee on Standards in Public Life. Stakeholder meeting with Councillor Ashton, Avon and Somerset Police and Crime Panel chair. 2015

**Figure 11:**  
Public awareness of how PCCs are chosen



Committee on Standards in Public Life, 2015

**3.14** Whilst much of the evidence the Committee received supported the principle of democratic accountability through the ‘answerability’ of a visible person, the legitimacy of the democratic mandate of PCCs was questioned and there was a strong view from respondents that the current checks and balances in place were insufficient to hold the PCC to account.

“no system will be perfect, every system will have weaknesses and risks, so you strive for the one which has the best web of accountability.”

“having a PCC answerable to the public through democratic elections is an improvement to what it replaced” but that accompanying accountability standards in place for PCCs are too “light touch.”

Stakeholder on area visit

## Public scrutiny

**3.15** To account to the public, PCCs must provide information. Evidence has highlighted that public engagement by the PCC was central for them to be the “voice of the public”.<sup>118</sup> Most PCCs were confident that their engagement with the public, whether facilitated through regular face-to-face meetings or via social media, was an effective accountability mechanism. Derbyshire and Humberside PCC suggested that public

<sup>118</sup> The Police and Crime Commissioner Elections (Declaration of Acceptance of Office) Order 2012. Schedule 1, declaration of acceptance of office. <http://www.legislation.gov.uk/uksi/2012/2553/schedule/1/made>

engagement and good governance were key to their personal accountability outside of the election cycle.<sup>119</sup> The Lancashire Police Force also commented on the value and success of public engagement undertaken by the PCC in its police area.<sup>120</sup> PCC Julia Mulligan suggested that engaging with the community was in itself a form of transparency as the public provided “raw and real” feedback.<sup>121</sup>

- 3.16** Other respondents were less convinced. Nottingham City Council suggested public engagement had not been overly effective<sup>122</sup>, and the Institute of Chartered Secretaries and Administrators highlighted inconsistency in public engagement between PCCs and proposed the introduction of standards to address this<sup>123</sup>. The Association of Democratic Services Officers and the Police and Crime Panels for Suffolk and Devon and Cornwall commented that although public engagement was taking place its effectiveness was unknown<sup>124</sup>.
- 3.17** In addition to public engagement, PCCs are also required to publish certain specified information as a means of giving account to the public.<sup>125</sup> Some of the information is related to performance of duties, and some to transparency on matters such as expenses, gifts and hospitality. The public’s ability to scrutinise this information is affected by its consistency, complexity and accessibility.<sup>126</sup> Many Police and Crime Panels also thought that more could be done to improve the accountability of PCCs outside elections, especially by improving the transparency and quality of the information published. Chapter 5 looks at the principle of Openness and related issues of transparency in more detail. This chapter considers the redress available to the public if they are dissatisfied with the account given by their PCC.

### Acceptance of office

- 3.18** The accountability relationship between the PCC and public is formalised under Schedule 1 of the Police and Crime Commissioners Elections (Declaration of Acceptance of Office) Order 2012. This declaration [or oath] is pledged by the PCC when elected. They accept their role as PCC and “serve all the people.”<sup>127</sup> They make a commitment to act (on behalf of the public) with impartiality, integrity and transparency.<sup>128</sup> This is a key element of the policing standards framework.

119 Ev19 written submission from Derbyshire Police and Crime Commissioner. Ev43 written submission from Humberside Police and Crime Commissioner

120 Ev52 written submission from Lancashire Police Force

121 Committee on Standards in Public Life. Concluding roundtable, Julia Mulligan. 2015

122 Ev75 written submission from Nottingham City Council

123 Ev46 written submission from Institute of Chartered Secretaries and Administrators

124 Ev2 written submission from Association of Democratic Services Officers. Ev23 Devon and Cornwall Police and Crime Panel. Ev87 Suffolk Police and Crime Panel

125 The Elected Local Policing Bodies (Specified Information) Order 2011. [http://www.legislation.gov.uk/uksi/2011/3050/pdfs/ukxi\\_20113050\\_en.pdf](http://www.legislation.gov.uk/uksi/2011/3050/pdfs/ukxi_20113050_en.pdf)

126 Appendix H: Transparency desk research 2014

127 The Police and Crime Commissioner Elections (Declaration of Acceptance of Office) Order 2012. Schedule 1, declaration of acceptance of office. <http://www.legislation.gov.uk/uksi/2012/2553/schedule/1/made>

128 Ibid

**Figure 12:**  
The PCCs' declaration of acceptance of office

### The Police and Crime Commissioner Elections Order 2012

#### Schedule 1

#### Declaration of Acceptance of Office

I [Full Name] of [Place] do hereby declare that I accept the office of Police and Crime Commissioner for [Police Area].

In making this declaration, I solemnly and sincerely promise that during my term in office:

I will serve all the people of the [Police Area] in the office of Police and Crime Commissioner.

I will act with integrity and diligence in my role and, to the best of my ability, will execute the duties of my office to ensure that the police are able to cut crime and protect the public.

I will give a voice to the public, especially victims of crime, and work with other services to ensure the safety of the community and effective criminal justice.

I will take all steps within my power to ensure transparency of my decisions, so that I may be properly held to account by the public.

I will not interfere with the operational independence of police officers.<sup>129</sup>

- 3.19** The Committee heard that the need for an oath had not initially been recognised when the introduction of PCCs was first proposed. However, an oath was incorporated in legislation when the value and power of an individual PCC, “making a personal act of their public undertaking” was recognised.<sup>130</sup> An informal consultation<sup>131</sup> carried out by the Home Office on the draft oath suggested the wording of the oath was ambiguous, that it did not fully reflect the Seven Principles of Public Life and that it would need to be supported by a code of conduct to be meaningful.
- 3.20** Evidence to this inquiry argues that the oath should be given greater prominence by PCCs and used more proactively to hold PCCs to account by those who scrutinise them, such as Police and Crime Panels, the media and the public. The PCC oath sets a high bar against which any shortcomings can properly be judged and that PCCs who do not comply with their undertakings should be actively challenged to account for their actions.
- 3.21** Whilst the oath and its reference to integrity, accountability and transparency is welcome, the Committee does not consider the oath by itself to be sufficient. The Committee has recommended in chapter 2 that PCCs should, in line with all other public office holders, be required to sign up to a national minimum code of conduct. A code of conduct is an essential component in ensuring clarity as to the standards of conduct and behaviour expected by PCCs and giving the public – to whom they are accountable – a common yardstick to judge acceptable conduct.

129 The Police and Crime Commissioner Elections (Declaration of Acceptance of Office) Order 2012. Schedule 1, declaration of acceptance of office. <http://www.legislation.gov.uk/uk/si/2012/2553/schedule/1/made>

130 Committee on Standards in Public Life. Concluding roundtable. Fraser Sampson. 2015

131 Home Office. Consultation of the working of the oath or declaration of PCCs. 2013. GOV.UK.

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/170620/response-oath-PCCs\\_2.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/170620/response-oath-PCCs_2.pdf)

## Power of recall

- 3.22** There have been suggestions to introduce recall for PCCs as an additional form of democratic accountability. An MP can be the subject of a recall petition if they are sentenced to a prison term or suspended from the House of Commons for at least 21 sitting days.<sup>132</sup> The HAC has proposed that recall for PCCs could be triggered by a vote of no confidence in the PCC by the Police and Crime Panel or a local authority [or authorities] representing 50% or more of the population of the PCC area in question<sup>133</sup>. One PCC described recall as: “the big gap in accountability and a missed opportunity to put in place a powerful check against unethical behaviour.”<sup>134</sup>
- 3.23** There was, however, no consensus as to whether a power of recall is required or the mechanism by which it could be triggered. The Committee notes the APCC has provided a paper to the Home Office on what changes could be made to PCCs’ tenure of office, including any proposed powers of recall.<sup>135</sup>
- 3.24** The Committee maintains that accountability must be addressed continuously, transparently and in ways that command public confidence – not just tested periodically through elections. Day-to-day accountability involves proactive and demonstrable compliance with standards of conduct, propriety and performance, tested and verified by independent scrutiny, with failures addressed with appropriate and timely sanctions.
- 3.25** Recall arguably provides a visible mechanism for delivering accountability. However as the Parliamentary debate on recall for MPs has shown, the act of voting someone out of office requires a wider debate about the standards of conduct or matters of cause that should trigger recall, and who should determine that – the public or another body? There are also problematic issues regarding the minimum threshold for any recall, made more difficult given the low turnout for PCC elections.
- 3.26** The Committee considers introduction of recall a matter for Parliament. The Committee believes that should this power be introduced for PCCs, commonality relating to the thresholds and triggers to initiate recall will be required. This stance is in line with the Committee’s recommendation in chapter 2 for a national minimum code of conduct for PCCs to ensure consistency of standards.

## Ethical checklist

- 3.27** As discussed, the model of local policing accountability rests heavily upon democratic processes, and it is for voters to assess the standards of the PCCs. Other than the limited roles of Statutory Officers (see chapter 2) and of Police and Crime Panels (discussed in the followed sections of this chapter) there are no formal arrangements for oversight of the PCCs’ activities and conduct. This contrasts with most other holders of public office, including elected politicians. It places considerable weight upon the ballot box. It becomes all the more important therefore, that the public is well-informed about the performance of PCCs seeking re-election, especially in relation to ethical issues, and about the approach of all candidates seeking election to the post of PCC.
- 3.28** The Committee is keen to harness the democratic process as an important means of encouraging all current and future PCCs to adopt – and be seen to take seriously – the best practices which lie at the heart of the Committee’s recommendations addressed to them. With this in mind the Committee has drafted an Ethical Checklist to be used in conjunction with the PCC elections. The Checklist in figure 13 captures (in simple language and in Yes/No format) the essence of the main recommendations for PCCs. The Committee proposes that its Ethical Checklist should be incorporated into the booklet setting out addresses from each candidate, which the Electoral Commission has already recommended should be sent to electors by the relevant Police Authority Returning Officer<sup>136</sup>.

<sup>132</sup> Recall of MPs Act 2015. c. 25

<sup>133</sup> Home Affairs Committee Child sexual exploitation and the response to localised grooming: follow-up Sixth Report of Session 2014-15. 15 October 2014

<sup>134</sup> Ev89 written submission from Surrey Police and Crime Commissioner

<sup>135</sup> Ev3 written submission from Association of Police and Crime Commissioners Annex B

<sup>136</sup> The Electoral Commission’s Recommendation for improving access for electors to information about PCC candidates is included at page 55 of their Report on the administration of the PCC elections held on 15 November 2012. The checklist would become a requirement once the recommended changes have been made to paragraph 52 and Schedule 8 to the Police and Crime Commissioner Elections Order 2012 [http://www.electoralcommission.org.uk/\\_data/assets/pdf\\_file/0003/154353/PCC-Elections-Report.pdf](http://www.electoralcommission.org.uk/_data/assets/pdf_file/0003/154353/PCC-Elections-Report.pdf)

**3.29** The Committee believes that more should be done. In view of the relative imminence of the 2016 elections, the Committee intends to send the Ethical Checklist to all current PCCs and chief executives so that they are immediately aware of its content. On 18 April 2016 the Committee will then ask the chief executives to send the Checklist to all declared candidates for the post of PCC, with a request from the Committee for each candidate to publish their responses to the questions. At that time, the Committee will also encourage relevant media outlets (whether print, broadcast or social) to seek out and publicise such responses.

**Figure 13:**  
An Ethical Checklist for PCCs

### Ethical Checklist

1. Will your Police and Crime Plan for 2016-7 include a commitment to hold the Chief Constable explicitly to account for promoting ethical behaviour and embedding the College of Policing's Code of Ethics?
2. Will you publicly commit to abide by a code of conduct once that has been adopted by the Association of Police and Crime Commissioners?
3. Will you require the same of any Deputy you appoint?
4. When making appointments of Chief Constable, Deputy PCC or senior staff to your office will you ensure open and transparent appointment processes and include an independent external member on the appointing panel?
5. Will you publish, in an easily accessible format, details of your pay and rewards, gifts and hospitality received, your business interests and notifiable memberships?

Committee on Standards in Public Life, 2015

**3.30** The Committee additionally recommends that:

### Recommendation 7

The Police and Crime Commissioner Elections Order should be amended so that all candidates for the post of PCC should be required to publish their responses to the Committee's Ethical Checklist. For the May 2016 elections all candidates should be asked to consider and answer the Checklist and the Committee will be encouraging relevant media outlets to play their part in seeking out and publicising their responses.

## Chief Constables

**3.31** The Chief Constable is responsible in law for the "direction and control"<sup>137</sup> of the police force. The Chief Constable must exercise this duty: "in such a way as is reasonable to assist the relevant police and crime commissioner to exercise the commissioner's functions".<sup>138</sup> In the Policing Protocol 2011 it is stated that, "the Chief Constable is accountable to their PCC".<sup>139</sup>

**3.32** Like PCCs, Chief Constables [as do all police officers] take an oath under the Police Act 1996 when joining the force, pledging their accountability to the law.

<sup>137</sup> Police Reform and Social Responsibility Act. c.13. 2011. <http://www.legislation.gov.uk/ukpga/2011/13/section/2/enacted>

<sup>138</sup> Ibid

<sup>139</sup> The Policing Protocol Order 2011. [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/117474/policing-protocol-order.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/117474/policing-protocol-order.pdf)



**Figure 14:**  
The Police Act 1996, Schedule 4 – Form of declaration

**Police Act 1996**  
**Schedule 4: form of declaration**

I.....of.....do solemnly and sincerely declare and affirm that I will well and truly serve the Queen in the office of constable, with fairness, integrity, diligence and impartiality, upholding fundamental human rights and according equal respect to all people; and that I will, to the best of my power, cause the peace to be kept and preserved and prevent all offences against people and property; and that while I continue to hold the said office I will, to the best of my skill and knowledge, discharge all the duties thereof faithfully according to law<sup>140</sup>

**3.33** Chief Constable Cheer told the Committee:

*“police officers are accountable to more than the PCC, to the law and oath to a magistrate. There’s not another public servant with this kind of accountability. In most places this works well, but not all”.*<sup>141</sup>

**3.34** The Policing Protocol explains that:

*“it is expected by the Home Secretary that the professional discretion of the police service and oath of office give surety to the public that this shall not be compromised”.*<sup>142</sup>

**3.35** The Chief Constable is also held to account under the Seven Principles of Public Life and the College of Policing’s Code of Ethics.

**3.36** Lord Carlile commented that:

*“accountability is less about process, rank and supervision and more about the encounter of the police and the public, which takes us straight back to the Peelian principles”.*<sup>143</sup>

**3.37** Public scrutiny meetings and residents’ panels are channels by which the actions of the Chief Constable and police force are made visible to the public. The Committee heard that Northumbria PCC Vera Baird and Chief Constable hold a yearly public meeting in each of the local authority areas, as a way of ensuring public visibility and accountability. In Essex, the Chief Constable has established themed quarterly challenge meetings in public as an opportunity to present data and case studies on police performance.

**3.38** The relationship of accountability between the PCC and the Chief Constable is direct. The PCC appoints the Chief Constable, can suspend them, and request that they retire or resign to which they must comply. Under the former tripartite structure of accountability Chief Constables were held to account by the Police Authority. The Committee heard from one Chief Constable that they had observed the introduction of the new model of accountability to be a huge shock, and for some it remained so. The Chief Constable explained this was as result of introducing personal accountability between the PCC and Chief Constable that was “real and no longer distant”.<sup>144</sup>

**3.39** Holding the Chief Constable to account is a continuous process. The Police and Crime Plan is the primary mechanism used by the PCC to hold the Chief Constable to account. The Home Office explains that it is the responsibility of the Chief Constable to: “deliver the strategy and aims set out in the PCC’s police and crime plan”.<sup>145</sup> Home Office guidance states that: “a PCC can hold the Chief Constable to account for the

140 The Police Act, 1996. c.16. Schedule 1. Form of Declaration. <http://www.legislation.gov.uk/ukpga/1996/16/schedule/4>

141 Committee on Standards in Public Life. Concluding roundtable. Chief Constable Cheer. 2015

142 The Policing Protocol Order 2011. [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/117474/policing-protocol-order.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/117474/policing-protocol-order.pdf). p.6

143 Committee on Standards in Public Life. Concluding roundtable. Lord Carlile. 2015

144 Committee on Standards in Public Life. Area visits. 2014-2015

145 Home Office. Have you got what it takes?, Working and holding your Chief Constable to account. 2012

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/117469/chief-constable-to-account.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/117469/chief-constable-to-account.pdf)



performance of the force”<sup>146</sup> but the Chief Constable retains operational independence. The PCC is therefore reliant upon the Chief Constable’s provision of information regarding their own and their force’s performance. It is the responsibility of the PCC to interrogate information provided by the Chief Constable.

- 3.40** The Committee heard from the West Midlands PCC David Jamieson that a Strategic Policing and Crime Board had been established to ensure effective engagement, strategic direction and holding to account of West Midlands Police. Meetings are held in public. PCCs also have at their disposal the option to invite HMIC to inspect an aspect of a force at any point, providing them with further information and independent assessment on the Chief Constable’s performance.<sup>147</sup> The Committee was told by Northumbria PCC Vera Baird how that took place actively throughout the year in the form of observations at board meetings, feedback from stakeholders and regular business meetings, which fed directly into the Chief Constable’s annual appraisal.
- 3.41** In considering the accountability arrangements between the PCC and Chief Constable the Committee heard evidence about potential tensions between operational and strategic policing matters, the role of the Police and Crime Panel and the impact of personal relationships.
- 3.42** The operational independence of the police is “a fundamental principle of British policing”.<sup>148</sup> The Act places the police force under the direction and control of the Chief Constable, whereas the PCC sets the strategic objectives of the force. During the inquiry the Committee heard varying perspectives on whether the strategic responsibility of the PCC and the operational responsibility of the Chief Constable are sufficiently clear cut in definition and whether the lines of responsibility and accountability are blurred in practice.
- 3.43** John Graham from the Police Foundation argued that “we need to return to the basis of the policing protocol to successfully distinguish the operational from strategic”.<sup>149</sup> Graham suggested that more guidance was needed. In contrast Fraser Sampson, Chief Executive of the West Yorkshire OPCC told the Committee that existing guidance for operational policing was too detailed and that “keeping things simpler was better and operational understanding was intuitive”.<sup>150</sup>
- 3.44** It may not be the distinction between operational and strategic which is problematic, but rather the lack of explicit definition of operational independence. Operational independence is regarded as “fluid and context-driven”<sup>151</sup>. In terms of accountability the HAC questioned the effect of this limited definition when resolving an issue between the PCC and Chief Constable.<sup>152</sup> A subsequent HAC report suggested that in terms of strategic policing, the introduction of PCCs had actually introduced “greater clarity”.<sup>153</sup>
- 3.45** Regardless of where the lack of clarity lies internally, the Committee heard evidence of confusion amongst the public as to the respective roles and responsibilities of the PCC and Chief Constable and that this confusion was feeding through into the complaints system and was having an impact on their perceived accountability.<sup>154</sup>

146 Ibid

147 See for example, HMIC. Crime Recording in Kent. A report commissioned by the Police and Crime Commissioner for Kent. 2013

148 Constitution Committee. Fourteenth Report. Part 1 of the Police Reform and Social Responsibility Act. 4 May 2011

<http://www.publications.parliament.uk/pa/ld201012/ldselect/ldconst/143/14303.htm>

149 Committee on Standards in Public Life. Academic roundtable, John Graham The Police Foundation. 2015

150 Committee on Standards in Public Life. Concluding roundtable, Fraser Sampson. 2015

151 The Policing Protocol Order 2011. [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/117474/policing-protocol-order.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/117474/policing-protocol-order.pdf). p.7

152 www.parliament.uk. The role and powers of Police and Crime Commissioners. 2010

<http://www.publications.parliament.uk/pa/cm201011/cmselect/cmhaff/511/51106.htm>

153 House of Commons Home Affairs Committee. Police and Crime Commissioners progress to date. 2013-14

<http://www.publications.parliament.uk/pa/cm201314/cmselect/cmhaff/757/757.pdf> p.14

154 The majority of consultation responses highlighted that roles and responsibilities between PCCs and Chief Constables were not well understood by local communities

- 3.46** Responses from a range of academics, police forces, Police and Crime Panels and PCCs suggested that further distinction between the roles would help improve public understanding and reduce confusion. Staffordshire and Suffolk Police and Crime Panels confirmed the view that although operational responsibilities between the PCC and Chief Constable were clear to them, there was still confusion amongst the public. North Yorkshire Police and Crime Panel suggested that an unintended consequence of effective collaboration between the PCC and Chief Constable was that boundaries became blurred for the public. The Committee was told on an area visit to the West Midlands that the public was “totally confused” about the division between the PCC and Chief Constable.<sup>155</sup> In contrast Warwickshire, Northamptonshire and Humberside PCCs<sup>156</sup> stated that public understanding was good and continues to improve.
- 3.47** The Committee also heard how contact between the Police and Crime Panel and the Chief Constable could be a cause of disagreement. In Northumbria members of the Police and Crime Panel explained that the lack of a direct relationship with the Chief Constable prevented them gaining greater insight into the performance of the police force and adequately scrutinising the PCC’s success in holding the Chief Constable to account. The PCC was of the view that the Chief Constable was not required to attend the Panel’s meetings for this purpose. In Greater Manchester however the PCC told the Committee that the Chief Constable accompanied him to the Panel meetings.
- 3.48** The Warwickshire Police and Crime Panel chair said that he did not attend meetings of the PCC when the Chief Constable was held to account. This was a conscious decision in order to prevent crossing into operational matters, which he considered outside the remit of the Panel.<sup>157</sup>
- 3.49** In West Mercia and Warwickshire the strategic alliance between two police areas, which may increasingly be replicated elsewhere, adds a further dimension to the accountability relationship. The Committee heard how working to the same policy and procedures enabled the forces to operate more efficiently, whilst retaining their independence. The Chief Constable suggested that a move to a single force rather than two, would streamline the alliance further. The Committee asked whether overlapping lines of accountability between two Chief Constables and two PCCs could create problems, but were told that a situation had not yet arisen to test this.
- 3.50** The inquiry’s evidence highlights the degree to which the personal dynamic between the PCC and Chief Constable impacts on accountability. In Greater Manchester the Committee was told that the “shared philosophy” between the Chief Constable and PCC was extremely helpful.<sup>158</sup> The PSAEW told the Committee that some PCCs were engaging very well with their members and in such cases there was respect for lines of accountability. At the other end of the spectrum, the PSAEW also noted instances where constructive engagement did not take place and the two-way relationship required for effective accountability was not apparent.<sup>159</sup> Professor Raine argued that for accountability to function well it needs to be two-way between the giving and holding of account between the PCC and Chief Constable.<sup>160</sup> The Committee agrees.

## The Police and Crime Panel

- 3.51** The functions and powers of the Police and Crime Panels are set out in the Act. Panels must review the draft Police and Crime Plans of PCCs and the Annual Reports as well as, “reviewing or scrutinising decisions made, or any other action taken” by PCCs. The functions of a Police and Crime Panel must be exercised with a view to “supporting the effective exercise of the functions of the police and crime commissioner for that police area.”<sup>161,162</sup> A Police and Crime Panel therefore has a dual scrutiny and support role.

155 Committee on Standards in Public Life. Area visit. 2014

156 Ron Ball, Adam Simmonds and Matthew Grove respectively

157 Committee on Standards in Public Life. Area visits. 2014-2015

158 Committee on Standards in Public Life. Area visit. 2015

159 Committee on Standards in Public Life. Stakeholder meeting with Police Superintendents Association. 2015

160 Committee on Standards in Public Life. Concluding roundtable. Professor Raine. 2015

161 The Police Reform and Social Responsibility Act 2011 c13. Part 1 Chapter 4 Section 28

162 Ibid Section 58

- 3.52** The Police and Crime Panel reviews and gives recommendations on proposals by the PCC on a) the level of the precept<sup>163</sup> to be issued for a financial year and b) the appointment of a Chief Constable.<sup>164</sup> The Panel has a power of veto with a two-thirds majority on a) the first precept level proposed by the PCC and b) the PCC's first choice of candidate for Chief Constable. The Panel has responsibility for handling complaints about a PCC if they are of a non-criminal nature and must refer an accusation of a criminal nature to the IPCC. The Police and Crime Panel can suspend the PCC if they have been charged with an offence for which a sentence of more than two years can be imposed.
- 3.53** The Committee's evidence shows that generally there is low public awareness of and engagement with Police and Crime Panels. Police and Crime Panel meetings, although open to the public, are not well attended and the media and internet coverage of many Police and Crime Panel activities is low: only 15% of respondents to the public research said that they had heard of Police and Crime Panels. Only 20% amongst those who had heard of PCCs said they had heard of the Police and Crime Panels. Of those who had not heard of PCCs, only 4% said they had heard of Police and Crime Panels (see figure 5).
- 3.54** Within local government there is an aspiration that Police and Crime Panels should actively engage with the public to incorporate their views into the scrutiny work. The Centre for Public Scrutiny considers that good Panels "are visible – usually by having a dedicated web presence, and having plans in place to understand the public's views, and to bring those views to bear on the scrutiny process."<sup>165</sup>
- 3.55** Panel members are appointed by local authorities and must have one elected representative (councillors or, where relevant, elected Mayors) from each local authority within the force area. The Committee heard that several factors relating to the membership of the Police and Crime Panel influence their overall effectiveness including the duty to produce a balanced panel<sup>166</sup>, the turnover of members and their skills, experience and diversity. These factors are discussed in more detail in appendix F. In summary, the Committee concluded:
- Some Police and Crime Panels have a skills gap and should train members in scrutiny, risk management and governance. Experience, knowledge or interest in policing, community safety partnerships and the justice system would assist Police and Crime Panel members in carrying out their role effectively;
  - Police and Crime Panels need to make good use of their ability to co-opt members and appoint independent members with the right skills;
  - Police and Crime Panels should consider the diversity of its members. A Police and Crime Panel holds the PCC to account on behalf of the public and it is therefore important that the Panel is representative of the local community it serves.
- 3.56** The Committee notes that the Local Government Association (LGA) has recently published good practice guidance to assist Police and Crime Panels in their role<sup>167</sup>. The Committee is encouraged by this and believes that more should be done to cascade best practice amongst Panels. The Committee's findings on the issues facing Panels are discussed below.

163 Amount of council tax reserved to fund policing

164 Home Office. Have you got what it takes: To publicly account for your decisions 2012.

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/117462/publicly-account-for-decisions.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/117462/publicly-account-for-decisions.pdf)

165 Centre for Public Scrutiny. Police and crime panels: the first year. 2014

[http://www.cfps.org.uk/domains/cfps.org.uk/local/media/downloads/Police\\_Report\\_CfPS\\_web.pdf](http://www.cfps.org.uk/domains/cfps.org.uk/local/media/downloads/Police_Report_CfPS_web.pdf)

166 Police Reform and Social Responsibility Act 2011 c.13. Schedule 6 para 31

167 LGA. Good practice for police and crime panels-Guidance document. 2015

## Scrutiny

- 3.57** The government expected Police and Crime Panels to meet no more than four times a year. As the HAC noted: “PCPs were a late stage response to concerns that, once elected, commissioners would not be subject to sufficient scrutiny for their actions and decisions. The government intended Police and Crime Panels to provide ‘light-touch’ scrutiny, and funded them accordingly.”<sup>168</sup>
- 3.58** There is an ongoing debate about the role of the Police and Crime Panel. The LGA and Centre for Public Scrutiny regard ‘scrutiny’ and ‘holding to account’ as interchangeable terms and wrote, “Police and Crime Commissioners will be held to account by a police and crime panel.”<sup>169</sup> However, in response to our consultation, many PCCs made a forceful distinction between ‘scrutinising’ and ‘holding to account’. For example, West Mercia PCC said, “It is not the role of the Police and Crime Panel to hold a PCC to account. As an elected representative the PCC is accountable to the public. The role of the Police and Crime Panel is to scrutinise the actions and decisions of the Commissioner”.<sup>170</sup> The Association of Police and Crime Commissioners said that, “strictly speaking under the relevant legislation, police and crime panels do not hold police and crime commissioners to account...”<sup>171</sup>
- 3.59** The Committee’s view is that independent scrutiny is integral to accountability. It follows that PCCs should give an account of their priorities and performance and be effectively scrutinised by both the Police and Crime Panel and the public in general.
- 3.60** The Committee has considered how effective scrutiny is, and the extent to which it is exercised, with a view to supporting the effective exercise of the PCC’s functions.
- 3.61** The Committee acknowledges that it has been a learning curve for both PCCs new in their role and for Police and Crime Panel members, some of whom have previously been members of Police Authorities. For some Panels this has been exacerbated by the lack of guidance and training on their role, coupled with a familiarity with and nostalgia for the former Police Authority arrangements. There has been some public criticism of the ability of individual Police and Crime Panels effectively to scrutinise the PCC’s exercise of their statutory functions. For example, Councillor Roger Seabourne, formerly a Hertfordshire Police and Crime Panel member said, “the panel is ineffective and the legislation is written to make it ineffective”.<sup>172</sup>
- 3.62** There are differing views about the overall success of local Police and Crime Panels in upholding standards and providing effective local accountability,<sup>173</sup> and the extent to which Panels provide scrutiny and support, with some respondents arguing that Panels focus on scrutiny and are not sufficiently supportive.<sup>174,175</sup> There is no Home Office guidance for Police and Crime Panels on what the ‘support’ function should involve.
- 3.63** Academics have argued that this dual requirement on a scrutiny body creates an “inherent role conflict”<sup>176</sup> and, “risks blurring the focus and priorities of the scrutiny body, as well as obscuring the accountability function”.<sup>177</sup> We have heard evidence of this tension and have observed disagreements within Police and Crime Panels as to how best to manage it.

168 Home Affairs Committee. 16th Report – Police and Crime Commissioners: progress to date. HC 757. 2014  
<http://www.publications.parliament.uk/pa/cm201314/cmselect/cmhaff/757/75706.htm>

169 Local Government Association. Police and crime panels Guidance on role and composition 2011  
[http://www.local.gov.uk/c/document\\_library/get\\_file?uuid=8f16dd65-7fde-4792-8578-fa955263931e&groupId=10180](http://www.local.gov.uk/c/document_library/get_file?uuid=8f16dd65-7fde-4792-8578-fa955263931e&groupId=10180)

170 Ev97 written submission from West Mercia PCC

171 Ev3 written submission from APCC

172 Cllr Roger Seabourne. In Watford Observer. 2013  
[http://m.watfordobserver.co.uk/news/10601619.Politician\\_quits\\_police\\_commissioner\\_s\\_scrutiny\\_panel/](http://m.watfordobserver.co.uk/news/10601619.Politician_quits_police_commissioner_s_scrutiny_panel/)

173 Ev3 written submission from APCC

174 This finding is echoed in a report by Centre for Public Scrutiny which said that “panel members and support officers have advised us that some PCCs, and some PCCs’ offices, have expressed concern that the panel is not being sufficiently supportive...”

175 Centre for Public Scrutiny. Police and crime panels: the first year 2014  
[http://www.cfps.org.uk/domains/cfps.org.uk/local/media/downloads/Police\\_Report\\_CfPS\\_web.pdf](http://www.cfps.org.uk/domains/cfps.org.uk/local/media/downloads/Police_Report_CfPS_web.pdf)

176 Ev49 written submission from John Raine

177 Leach 2009 as referenced in Stuart Lister. Scrutinising the role of the Police and Crime Panel in the new era of police governance in England and Wales. *SAFER COMMUNITIES*. 2014. 13 (1), pp. 22-31

“There is inherent tension in the PCPs acting as both accountability and support mechanisms for PCCs, and the best arrangements for one aspect of the dual role might not necessarily be best in relation to the other aspect.”

Suffolk Police and Crime Panel

“A professional relationship between the PCC and the Panel exists and is challenging, intrusive and supportive, in their role as a critical friend.”

Sussex Police and Crime Panel

“The Panel is required to ‘hold the Commissioner to account’ but in the absence of any sanctions this is little more than the opportunity to call the Commissioner to account.”

Norfolk Police and Crime Panel

**3.64** The Committee has identified several issues impacting on the scrutiny and support function of Police and Crime Panels:

- provision and timing of information;
- collaborative working;
- resources; and
- powers and sanctions.

### Provision and timing of information

**3.65** In exercising their scrutiny function, Police and Crime Panels are reliant on the PCC’s publication of decisions and other information. Some Police and Crime Panels reported not having sufficient notice of planned decisions or access to the information needed to fulfil their function. Others called for a requirement for PCCs to publish supporting information to a decision,<sup>178</sup> or minimum levels of information to be required for scrutiny of the precept,<sup>179</sup> and some highlighted difficulties in comparing the information with that of other police forces. Despite Police and Crime Panels having the power to require relevant information and reports and the power to require the PCC to attend a Police and Crime Panel meeting and answer questions, the NAO found that some Police and Crime Panels “were not able to get the information they needed to hold the Commissioner to account, such as drafts of key documents like Police and Crime Plans or detailed information on force performance.”<sup>180</sup>

178 Ev50 written submission from Kent and Medway Police and Crime Panel

179 Ev40 written submission from Hampshire Police and Crime Panel

180 National Audit Office. Police accountability: Landscape review 2014 para 3.17

<http://www.nao.org.uk/wp-content/uploads/2014/01/Police-accountability-Landscape-review.pdf>

## Decisions of significant public interest

- 3.66** PCCs are required to publish a record of each decision of ‘significant public interest.’<sup>181</sup> The Police and Crime Panel must “review or scrutinise decisions made, or other action taken” by the PCC in discharging their functions. However, there is no definition of significant public interest and PCCs and Police and Crime Panels may disagree in their interpretation<sup>182</sup>. The Committee is aware of some attempts to agree a definition<sup>183</sup>. A large number of respondents to the consultation paper and those whom the Committee has met have called for clarity and consistency on this point.
- 3.67** In addition, the Committee heard of instances where Police and Crime Panels were only informed after decisions had been made. This impacted on the ability of the Panel to exercise its scrutiny function, leaving only retrospective discussion rather than a more strategic approach to consideration of key themes within the policing and crime plan. It also arguably limits the capacity of the Police and Crime Panel to support the PCC in the exercise of their functions.
- 3.68** The Committee is not convinced that this issue would be solved by a ‘top down’ prescription that sought to cover every eventuality. Some pragmatic approaches are already in place and working well. The Committee believes that the key practitioners could rapidly build on existing good practice.

## Recommendation 8

Drawing on existing good practice and experience, the Association of Police and Crime Commissioners, Association of Policing and Crime Chief Executives and the Local Government Association should work together to develop national guidance on the meaning of a decision of ‘significant public interest’, so that it is better understood when PCCs should publish records of such decisions.

## Decision making and forward plan

- 3.69** The publication of information by PCCs was contrasted with that of local authorities, who are required to publish advance notice of key decisions. Both Panels and other bodies such as the Centre for Public Scrutiny and Lawyers in Local Government raised this issue. Key decisions are defined in the Local Authorities Order as “those which result in significant expenditure or savings, or significant effect on communities in an area of two or more wards or electoral divisions”.<sup>184</sup> Several respondents called for the introduction of a forward plan of PCC key decisions, to enable the Police and Crime Panel to ask for updates and request relevant information in a more timely manner and to enable them to prioritise their work and use their resources more effectively.
- 3.70** In addition to providing the public, “with as much information as possible on a routine basis”<sup>185</sup> it would help the Police and Crime Panel provide proactive support to PCCs and make a constructive contribution based on their local knowledge and expertise. Police and Crime Panels would also then have an awareness of the decision-making process and evidence by which the PCC had arrived at their decision. Research undertaken by John Raine noted, “two PCCs specifically commented on the shift they had observed in the outlook of their panels – from initial scepticism and negativity to becoming generally supportive once they

181 The Elected Local Policing Bodies (Specified Information) Order 2011 No 3050. Part 1 article 2  
<http://www.legislation.gov.uk/uksi/2011/3050/schedule/made>

182 An example of this was in Merseyside in 2013 where “the Panel felt it essential that some clarity be given to when a decision actually constitutes a decision.” Merseyside Police and Crime Panel. Report of the Merseyside Police and Crime Panel: The Commissioner’s Governance Arrangements and Office Staffing Structure April 2013  
<http://councillors.knowsley.gov.uk/ecSDDisplay.aspx?NAME=PCP%20Report%20-%20300413&ID=1289&RPID=2336241&sch=doc&cat=13305&path=13305&StyleType=standard&StyleSize=none>

183 For example in North Yorkshire where a shared definition sets out the criteria of significant public interest to include matters which involve investment, income (other than cost recovery) and innovation. Greater Manchester PCC Tony Lloyd has also published a definition of significant public interest

184 The Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012

185 Stuart Lister. Scrutinising the role of the Police and Crime Panel in the new era of police governance in England and Wales. *SAFER COMMUNITIES*. 2014. 13 (1), p. 22-31



had heard the Commissioner's explanations and had understood better the thinking behind the choices and decisions<sup>186</sup>."

**3.71** In Devon and Cornwall the Police and Crime Panel notified the PCC they intended to undertake proactive scrutiny of the way in which "the Police and Crime Commissioner is making his commissioning decisions and what are his future commissioning intentions, subject to the PCC being prepared to publish his proposals as draft pending the outcome of the scrutiny process<sup>187</sup>." The PCC agreed and the Police and Crime Panel received information on the context and principles for commissioning and proposed grant allocations. The Police and Crime Panel was able to consider the draft proposals, the information provided and write a report for the PCC making recommendations in advance of the decision.

**3.72** This example demonstrates that a mutually constructive approach to notifying Police and Crime Panels ahead of decisions can enable them to fulfil their support role to the PCC and contribute to a positive outcome. The PCC retains the position as decision maker, (which is an intrinsic part of their role and different from a local authority), but makes use of the Police and Crime Panel's expertise to challenge their assumptions and think through the local implications of the policy. The Committee believes this is a useful synergy.

**3.73** Indeed the Committee heard evidence that:

*"[those police and crime panels] that were more effective had developed a business-like approach, which typically included scrutiny projects looking at particular areas of work and were becoming more confident in their role"*<sup>188</sup>.

**3.74** This was the case in Greater Manchester where the Police and Crime Panel sets its own work plan specifying actions, timelines and what information they will need from the PCC in order to contribute to the PCC's decisions. Its plan is based on a forward plan of work decisions shared with them by the PCC.

**3.75** The structure of the Greater Manchester Police and Crime Panel and how this assists its work with the PCC is discussed in a case study in appendix G. The Committee notes that the combined local authority structure (known as the Association of Greater Manchester Authorities- AGMA) in Greater Manchester means that it is a unique case for the following reasons:

- All council leaders are on the Police and Crime Panel;
- Greater Manchester local authorities have a long history of working together;
- Councillors see each other in capacities other than at the Police and Crime Panel meetings so they may be more aware of links with other pieces of work due to other AGMA work; and
- The Panel has access to greater resources than other Police and Crime Panels due to the combined structure.

**3.76** Nevertheless, the model highlights aspects that can be applied elsewhere: the importance of creating a shared understanding of roles; good communications between Police and Crime Panel members and their appointing councils; constructive linkages with authorities' own programmes, and maintaining good day-to-day working relationships.

186 John Raine. Electocracy with Accountabilities? The Novel Governance Model of Police and Crime Commissioners. 2014

187 Devon and Cornwall Police and Crime Panel. Minutes from Devon and Cornwall police and crime panel meeting. 2013  
<http://www.plymouth.gov.uk/mglInternet/documents/g5333/Printed%20minutes%20Thursday%2011-Jul-2013%2013.15%20Devon%20and%20Cornwall%20Police%20and%20Crime%20Panel.pdf?T=1>

188 Ev3 written submission from the Association of Police and Crime Commissioners

**3.77** To enable effective scrutiny and support by Police and Crime Panels it is recommended that:

### Recommendation 9

Police and Crime Panels should review the PCC's Annual Report in public session attended by the PCC as part of their annual scrutiny programme and make any recommendations as appropriate.

### Recommendation 10

As a matter of good practice:

- PCCs should publish a forward plan of decisions identifying the subject matter of the decision, why it is key, the meeting at which the decision is due to be taken, who will be consulted before the decision is taken and what reports/papers will be available for inspection; and
- Police and Crime Panels should produce a forward plan of work specifying, as appropriate, the information required from PCCs in order for them to carry out that work.

### Collaborative working

- 3.78** The Policing Protocol notes “an effective, constructive working relationship is more likely to be achieved where communication and clarity of understanding are at their highest.”<sup>189</sup> In areas where there was a self-reported balance between support and scrutiny, the Committee found a more collaborative working relationship between the PCC and the Police and Crime Panel, good communication and additional funding from local authorities.
- 3.79** The drawing together of people with different backgrounds and expertise on Police and Crime Panels has many benefits. Members contribute their experience of working in different local authorities with different organisational cultures and a range of views on what scrutiny means. It is therefore important for Police and Crime Panels to create a shared vision, purpose and understanding of their role in order for them to work constructively with PCCs.
- 3.80** There is a risk that “cooperative working may be undermined by the duty of the Police and Crime Panel to interrogate the decisions and actions of the PCC”<sup>190</sup> It is in the interests of both Police and Crime Panels and PCCs to communicate and agree ways of working together.
- 3.81** One Police and Crime Panel told us:

*“On the one hand, the PCC is happy to attend and engage with the Panel at its regular meetings and to report on crime statistics, performance against the Objectives in the Police and Crime Plan and ‘good news’ stories. On the other hand, it has been difficult for the Panel to gain access to any information over and above what the PCC utilises to hold the Chief Constable to account in the public arena. In particular, there is a need for regular and more substantive dialogue between the PCC and PCP. This will help the PCP to increase its knowledge base, which in turn will enable Members to better understand context of decisions taken by the PCC.”<sup>191</sup>*

189 Home Office. The Policing Protocol Order. 2011

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/117474/policing-protocol-order.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/117474/policing-protocol-order.pdf)

190 Stuart Lister. Scrutinising the role of the Police and Crime Panel in the new era of police governance in England and Wales *SAFER COMMUNITIES*. 2014. 13 (1), p 22-31

191 Ev13 Written submission from Cheshire Police and Crime Panel



- 3.82** Durham Police and Crime Panel and PCC have drawn up a Memorandum of Understanding setting out “broad principles and processes to guide their work together<sup>192</sup>”. The memorandum sets out expectations, key roles and responsibilities as well as shared objectives. The memorandum also notes that the “relationship between the PCC and Police and Crime Panel is more important than the document”. Mutual respect, understanding and clarity of roles and responsibilities is a necessary component of working together collaboratively. The Committee agrees that “good scrutiny is built on positive relationships and respect for roles.”<sup>193</sup>
- 3.83** The Committee has found evidence of both collaborative and adversarial relationships between PCCs and Police and Crime Panels and between Police and Crime Panel members. Collaborative relationships allowed for better communication, more effective working and a good balance of scrutiny and support. This finding was echoed in the HAC report *Police and Crime Commissioners: progress to date*.<sup>194</sup>

## Resources

- 3.84** The funding for Police and Crime Panels was based on an assumption by the Home Office that they would meet four times a year. Many Police and Crime Panels have told us this assumption significantly underestimated the number of meetings required, particularly if confirmation hearings took place. The Committee’s desk based research shows that Police and Crime Panels hold an average of six meetings per year<sup>195</sup> which has resulting resource implications.
- 3.85** The Committee received evidence from PCCs and Police and Crime Panels highlighting the need for more resources including support staff. Warwickshire Police and Crime Panel argued for support staff with specialist skills in the analysis of performance and budgets in addition to administrative staff<sup>196</sup>. In contrast Greater Manchester Police and Crime Panel is well resourced receiving funding from AGMA. Warwickshire Police and Crime Panel advised that they rely on reports from the PCC for information as they do not have the resources to produce their own reports or carry out their own investigations. In their view, this restricted their ability to scrutinise the PCC.
- 3.86** The Centre for Public Scrutiny’s recent survey showed that there has been a move in local government away from scrutiny committees being supported by specialist advisors towards generic support staff with a range of skills and not necessarily with expertise in scrutiny or governance<sup>197</sup>. This could have an effect on the quality of scrutiny undertaken by committees generally as well as the Police and Crime Panel. Centre for Public Scrutiny’s research also shows that an increasing number of people surveyed have a negative view of local government scrutiny<sup>198</sup>. This general apathy around the impact of local government scrutiny is mirrored in a Grant Thornton survey which found that 43% of respondents did not agree that scrutiny committees are effective at challenging the way their councils do things.<sup>199</sup>
- 3.87** Limited resources could also explain PCCs reporting they are unsupported by Police and Crime Panels. Where resources are limited, advance notice of the PCC’s work then becomes critical in helping Police and Crime Panels to prioritise their work and make the most effective use of their resources. The Committee is aware of some Police and Crime Panels taking forward work in smaller sub-groups<sup>200</sup> and sharing secretariat resource with other local authorities to reduce expenditure.
- 3.88** A further potential consequence of constrained resourcing is that Police and Crime Panels may have limited capacity to develop and maintain an online presence. Use of digital media has the potential to be a key tool

192 Durham PCC and Police and Crime Panel. Memorandum of Understanding/Partnership Agreement <http://www.durham-pcc.gov.uk/Document-Library/Reports/Memorandum-of-Understanding-PCC--PCP.pdf>

193 Ev38 written submission from Gwent Police and Crime Panel

194 Home Affairs Committee. 16th Report – Police and Crime Commissioners: progress to date. 2014. HC 757 <http://www.publications.parliament.uk/pa/cm201314/cmselect/cmha/757/75706.htm>

195 Average based on sample of 5 police areas visited in 2013

196 Ev96 Written submission from Warwickshire Police and Crime Panel

197 Centre for Public Scrutiny. Annual survey of overview and scrutiny in local government: 2014/15

198 Ibid

199 Grant Thornton. Local Government Review 2015 All Aboard. 2015

200 Centre for Public Scrutiny. Police and crime panels: the first year. 2014

[http://www.cfps.org.uk/domains/cfps.org.uk/local/media/downloads/Police\\_Report\\_CfPS\\_web.pdf](http://www.cfps.org.uk/domains/cfps.org.uk/local/media/downloads/Police_Report_CfPS_web.pdf)

for Police and Crime Panels to engage with the public at low cost. The Committee's research found only 15% of respondents were aware of public meetings on local policing issues and also that 30% of respondents preferred to find information about policing online.<sup>201</sup>

- 3.89** The Committee is concerned that both the level of the budget for Police and Crime Panels, and in some cases, the quality of the support provided to them may not be sufficient for them to carry out their functions. The Committee notes that the NAO raised a similar concern in January 2014.<sup>202</sup>

## Conclusions on scrutiny

- 3.90** PCCs have a unique role and were not set up to replicate either former Police Authorities or current local authorities. They represent a deliberate and substantial strengthening of the locally elected element of the tripartite arrangements for policing accountability. Some have argued that the resulting 'monocratic' role of the PCC creates an asymmetry of power with insufficient checks and balances, particularly those exercised by Police and Crime Panels.
- 3.91** The Committee believes that Police and Crime Panels suffer from being introduced very late as an 'afterthought' not integral to the design of the new arrangements and that this, coupled in some places with a degree of backward rather than forward looking in local government, meant that many Police and Crime Panels had a slow and patchy start. But that was not the case everywhere. Where Police and Crime Panels have effective chairs and members able to maintain a reliable two-way flow of information with their parent councils, forward scrutiny programmes of strands of the policing and crime plans have been established, and the support role has developed alongside. The Committee does not agree that the scrutiny and support roles are fundamentally incompatible.
- 3.92** However there are clearly barriers to effective operation, including support, resources and the consistency and credibility of representative membership. These are not unique to Police and Crime Panels and reflect wider challenges of the culture and relative priority of effective scrutiny arrangements within local government, (as shown by recent education and child protection scandals). It is therefore timely for the LGA, Centre for Public Scrutiny and individual authorities to develop practical ways to enhance support and training of Police and Crime Panels and their members.
- 3.93** The Committee believes that there should be a general shift of focus in Police and Crime Panels away from the 'transactional' retrospective scrutiny of individual initiatives to a more strategic forward concentration on the policing and crime plan and how well the decisions stemming from it are protecting local communities from threat, risk and harm, how transparently the decisions are justified and how effectively they are resourced. This is a different challenge from much of local government's own scrutiny since the issues relate to wider areas, have a regional and national dimension (for example cybercrime or people trafficking) and require extensive multi-agency working.
- 3.94** The standards risk, which Police and Crime Panels are at present only variably mitigating, is that in exercising their considerable personal decision-making powers PCCs do not encounter either sufficient constructive challenge or active support.
- 3.95** The Committee agrees with a concluding roundtable contributor who said: "the electorate should have timely, reliable and sufficient information to judge the impact of the PCC's decision-making on the service they receive."<sup>203</sup> Police and Crime Panels have an important role in making this happen. Equally, PCCs need to play their part in maintaining open and trusting relations with Police and Crime Panels, especially through timely and accessible information. This is considered further in appendix H.

<sup>201</sup> Public Awareness of Police Accountability prepared for the Committee on Standards in Public Life by Chris Prosser and the Committee's Research Advisory Board, using data collected by Ipsos MORI through the Capibus OmniBus survey, 2015

<sup>202</sup> National Audit Office. Police accountability: Landscape review. HC 963. Session 2013-14, para 3.18

<sup>203</sup> Committee on Standards in Public Life. Concluding round table date. 18 March 2015

## The Police and Crime Panel's powers and sanctions

**3.96** During the course of this inquiry, many Police and Crime Panels and other commentators told the Committee they considered the powers the Police and Crime Panel had available to them were limited. The HAC and the NAO have expressed a similar concern.<sup>204</sup> PCCs said in response to our consultation that they did not believe that Police and Crime Panels needed more powers<sup>205</sup> and the Home Office has said that, "PCPs have significant powers and. . . it is the appropriate use of these powers that is what matters."<sup>206</sup>

### Power of veto

**3.97** The Committee has heard concerns about the limited effectiveness of the power of veto on the precept and the appointment of a Chief Constable, as it can only be used once, then only with a two-thirds majority, which some Police and Crime Panel members and academics thought was difficult to achieve.<sup>207</sup> The report discusses in more detail in chapter 5 the procedures surrounding the appointment and removal of Chief Constables and officers of the PCC. The important point to note in relation to the power of veto is that it is clearly circumscribed – the PCC need only "have regard and respond to" the veto – the veto is not definitive – it can only be used by the Panel as means of persuading the PCC to think again.

### Power of suspension

**3.98** The power to suspend a PCC is given to the Police and Crime Panel under Section 30 of the Act but it is limited to where a PCC has been charged with a criminal offence which carries a prison sentence exceeding two years. The suspension lasts until the charge is dropped, the PCC is acquitted, the PCC is convicted but not disqualified by virtue of the conviction or on termination of the suspension by the Police and Crime Panel. In the event of a PCC being convicted of such an offence they would immediately be disqualified from office and the Police and Crime Panel has power to appoint an acting PCC pending the election of a new PCC being held.

### Incapacity

**3.99** In cases of incapacity there is a requirement in the Act for an acting PCC to be appointed by the Police and Crime Panel<sup>208</sup>. Such an appointment may be for up to six months and terminates on the PCC no longer being incapacitated. If the PCC does not return within the six months period the office of the PCC is treated as being vacant and an election for a new PCC must be held.

### Call for resignation

**3.100** When a local authority finds that a member or co-opted member of the authority has failed to comply with its code of conduct it can take action against that member<sup>209</sup>, such as censure. In contrast, the Police and Crime Panel has no power to apply sanctions as a result of its findings in relation to a complaint or for breaches of a code of conduct. The lack of powers to censure or sanction standards failures, coupled with restricted powers of veto, means that the only option left to the Police and Crime Panel is to voice publicly its disapproval, or call for the resignation of the PCC.

**3.101** The circumstances surrounding the resignation of the former PCC of South Yorkshire, Shaun Wright, was argued by Police and Crime Panels and others as being illustrative of the impotence of the accountability and standards framework. The legislation only allows the termination of the term of office of the PCC in very limited circumstances, which do not include, for example, bringing the office into disrepute. Despite numerous calls for his resignation, including from the Home Secretary and the Chair of the HAC, and a vote of no confidence by the Police and Crime Panel, the PCC remained in his post until he decided to resign.

204 Home Affairs Committee report on power to remove chief constables Ibid 101 for National Audit Office report

205 Ev3 written submission from APCC

206 Home Office 2014. The Government Response to the Sixteenth Report from The Home Affairs Select Committee Session 2013-14. Hc 757 Police and Crime Commissioners: progress to date. [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/387125/PCCprogressToDatePrint.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/387125/PCCprogressToDatePrint.pdf)

207 Evidence from consultation responses

208 Police Reform and Social Responsibility Act 2011 c. 13. Section 62

209 Localism Act 2011 c. 20. Section 28 (11)

Others have pointed to the power of public local opinion, fuelled by local and national media, and suggested that this proved more effective in the end than any protracted legal process.

### Conclusions on powers and sanctions

- 3.102** The Committee has considered whether the Police and Crime Panel's powers are sufficient. In the case of other elected representatives, the Committee on Standards can recommend to the House of Commons that an MP who has breached the code of conduct and rules, be made to write or make a statement of apology to the House, be suspended from the House and in the most serious cases expelled. Local councillors who have failed to comply with a code of conduct have been publicly censured, required to attend training, or removed from committees of the Council or had facilities withdrawn or access restricted.
- 3.103** The evidence the Committee received reflects a general dissatisfaction with the current position. While the Committee agrees that the standards risks have been insufficiently addressed, the Committee believes a proportionate response is required. It is therefore cautious about extrapolation from a single case, and so is not recommending legislative change at this stage to empower to Police and Crime Panels to censure PCCs or broaden their power to suspend PCCs.
- 3.104** The Committee earlier recommended a greater public emphasis on PCCs' declaration of office along with an Ethical Checklist, supported by a common standards framework and a minimum code of conduct. This would give more leverage to the Police and Crime Panels, the IPCC, the public and the media. The Committee also noted recall as a matter for Parliament. Chapter 1 discussed the existing powers of the Home Secretary to intervene in relation to deficiencies in the efficiency or effectiveness of the relevant police force. It is clear that the intention of Parliament was that PCCs should be free from political influence and interference and whether or not they should remain in office should ultimately be a matter for the public to decide at the ballot box: "If the public do not believe that their police and crime commissioner is performing effectively, the commissioner will face the ultimate sanction of rejection at that same ballot box."<sup>210</sup>
- 3.105** However, the effect of this means that Police and Crime Panels do not have powers to apply sanctions as a result of findings in relation to a complaint or for breaches of a code of conduct which do not amount to a criminal offence which carries a prison sentence exceeding two years. For the Police and Crime Panel "even if conduct of PCCs have been egregious, it is not able to dismiss a PCC."<sup>211</sup> This is in contrast to the powers of the PCC to appoint and dismiss the Chief Constable.
- 3.106** In the Committee's view this leaves a significant lacuna where unethical behaviour on the part of the PCC which falls significantly below the standards expected of public office holders would go unchallenged and uncensured. This has implications for the overall effectiveness and credibility of the complaints system, which is discussed in more detail in chapter 5, and ultimately for public trust and confidence that high standards of behaviour are being upheld.

### Recommendation 11

The Home Secretary should conduct an urgent review of whether there are sufficient powers available to take action against a PCC whose conduct falls below the standards expected of public office holders.

<sup>210</sup> Hansard 13 Dec 2010 : Column 708. Police Reform and Social Responsibility Bill. Secretary of State for the Home Department

<sup>211</sup> Ev82 written submission from Siddhartha Bandyopadhyay and Katharine Inglis. University of Birmingham

# 4

## Integrity

### *The Seven Principles of Public Life*

*Holders of public office must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family, or their friends. They must declare and resolve any interests and relationships*

# Chapter 4:

## Integrity

### 4.1 The Committee defines integrity as public office holders:

*“not placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family, or their friends. They must declare and resolve any interests and relationships.”*

### 4.2 Integrity requires holders of public office to declare and resolve any interests and relationships. In doing so, the principle of honesty requires them to be truthful.

### 4.3 The HMIC report *Integrity matters* considers that a police officer acts with integrity if he acts at all times in accordance with the “honesty and integrity” principle of the standards of professional behaviour for those who work in policing.<sup>212</sup> The standards of professional behaviour are described in the Code of Ethics as “acting honestly and with integrity at all times, and not compromising or abusing their position.”<sup>213</sup> Honesty and integrity are therefore closely linked.

## Declarations and registers of interest, gifts and hospitality

### 4.4 Private interests and the acceptance of gifts and hospitality create actual or perceived bias, even if they have no bearing on an individual’s judgement. In the course of our review *Strengthening Transparency Around Lobbying* the Committee heard strong views that public office holders should not receive any financial incentive (directly or in kind) to promote a specific point of view or advocate a specific cause.<sup>214</sup> To do so risks creating a conflict of interest by placing the office holder under an obligation to a third party, which may affect them in their work. The Committee has therefore applied this yardstick in policing, looking in particular at the expectations placed upon other public and elected office holders.

### 4.5 It is now an accepted part of good governance to declare and record conflicts of interest and to maintain easily accessible and up to date registers of interests, gifts and hospitality, for example:

- Board members in all sectors are required to declare and record conflicts of interest and Charity Trustees are legally obliged to do so;
- Clear rules exist for Ministers and civil servants concerning the acceptance of gifts and hospitality – the rules state that gifts and hospitality should be refused where it might reasonably appear to or could be seen to compromise judgement or place the person under an obligation; and
- Members of Parliament complete a register detailing employment payments, gifts, benefits and hospitality.

212 HMIC. *Integrity Matters*. An inspection of arrangements to ensure integrity and to provide the capability to tackle corruption in policing. January 2015

213 College of Policing. *Code of Ethics*. Principles and Standards of Professional Behaviour for the Policing Profession of England and Wales. 2014  
[https://www.durham.police.uk/About-Us/Transparency-and-Integrity-Programme/Documents/Code\\_of\\_Ethics\\_2014%5B1%5D.pdf](https://www.durham.police.uk/About-Us/Transparency-and-Integrity-Programme/Documents/Code_of_Ethics_2014%5B1%5D.pdf)

214 Committee on Standards in Public Life. *Strengthening transparency around lobbying*. November 2013

- 4.6 Similarly, councillors, including elected members of Police and Crime Panels, are required to declare interests in a register in accordance with Section 28 of the Localism Act 2011. As a result of changes made by that Act there is no longer a specific requirement for elected members of local government to declare gifts and hospitality. While the Committee considers this to be a retrograde step, and out of line with practices elsewhere, the Committee notes nevertheless that many Councils have voluntarily continued to maintain registers of gifts and hospitality as a part of their codes of conduct. This is both welcome and in line with public expectations.

## PCCs

- 4.7 The APCC's Ethical Framework sets out that the principle of Integrity includes "not placing oneself under any financial obligation to external entities that might seek to influence the performance of official duties." For Honesty the framework includes: "declaring any private interests in relation to public duties and decisions in a regular way and easily accessible format and taking steps to resolve any conflicts and mitigate risks arising in a way that protects the public interests". As discussed in more detail in chapter 5, PCCs are also required, as part of their information requirements, to publish a register of interests of relevant office holders, including every paid employment or office or other pecuniary interest of each relevant office holder, and a register of each offer of a gift or hospitality made to a relevant office holder or member of staff, indicating whether the offer was accepted or refused. The Committee considers this an important area since PCCs, as visible public figures, may receive invitations to high profile events where their forces are operationally deployed, or substantial cost recoveries made, such as at major sporting fixtures.
- 4.8 Desk research of compliance with the Specified Information Order (appendix H) found that whilst all police areas sampled recorded the salary, allowances, expenses and registers of interests of PCCs, availability of information was more variable in relation to the gifts and hospitality register of the PCC and information in respect of the Deputy PCC. Some areas provided details of gifts and hospitality but did not attempt to monetise them whilst others provided full details. In relation to Deputy PCCs, given the often political nature of this role and the proximity of their relationships with PCCs as decision makers, the Committee considers it important to ensure that Deputy PCCs demonstrate the same level of compliance with the information requirements.
- 4.9 In addition, a PCC like a Chief Constable, is a relevant authority for the purpose of the Local Audit and Accountability Act 2014 and as such is required to keep adequate records and prepare a statement of accounts. The Accounts and Audit Regulations 2015 set out the detailed requirements. For senior employees and relevant police officers this includes remuneration consisting of salary, fees and allowances, bonuses, expenses, benefits in kind and pension contributions. These requirements are published in annual statements of accounts. Since many PCCs have necessarily reconfigured or extended their OPCCs to reflect changed responsibilities, proper explanation of year-on-year movements in cost and staffing is important public information, especially given recent media and political focus on top salaries within overall service budget reductions.

## Chief Constables

- 4.10 The legislative requirements for recording pay and rewards are set out above. Requirements for declarations of business interests are also found in legislation.<sup>215</sup> The Committee notes that in some police force areas, in relation to business interests and other occupations, a wider interpretation has been adopted and registered trustee positions, voluntary work or other non-pecuniary interests are also registered<sup>216</sup>.

215 The Police Regulations 2003 S.I. 2003/527, as amended

216 See for example Cumbria police and Avon and Somerset police



- 4.11** The Chief Constable register in Northern Ireland sets out pay and awards, declarations of business interests, gifts, hospitality and additionally includes notifiable memberships. As set out by the Police Service of Northern Ireland:

*“The Chief Constable has a statutory obligation under Section 51(5) of the Police (Northern Ireland) Act (2000) to require each police officer to inform him of any notifiable membership that the police officer believes they have, or if they believe that they have no notifiable membership, of that belief. Section 51(1) of the Act states that a police officer has a notifiable membership if membership of the organisation in question might reasonably be regarded as affecting the officer’s ability to discharge their duties effectively and impartially.”<sup>217,218</sup>*

- 4.12** The Committee’s view is that all interests should be open and transparent and that Chief Constables in England and Wales should declare notifiable memberships in line with Chief Constables in Northern Ireland.
- 4.13** The College of Policing recommended in its evidence that PCCs “to demonstrate an equivalent level of transparency and accountability to the Chief Constables they oversee, would be required to publish at least as much information in respect of pay and rewards, gifts and hospitality and outside business interests.” The Committee supports this approach as demonstrating both strong leadership behaviour and promoting mutual trust. Encouragingly, to a large extent, the Committee has found there is similar information published.
- 4.14** The College of Policing publishes police force data on Chief Officers pay and rewards, business interests and gifts and hospitality. Although this information is published by Chief Constables on their force websites, the single register accessible from a single website is intended to: “improve public access to police information...to further increase transparency and enhance public confidence in the integrity of chief officers and other senior police leaders.”<sup>219</sup>
- 4.15** Several other respondents suggested changes based on a national standard or national register including Chief Constable John Long who proposed a national proprietary information template to enable the sharing of information.<sup>220</sup> The HAC in their report *PCCs: Register of Interests* also recommended a national register of PCCs’ interests akin to Chief Constables.<sup>221</sup> While the government rejected a role for central government in establishing and maintaining a register of interests for PCCs, the Committee believes that the public should be able to easily make comparisons between police force areas in order more effectively to hold their PCC to account. The Committee sees no reason why the APCC cannot undertake such a role to facilitate transparency and encourage comparisons. The Committee recommends that:

## Recommendation 12

To demonstrate an equivalent level of transparency and accountability to the Chief Constables that they oversee, the Association of Police and Crime Commissioners and Association of Policing and Crime Chief Executives should work together to host and make publicly available a list of PCCs’ pay and rewards, gifts and hospitality and outside business interests, including notifiable memberships, in an easily accessible format.

<sup>217</sup> PSNI registration of notifiable memberships 2014.

[http://www.psni.police.uk/publications\\_scheme\\_registration\\_of\\_notifiable\\_memberships\\_2014.pdf](http://www.psni.police.uk/publications_scheme_registration_of_notifiable_memberships_2014.pdf)

<sup>218</sup> An FOI request to PSNI in 2015 states that 95 PSNI officers declared they had membership of the Loyal Orange Orders equating to 1.3% of the police force. 46 PSNI officers declared membership of the Royal Black Institution. The percentage is 0.6%. 19 PSNI officers declared membership of the Apprentice Boys of Derry Association. The percentage this equates to is 0.2. 1 PSNI officer declared membership of the Ancient Order of Hibernians. The percentage this equates to is 0.01%. FOI response available at: [http://www.psni.police.uk/notifiable\\_memberships.pdf](http://www.psni.police.uk/notifiable_memberships.pdf)

<sup>219</sup> The national register was created in line with a recommendation made in the Leveson Report into the Culture, Practices and Ethics of the Press – HC Deb, 12 February 2013: Column 713

<sup>220</sup> Correspondence from John Long to Lord Bew dated 27 November 2014

<sup>221</sup> Home Affairs Committee. Police and Crime Commissioners: Register of interests. First Report of Session 2013-14. HC 69. 23 May 2013



- 4.16** HMIC reviewed arrangements in place to ensure that the police act honestly and with integrity as part of their PEEL assessments of police forces. Their findings are reported in *Integrity Matters*<sup>222</sup>. HMIC found that all forces had forms of gifts, gratuities and hospitality registers but despite national guidelines, their approaches varied as did the level of understanding about the policy and principles underlying it. HMIC called for clear guidance to be given to staff and full reporting.

### Police forces

- 4.17** National guidance on business interests and other employment sets out a framework for the application for and approval of business interests or employment outside the police service. This was generally found to be well understood. There was however variable recording of applications, and the approach by forces of reviewing business interests across the force took various forms.
- 4.18** While HMIC did not make any recommendations for action in this area, the Committee nevertheless recommends that Chief Constables and PCCs keep these arrangements under review as part of ensuring that the Code of Ethics remains embedded in everyday practice.

### Recommendation 13

Chief Constables and PCCs should keep the arrangements for gifts, gratuities and hospitality registers and business interests, including notifiable memberships, and other employment under regular review as part of ensuring and evidencing that the Code of Ethics remains embedded in everyday practice.

### Managing conflicts of interest

- 4.19** The National Audit Office (NAO) report *Conflicts of Interest* defines a conflict of interest as: “a set of circumstances that creates a risk that an individual’s ability to apply judgement or act in one role is, or could be, impaired or influenced by a secondary interest.”<sup>223</sup>

### Commissioning

- 4.20** In public services, examples given of conflicts of interest by the NAO include

*“awarding contracts to suppliers in which the decision maker has a personal or financial interest or accepting hospitality or gifts from private sector companies during a procurement exercise.”*

- 4.21** PCCs are increasingly commissioning services and reallocating resources, and the Committee heard evidence of how this has led to innovation and improved service delivery in some areas. From a standards viewpoint the key issue is transparency in the making and publication of these decisions. Commissioning and public procurement are particularly vulnerable to conflicts of interest as personal and professional connections can influence choice, which is why registers and declarations of interests are important. Given the scale of public money involved and the importance of a genuinely competitive market for new forms of services, decision makers need to exercise particular vigilance when subject to lobbying. In chapter 5 the Committee makes recommendations as to safeguards to strengthen transparency around lobbying. A perception of undue influence can be as detrimental to public trust as actual wrongdoing.
- 4.22** In addition to the guidance given in the NAO report, NHS England has issued some helpful guidance for clinical commissioning groups on managing conflicts of interest. In relation to standards, the guidance emphasises:

<sup>222</sup> HMIC. *Integrity Matters*. An inspection of arrangements to ensure integrity and to provide the capability to tackle corruption in policing. January 2015

<sup>223</sup> National Audit Office. *Conflicts of Interest* HC 907 Session 2014-15 27 January 2015

*“Effective handling of such conflicts is crucial for the maintenance of public trust in the commissioning system. Importantly it also serves to give confidence to patients, providers, Parliament and taxpayers that CCG commissioning decisions are robust, fair, transparent and offer value for money.”<sup>224</sup>*

- 4.23** It includes advice on the nature of conflicts of interest, arrangements for declaring interests, registers, steps taken to manage a conflict and excluding individuals from decision making where a conflict arises. The guidance sets out principles and safeguards to manage conflicts of interest which include being proactive not reactive, balanced, proportionate, open and transparent throughout the commissioning process.
- 4.24** As PCCs increasingly engage in partnership and multi-agency, multi-sectoral working on a range of issues, such as re-offending, domestic abuse, substance abuse and, mental health this guidance seems to the Committee to be especially pertinent, both for PCCs’ own commissioning decisions and for the good governance of inter-agency involvements with many of the bodies subject to this NHS England guidance.
- 4.25** The Committee heard about an example of multi-agency working in the West Midlands. Put in place jointly by the PCC, police force and a mental health organisation, this initiative demonstrates how collaborative working and good governance can help improve decision-making in the public interest and for the benefit of the surrounding community.

### West Midlands mental health initiative

The West Midlands mental health initiative is a demonstration of collaborative leadership between the PCC, police force and other agencies.

The initiative is a mental health triage scheme led by a Chief Inspector where mental health nurses are based in police stations helping police officers respond to calls and identify offenders with problems. The objective of the initiative is to develop early recognition of mental health issues to determine the most appropriate response. The reasoning behind the scheme is said to be because approximately a fifth of police demand in the West Midlands is due to mental health issues.

Psychiatric nurses and paramedics have joined police in Birmingham and Solihull in assisting people believed to be mentally unwell to try and keep them out of custody by diverting them from both inappropriate health interventions and entry into the Criminal Justice System.

Chief Inspector Sean Russell told the Committee that the leadership of former PCC Bob Jones had been instrumental in establishing and driving the mental health agenda in the West Midlands area. He had agreed to a joint commissioning arrangement through the CCG which meant the scheme did not have to go through the requirements of blue light commissioning.

Governance is overseen by the Police, local authority, mental health trust and a board of local people and the mental health strategic board of ACPO.

From January 2014 to December 2014, the team working on the initiative is reported to have assisted in 2,256 incidents, of which 1,756 incidents included health assessments. As a result, the number of detentions by the police (under Section 136 of the Mental Health Act 1983) was 301, whilst the number for the same period in the previous year was 636. A major contributor to better physical health was that physical health assessments were undertaken rather than defaulting to A&E admissions. Subsequently the number of A&E admission have reduced by 601.

The team also have the capacity to convey the patient, and transported 266 patients to a place of safety, rather than calling an ambulance. Only two people were taken to police stations, while the remainder were taken to safe health facilities.<sup>225</sup>

<sup>224</sup> NHS England. Managing conflicts of interest. 18 December 2014

<sup>225</sup> Committee on Standards in Public Life. Stakeholder meeting with West Midlands Chief Inspector. 2014

## Conflicts of loyalty

**4.26** Conflicts of interest might also occur if individuals have:

*“conflicts of loyalty where decision makers have competing loyalties between an organisation they owe a primary duty to and some other person or entity”<sup>226</sup>*

**4.27** During the inquiry the Committee heard conflicting views as to whether there was an intrinsic or perceived conflict where a PCC or Deputy PCC remained an elected councillor in the same area. Where a PCC is concerned the Committee believes that, so long as their intentions are made clear as candidates, it is then for the electorate to decide. A ‘dual-hatted’ elected PCC needs to be particularly diligent about transparency of decisions (as must a dual-hatted councillor in two-tier areas), and the Police and Crime Panel will similarly need to be vigilant, as to the rationale for decisions. With proper, proportionate safeguards in place, and monitored, this seems to the Committee a matter of local discretion, and weighed against potential benefits of better joint working. Similar considerations apply to Deputy PCCs, with transparency even more important given that they may have areas of delegated responsibility as well as close proximity, political or otherwise, to the PCC on whom their appointment depends.

**4.28** Concerns have also been raised about the potential for conflicts of loyalty to arise where joint officer roles, accountable to both the PCC and Chief Constable have been created or where there has been a transfer of police staff to the Office of the PCC as a result of a stage 2 transfers, as described below.

**4.29** Stage 2 transfers refers to the planned transfer of employees, property, rights and liabilities between the PCC and the Chief Constable. It is a process designed to allow PCCs the freedom to make their own local arrangements in a way which enables them best to execute their respective functions. The transfer is governed by the Act and transfer schemes have to be submitted to the Home Secretary for approval. Police officers do not fall within scope of the stage 2 transfers and remain under the direction of the Chief Constable, but the Committee has seen evidence that business functions such as HR, ICT and finance staff have commonly been transferred to create joint services shared between the Chief Constable and Police and Crime Commissioner.

**4.30** Two joint roles in particular have been raised, during our inquiry, as a standards risk. Whilst the Committee has not heard evidence of significant numbers of joint roles, the Committee considers the potential for conflicts of loyalty is high. The Committee is also concerned that if police forces are subject to further budgets cuts there will be increased financial pressure to merge or create joint roles.

## Joint Chief Finance Officer

**4.31** Legislation requires that both the PCC and Chief Constable should appoint a Chief Finance Officer (CFO). The CFO must be appropriately qualified, is bound by professional standards and has statutory duties and responsibilities in connection with any unlawful, or potentially unlawful, expenditure. They must produce a report if there is likely to be unlawful expenditure or an unbalanced budget and inform the audit committee and the internal auditor. In several police areas a joint CFO has been appointed. The Audit Commission told us that the “appointment of joint chief financial officers raises a number of risks in terms of the ability of the officer to provide and be seen to provide objective unfettered advice.”<sup>227</sup> The NAO in its landscape review identified several potential ethical risks:

- there is a potential conflict of interest where a CFO may provide restricted information to one party;
- a joint CFO could be involved in a disagreement between the PCC and Chief Constable; and
- a joint CFO could create a perception that the PCC and Police Force are too closely aligned for the PCC to hold the Chief Constable to account effectively.<sup>228</sup>

<sup>226</sup> National Audit Office. Conflicts of Interest. HC 907 Session 2014-15 27 January 2015

<sup>227</sup> Ev 5 written submission from Audit Commission

<sup>228</sup> National Audit Office Police Accountability: Landscape Review HC: 963, 2013-2014

- 4.32** The Chartered Institute of Public Finance (CIPFA) issued a Statement on the Role of the CFO of the PCC and CFO of the Chief Constable in March 2014 setting out detailed advice on how the requirements of the legislation and professional standards should be fulfilled by the CFO. The statement indicated that a joint CFO “was not envisaged in view of the separate corporations sole. Such an appointment could compromise the ability of the CFO to provide impartial professional advice.” Where such a joint appointment is made, reasons should be explained publicly in the Annual Governance Statement with an explanation of how the arrangement can deliver the same impact i.e. how the joint CFO can deliver impartial advice to both parties. It is worth noting that CIPFA had no objection to a joint CFO for two PCCs or two Chief Constables.
- 4.33** The Committee agrees with the NAO, Audit Commission and CIPFA, that a joint CFO poses potential ethical risks. These risks should be actively considered and managed by the Chief Constable, PCC and the CFO. The Committee endorses CIPFA’s advice that where a joint appointment is made it should be explained publicly in the Annual Governance Statement.

## Recommendation 14

Where a Joint Chief Financial Officer is appointed, an explicit policy and appropriate controls should be put in place to manage any potential conflicts of interest; be made publicly available; and regularly monitored by the Joint Audit Committee.

### Joint Press Officer

- 4.34** The Chief Constable of the West Midlands described the risks inherent in the appointment of joint press officers as follows: “operations of functions such as police press office by the PCC degrade the independent voice of the police in delivering its core role.”<sup>229</sup> Other evidence to the Committee has highlighted the potential for actual or perceived interference by the PCC in the operational independence of the Chief Constable.
- 4.35** A joint media and communications officer exists in the Leicestershire police area. At the time of the decision to appoint, the OPCC received a submission from the National Union of Journalists (NUJ) outlining their general concerns regarding the role.<sup>230</sup> The NUJ’s main concerns were:
- Media handling is an element of operational activity during any ongoing investigation or newsworthy incident;
  - The Police need to remain independently accountable and directly answerable for their operational actions. This is not within the remit of the OPCC nor, therefore, should it pass through the hands of OPCC staff; and
  - A joint media officer puts a third party between the media and the Police, which could prevent journalists from fairly and accurately reporting what is happening within the police or with police activity. This could be a threat to journalist’s editorial integrity, accuracy and efficacy.
- 4.36** Publicly available evidence explains how Leicestershire OPCC and Chief Constable have sought to mitigate these risks:

*“..a “firewall” arrangement was put into place as the directorate was being constructed. This arrangement has now been formalised into a written protocol which ensures that, in such circumstances, the Director would represent and advise the Chief Constable and the force, and an*

<sup>229</sup> Ev98 written submission from Chief Constable of West Midlands Police

<sup>230</sup> Submission to Leicestershire PCC from NUJ chapel at BBC Leicester  
<http://politics.leics.gov.uk/documents/s107933/NUJ%20Submission.pdf>

*external communications consultant will advise and represent the OPCC. To date, the need to invoke this protocol has not yet occurred.”<sup>231</sup>*

- 4.37** In Gloucestershire a review of strategic communication needs identified that there were ethical concerns associated with a joint media and communication officer. A report on shared services sets out that in the recruitment process the individual selected for the post would have the, “skills, attitude, personality and experience to ensure that both the Constabulary and PCC would be served effectively.” A Memorandum of Understanding adds that “the Commissioner and the Chief Constable may wish to express different messages on the same issue.”<sup>232</sup>
- 4.38** The Committee understands the case for the move towards shared roles and services between PCCs and forces and such arrangements can work effectively when there is a clear and shared understanding of each office’s role and responsibilities and an appreciation of the potential for conflicts of interest to arise and an agreement as to how such conflicts will be managed. The Committee therefore recommends:

### Recommendation 15

Where a Joint Press/Media Officer is appointed, an explicit policy and appropriate controls should be put in place to manage any potential conflicts of interest, be made publicly available, and regularly monitored by the Joint Audit Committee.

## Integrity of crime statistics

- 4.39** Applying the principle of Integrity to crime statistics means “that public office-holders and organisations should consistently and reliably recording statistics in a way that promotes openness, accountability and establishes robust mechanisms for detecting and dealing with wrongdoing.”<sup>233</sup> The integrity of crime statistics was a live issue in the media during the course of this inquiry and the Committee received evidence relating to it.
- 4.40** While increasingly wide measures of effectiveness are being used, such as victim satisfaction, confidence in local police and visibility of police and there has been a move away from narrow numerical targets (and their potential for perverse consequences) crime levels still loom large in political discourse and media narratives. As such, they may be an issue in future PCC elections and, in any event, their reliability is an important factor in public confidence.
- 4.41** Crime statistics should accurately record both the prevalence and nature of crimes committed. Police officers record crime using the Home Office Counting Rules (HOCR) which is a technical guidance document that informs police recording decisions. The Home Office is responsible for collating raw data from police forces each month, performing some validation checks and querying outliers with forces, who may then re-submit data. Home Office statisticians then supply a snapshot of the data each quarter to the The Office for National Statistics (ONS) for further analysis and then publication<sup>234</sup>. The National Crime Registrar also advises both police forces and HMIC on the application of the rules.
- 4.42** Despite these established procedures, in 2014 whistleblower PC James Patrick reported widespread ‘gaming’<sup>235</sup> practices in the recording of police crime statistics which can undermine crime statistics and

<sup>231</sup> (not yet published- add in details if available at proof stage)

<sup>232</sup> Memorandum of Understanding. Gloucester OPCC.

<http://www.gloucestershire-pcc.gov.uk/wp-content/uploads/2013/09/MoU-on-Use-of-Support-Resources.pdf>. p.8

<sup>233</sup> Committee on Standards in Public Life response to Public Administration Select Committee consultation on integrity of crime statistics. November 2013. <https://www.gov.uk/government/publications/committees-response-to-public-administration-select-committees-consultation-on-the-integrity-of-crime-statistics>

<sup>234</sup> Letter from Lord Taylor to Earl of Lytton. House of Lords library

<sup>235</sup> Dr Patrick has defined ‘gaming’ within the police. He talks of ‘cuffing’, so called after the magician’s act of making things disappear up the sleeve. The operation of cuffing allows some forms of crime figures to disappear altogether by, for instance, not recording some types at all. On the process known as ‘nodding’ figures are improved by getting offenders to nod to other offences to be taken into consideration. See in particular Rodger Patrick’s “Cuffing- the re-emergence of cutting in the guise of false reporting policies: the case is presented” Chapter 5, pp 144-184 Doctoral thesis

render them unreliable. The concern was that some police forces, including ones where targets were still being used, were creating incentives to misrecord some types of crimes. This was supported by evidence from Dr Patrick, a researcher in the area of police crime statistics, who found that ‘gaming’ behaviour is an organisational problem resulting from targets rather than initiated by individuals and argues that the solution to ‘gaming’ lies in reforming current police regulatory framework and governance arrangements in relation to crime statistics<sup>236</sup>.

- 4.43** In January 2014, the UK Statistics Authority removed the designation of ‘National Statistics’ from police recorded crime statistics<sup>237</sup>. The ONS with support from the Home Office and other organisations has since put in place a series of measures to ensure the integrity of crime statistics.<sup>238</sup> They have also updated the HOOCR to include a vision and mission statement that makes explicit reference to ethical standards and the College of Policing’s Code of Ethics<sup>239</sup>.
- 4.44** The Committee therefore accepts that positive steps have been taken by the Home Office to improve the integrity of crime statistics. However, it is still imperative for there to be a mechanism for ensuring the integrity, accuracy and transparency of crime statistics and recording practices within police forces so that any errors are highlighted and can be corrected.
- 4.45** Between February and August 2014, HMIC carried out an inspection programme into the way the 43 police forces in England and Wales recorded crime data.<sup>240</sup> In the five police areas the Committee visited for the purposes of this inquiry, HMIC reported that crime recording practices were generally good. For example, HMIC found that within Essex police there is “strong and committed chief officer leadership for crime data integrity with consistent and clear guidance”<sup>241</sup>. The HMIC report on West Midlands was particularly positive saying “staff and supervisors exhibit high levels of knowledge and ethics in relation to crime recording and the force understands the impact that adverse publicity in relation to crime recording can have on public confidence<sup>242</sup>.”
- 4.46** HMIC also highlighted the importance of leadership in promoting integrity of recording of crime statistics noting that particularly successful forces (Kent, Staffordshire, Lincolnshire, South Wales and West Midlands) had
- “simplified their crime-recording arrangements;
  - put in place effective and appropriate training for staff;
  - leadership which is supportive of the necessary change.”<sup>243</sup>
- 4.47** The Committee regards effective leadership as central to ensuring accurate recording of crime statistics and in holding the police force to account generally: “we would expect that to include holding Chief Constables, who compile the police statistics, to account for the quality and accuracy of the information<sup>244</sup>”.

236 Rodger Patrick “A nod and a wink: Do ‘gaming’ practices’ provide an insight into the organisational nature of police corruption?” The Police Journal 2011 84 3 p 199-221.

237 ‘National Statistics’ is the quality mark for official statistics and, in the words of UK Statistics Authority, it “requires the statistics to be produced, managed and disseminated to high professional standards. The statistics must be well-explained and meet users needs.”

238 This includes extending the published information about uses of crime statistics and users’ needs in relation to the statistics. More detail in Annex A at: <http://www.statisticsauthority.gov.uk/reports---correspondence/correspondence/letter-from-john-pullinger-to-sir-andrew-dilnot-200215.pdf>

239 The HOOCR states that one of the purposes of crime statistics is to “prioritise effective investigation of crime in keeping with national standards and the College of Policing’s Code of Ethics”

240 HMIC. Crime data integrity force reports. <https://www.justiceinspectorates.gov.uk/hmic/publication/crime-data-integrity-force-reports/>

241 HMIC. Essex crime data integrity force report 2014. <http://www.justiceinspectorates.gov.uk/hmic/wp-content/uploads/crime-data-integrity-essex-2014.pdf>

242 HMIC. West Midlands crime data integrity force report 2014. <http://www.justiceinspectorates.gov.uk/hmic/wp-content/uploads/crime-data-integrity-west-midlands-2014.pdf>

243 <http://www.justiceinspectorates.gov.uk/hmic/wp-content/uploads/crime-data-integrity-west-midlands-2014.pdf>

244 Committee on Standards in Public Life response to Public Administration Select Committee consultation on integrity of crime statistics. November 2013. <https://www.gov.uk/government/publications/committees-response-to-public-administration-select-committees-consultation-on-the-integrity-of-crime-statistics>



- 4.48** Evidence from the Committee's area visits demonstrates that some PCCs have forged close links with the crime registrar in their police force in order to satisfy themselves that data collected by officers is accurate and recorded in accordance with HOCR. Those PCCs report using that good working relationship as a means of highlighting any issues and collating information on good practice. Reports from HMIC were also used by some PCCs to identify any gaps and make improvements to recording practices.
- 4.49** Other PCCs have established Ethics Committees (see further detail at appendix E), where the remit includes review of crime statistics. For example, Staffordshire ethics, transparency and audit (ETA) panel reviews the accuracy of force crime statistics.<sup>245</sup> In their 2013/14 audit report on crime statistics, Staffordshire ETA wrote:
- "As part of the increasing transparency commitment, made by Mike Cunningham, (Chief Constable, Staffordshire Police) and Matthew Ellis (Staffordshire's Police and Crime Commissioner), the ETA committee and OPCC undertook a critical audit of crime records. The purpose was to ascertain whether there was sufficient auditing robustness and accuracy within record management prior to archiving."*
- 4.50** The report found that the dip sample of crime reviewed had been recorded accurately due to the internal robustness of recording and auditing methods. However, there is still a debate around how well the recording of crime reflects what is happening on the ground with some questioning if the police should record crime statistics at all.<sup>246</sup>
- 4.51** The Committee considers the example of the Police Service of Northern Ireland (PSNI) pertinent as it has created an environment whereby "ethical and accurate crime recording is the norm."<sup>247</sup> A HMIC report describes a system of crime recording with a high level of multi-layered external scrutiny with no findings of officers or staff pressured to under or misrecord crime. The report also notes the benefit to PSNI of having a statistics branch with key posts, including the force crime registrar, filled by independent personnel. Posts are filled by employees of the Northern Ireland Statistics and Research Agency who bring a high level of analytical expertise to the role.<sup>248</sup> This means that the role of crime registrar is independent of the police force.
- 4.52** The Committee has heard evidence from PCCs and others that a close and effective working relationship with a highly skilled or independent crime registrar has provided assurance of the accuracy of force crime statistics. Although all forces have a crime registrar, the Committee notes that their rank and seniority is variable as is their relationship with the Chief Officer to whom they report<sup>249</sup>. A high level of skills among staff in recording crime statistics was also highlighted as important in a meeting with MOPAC.
- 4.53** The Committee recommends that PCCs consider the potential benefits of extending and strengthening their oversight such as the multi-layered external scrutiny that is effective in the PSNI, but the Committee recognises this as a matter of local discretion. In doing so, PCCs will need to ensure accountability and reporting lines remain clear and do not impede HMIC's ability to inspect police force recording of crime data.

245 Staffordshire ETA panel 2013/14. Crime Records Audit. <http://www.staffordshire-pcc.gov.uk/eta/>

246 Richard Garside. Should the police record crime? Policing Insight. 2015

247 HMIC. Crime data integrity Inspection of the Police Service of Northern Ireland 2015  
<http://www.justiceinspectorates.gov.uk/hmic/wp-content/uploads/psni-crime-data-integrity.pdf>

248 HMIC. Crime data integrity Inspection of the Police Service of Northern Ireland 2015  
<http://www.justiceinspectorates.gov.uk/hmic/wp-content/uploads/psni-crime-data-integrity.pdf>

249 Crime registrars in England report outside of the line of operational line command and report to Chief Officers directly



- 4.54** In chapter 4 the role of the Joint Audit Committee to the PCC and Chief Constable in enhancing public trust and confidence in the governance of the Office of the PCC and the police force was discussed. The Committee recommends:

### Recommendation 16

The Joint Audit Committee should scrutinise the basis of the assurances provided as to the integrity of crime data, including the related performance management systems.

- 4.55** The Committee considers a robust method of crime recording that is subject to multi-layered and external scrutiny along with strong leadership from the Chief Constable is required to ensure the integrity of crime recording. However, just as with managing conflicts of interest, there remains a need for a reporting system to enable staff to raise concerns.

## Whistleblowing

- 4.56** In its Tenth report, the Committee defined effective whistleblowing as being “a key component in any strategy to challenge inappropriate behaviour at all levels of an organisation. It is both an instrument in support of good governance and a manifestation of a more open organisational culture.”<sup>250</sup>
- 4.57** The effectiveness of whistleblowing in the police force remains an ethical risk as identified by the College of Policing who noted recently “while whistleblowing is enshrined in legislation, it has never been fully embedded in the service.”<sup>251</sup> To do so requires effective leadership, management and systems to enable issues both to be raised and acted upon. Whistleblowing should be regarded as a last resort when concerns raised through the appropriate management channels have not been dealt with.
- 4.58** The College of Policing’s Code of Ethics provides a positive obligation “to report, challenge or take action against the conduct of colleagues which has fallen below the standards of professional behaviour.” This approach is strongly supported by the Committee.
- 4.59** The APCC Ethical Framework proposes PCCs should put in place effective whistleblowing procedures in the organisations for which the PCC is responsible.
- 4.60** The Home Office Accountability Statement sets out in more detail the avenues available to staff of both the Chief Constable and PCC if they wish to report concerns:

*“The staff of the Local Policing Body or Chief Officer of Police have an important role in flagging any wrong-doing. A member of staff can contact the auditor, who could investigate any value for money or fraud concerns. They can also contact the force Professional Standards Department or the IPCC about conduct of police officers and staff, the PCC about conduct of the Chief Constable and the Police and Crime Panel or the IPCC about conduct of the PCC. Employees who become whistleblowers, as in other businesses or agencies, are protected from dismissal or adverse treatment by the Public Interest Disclosure Act 1998”.*<sup>252</sup>

- 4.61** HMIC has identified a range of systems for reporting wrongdoing in the police service including anonymous phonelines sometimes used in combination with an anonymous internal email system and making personal reports to line managers or directly to professional standards departments.<sup>253</sup> They recently reported that 87% of respondents to a survey agreed or strongly agreed that they were aware of the methods available to

250 Committee on Standards in Public Life. Tenth Report Getting the Balance Right Implementing Standards of Conduct in Public Life Cm 6407 January 2005

251 College of Policing. Chief officer misconduct in policing An exploratory study 2015. [http://whatworks.college.police.uk/Research/Documents/150317\\_Chief\\_officer\\_misconduct\\_FINAL\\_%20REPORT.pdf](http://whatworks.college.police.uk/Research/Documents/150317_Chief_officer_misconduct_FINAL_%20REPORT.pdf)

252 Home Office. Home Office accounting officer accountability system statement for policing and crime reduction 2015. [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/410711/March\\_2015\\_Accountability\\_System\\_Statement\\_for\\_Policing\\_and\\_CrimeFINAL.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/410711/March_2015_Accountability_System_Statement_for_Policing_and_CrimeFINAL.pdf)

253 HMIC Integrity matters: An inspection of arrangements to ensure integrity and to provide the capability to tackle corruption in policing 2015. <https://www.justiceinspectorates.gov.uk/hmic/wp-content/uploads/police-integrity-and-corruption-2015.pdf>

them if they want to report activities or behaviours that are unethical, unacceptable, unprofessional or illegal.<sup>254</sup> However some junior officers reported feeling reluctant to report senior officers and only 65% of respondents agreed or strongly agreed that supervisors or managers encourage the challenging and reporting of unethical, unacceptable, unprofessional or illegal activities or behaviours.<sup>255</sup>

- 4.62** The Home Office recently consulted on changes to the police disciplinary system, which included strengthening protections for whistleblowers in police forces. In particular, the proposed changes would ensure that those reporting wrongdoing would not be subject to disciplinary action for reporting a concern, and that reprisals against those who report wrongdoing would be treated as a conduct matter.<sup>256</sup> The Committee supports the principle of strengthening protections for whistleblowers.
- 4.63** These recent steps may go some way to encouraging more whistleblowers to come forward and challenge and report improper behaviour. However, as the College of Policing and HMIC inspections have found more is required to create a culture where whistleblowing is encouraged and whistleblowers are supported. This will require visible ethical leadership, embedding of the Code of Ethics and ongoing monitoring and evaluation.
- 4.64** There is an ongoing concern that the hierarchical structure of forces could prevent junior officers feeling able to report concerns about those in authority. The Committee believes that staff at every level must have confidence in confidentiality, an early alert system and a culture of systems learning at a team level. As Lord Justice Leveson said in relation to police in the phone hacking scandal:

*“My overall assessment is that a series of pragmatic solutions need to be devised to maximise the chance that genuine whistle-blowers will use confidential avenues in which they may have faith...”*<sup>257</sup>

- 4.65** Sir Robert Francis noted in his report published in February 2015 that good leadership would be important in implementing changes to how whistleblowing is handled in the NHS.<sup>258</sup>
- 4.66** Whistleblowing is an important component of a wider cultural preventative and positive programme of a healthy culture of openness. All levels of an organisation should be able to challenge and have the confidence to challenge. Staff must feel able to discuss potential or actual ethical issues and play an effective role in identifying problems without needing to escalate concerns formally. They need to know exactly to whom they can go with concerns and feel that they will be listened to and supported if they do. Where formal concerns are raised whistleblowers should be appropriately protected, and communicated with in a timely manner. The Committee believes that this is a good cultural indicator, especially in a hierarchical environment.

- 4.67** As Public Concern at Work (PCaW) has said in evidence to the Committee:

*“There should be a commitment from the very top of an organisation to the principles behind an organisation’s whistleblowing arrangements in creating an environment in which staff feel they can be open and honest about wrongdoing, risk and malpractice within our police forces.”*<sup>259</sup>

- 4.68** The Committee believes that police forces and PCCs have clear whistleblowing procedures that are clearly communicated to all staff. These procedures should also be regularly reviewed to ensure their effectiveness.

254 HMIC Integrity matters: An inspection of arrangements to ensure integrity and to provide the capability to tackle corruption in policing 2015. <https://www.justiceinspectorates.gov.uk/hmic/wp-content/uploads/police-integrity-and-corruption-2015.pdf>

255 Ibid

256 Home Office. Improving police integrity: reforming the police complaints and disciplinary systems 2015. Cm 9031. London: The Stationery Office

257 The Right Honourable Lord Justice Leveson. An inquiry into the culture, practices and ethics of the press 2012, Paragraph 8.9, page 992. [http://www.official-documents.gov.uk/document/hc1213/hc07/0780/0780\\_ii.pdf](http://www.official-documents.gov.uk/document/hc1213/hc07/0780/0780_ii.pdf)

258 Sir Robert Francis. Freedom to Speak Up An independent review into creating an open and honest reporting culture in the NHS 2015 [https://freedomtospeakup.org.uk/wp-content/uploads/2014/07/F2SU\\_web.pdf](https://freedomtospeakup.org.uk/wp-content/uploads/2014/07/F2SU_web.pdf)

259 Ev80 written submission from Public Concern at Work

# 5

## Openness

### *The Seven Principles of Public Life*

*Holders of public office  
should act and take  
decisions in an open  
and transparent manner.  
Information should not  
be withheld from the  
public unless there are  
clear and lawful reasons  
for so doing*

# Chapter 5:

## Openness

**5.1** Openness is one of the Seven Principles of Public Life, described as:

*“holders of public office act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for so doing”.*<sup>261</sup>

**5.2** To ensure that local policing meets underlying policing principles and values and maintains the trust and confidence of the public, it needs to be carried out openly and transparently. This chapter focuses primarily on Openness and transparency in terms of the PCC, but also discusses Openness in relation to the Chief Constable.

### Legislative requirements

**5.3** Section 11 of the Act requires an elected policing body i.e. the PCC, to provide specified information, in a timely manner and in a form sufficient to allow the public to assess their performance.<sup>262</sup> The PCC is required to publish a Police and Crime Plan and an Annual Report. The Elected Local Policing Bodies (Specified Information) Order 2011 sets out exactly what further information PCCs must provide, shown in figure 15 below.

**Figure 15:**  
Specified Information Order 2011

#### The Elected Local Policing Bodies (Specified Information) Order 2011<sup>263</sup>

Information about their role and responsibility, including salary and expenses

Information on income and expenditure and the precept

Detail on certain grants and expenditure exceeding £500

Details of public meetings, agendas and minutes and a record of decisions of significant public interest

Details of the staffing of the Office Police and Crime Commissioner (OPCC) and

Registers of interests and gifts and hospitality

**5.4** The PCC is expected, as a minimum, to provide the information specified. Guidance from the Home Office encourages PCCs to publish more than the minimum required, in line with the government’s transparency

<sup>261</sup> Committee on Standards in Public Life. The 7 Principles of Public Life. 1995. <https://www.gov.uk/government/publications/the-7-principles-of-public-life/the-7-principles-of-public-life--2>

<sup>262</sup> Police Reform and Social Responsibility Act 2011. c.13. Section 11. <http://www.legislation.gov.uk/ukpga/2011/13/section/11/enacted>

<sup>263</sup> The Elected Local Policing Bodies (Specified Information) Order 2011. [http://www.legislation.gov.uk/uksi/2011/3050/pdfs/ukxi\\_20113050\\_en.pdf](http://www.legislation.gov.uk/uksi/2011/3050/pdfs/ukxi_20113050_en.pdf)

agenda. In 2010 the Prime Minister set out government’s intention to be “one of the most transparent governments in the world” to “enable the public to hold politicians and public bodies to account”.<sup>264</sup>

- 5.5** It is a matter for the PCC to decide how to publish information although most publish via a website. The guidance states that information should be published in an accessible format and be easily understood by the public. Accessible offline information should be provided to members of the public who do not have access to the internet. All information published by a PCC, in whatever format, should be clear and consistent.
- 5.6** The Information Commissioner’s Office (ICO) consultation response explicitly welcomed more transparency in policing and suggested that publishing more information would, “aid transparency and thereby build trust with the public”.<sup>265</sup> The ICO’s response raised the importance of retaining confidentiality for individuals whilst being sufficiently transparent. Other responses also agreed that confidentiality was sometimes a legitimate reason, in particular cases, for limiting disclosure of information.<sup>266</sup>
- 5.7** The Committee suggests that when certain information is held back from the public domain, clear reasons for this decision should be provided. The APCC Ethical Framework refers to openness as being as “open as possible”, giving reasons for decisions and restricting information only where the wider public interest clearly demands this.<sup>267</sup>

## Transparency of decision-making

- 5.8** Throughout the inquiry the importance of openness and transparency in decision-making as a means for holding PCCs to account has been prevalent.

“If you can engender a culture of transparency around the way you make decisions then this is quite a big change from Policing Authorities to PCC[s]”

Julia Mulligan,  
PCC for North Yorkshire<sup>268</sup>

- 5.9** The Committee’s consultation asked respondents how PCCs were ensuring transparency in their decision-making. 67 substantive responses were received, 46% of respondents indicated that PCC approaches were sufficient. 30% of respondents thought PCC approaches were not sufficient and 24% of respondents were neutral and considered the situation to be mixed.

<sup>264</sup> Information Commissioners Officers. Cabinet Office. Transparency, Opening Up Government. 2011. <https://ico.org.uk/media/about-the-ico/documents/1042355/westmore-slideshow.pdf>

<sup>265</sup> Ev45 written submission from Information Commissioner’s Office

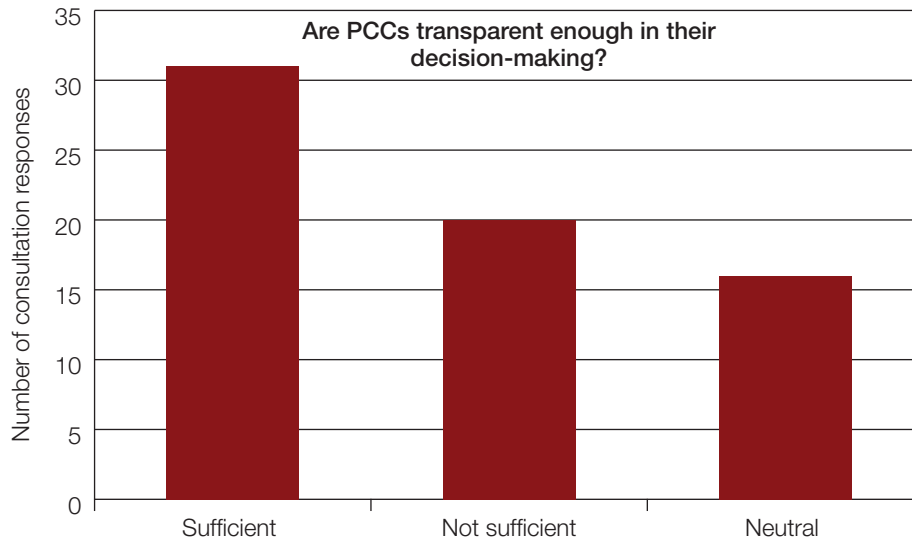
<sup>266</sup> Ev46 written submission from Institute for Chartered Secretaries and Administrators. Ev2 written submission from Association of Democratic Services Officers.

<sup>267</sup> Association of Police and Crime Commissioners. PCC Ethical Good Practice Framework. 2014

<sup>268</sup> Committee on Standards in Public Life. Concluding roundtable, Julia Mulligan. 2015

**Figure 16:**

Respondee perceptions of level of transparency in PCCs' decision-making

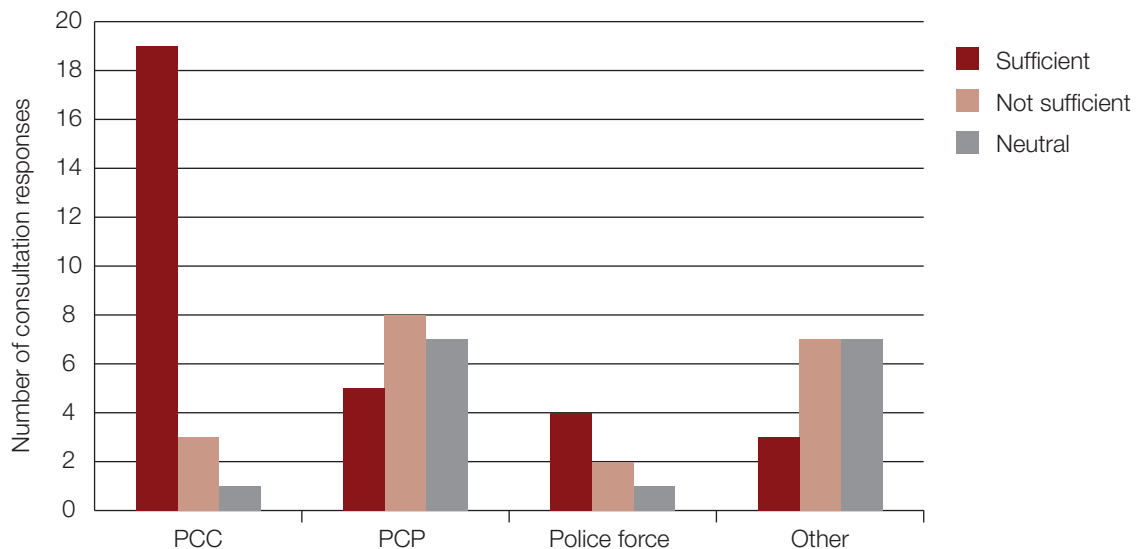


Committee on Standards in Public Life, 2015

**5.10** A significant number of PCCs, in comparison with other respondents, consider themselves to be ensuring sufficient transparency in their own decision-making. One PCC stated that they regarded the existing minimum legislative requirements to be enough to ensure transparency in decision-making.<sup>269</sup>

**Figure 17:**

Respondee perceptions of level of transparency in PCCs' decision-making, by stakeholder group

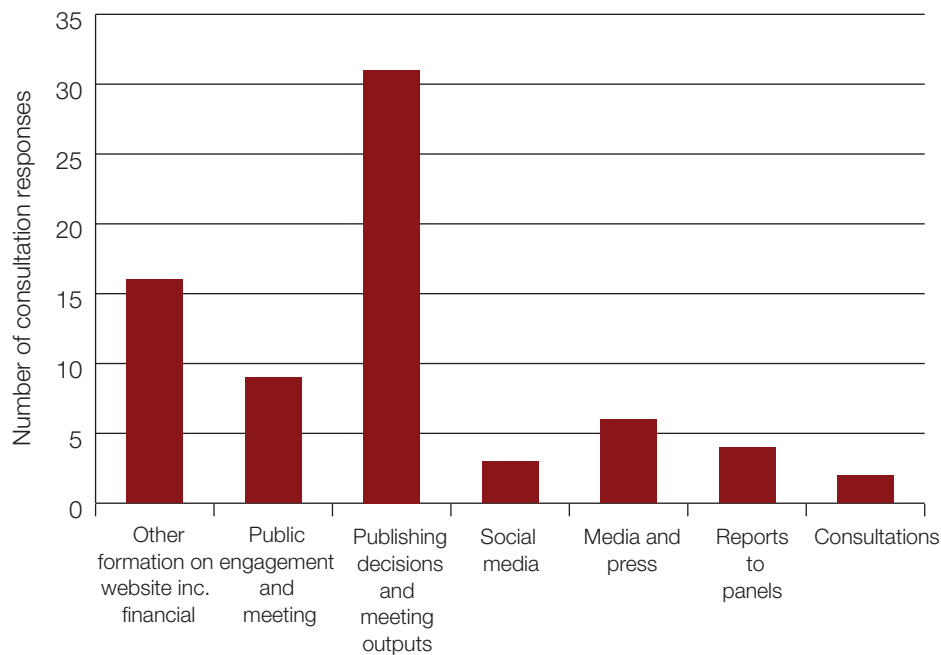


Committee on Standards in Public Life, 2015

**5.11** 41 answers stated additional mechanisms by which PCCs were ensuring transparency in decision-making. All of the PCCs who responded explained how they published their decisions, and others how they additionally published information regarding meetings.

269 Ev39 written submission from Hampshire Police and Crime Commissioner

**Figure 18:**  
Mechanisms used by PCCs to ensure transparent decision-making



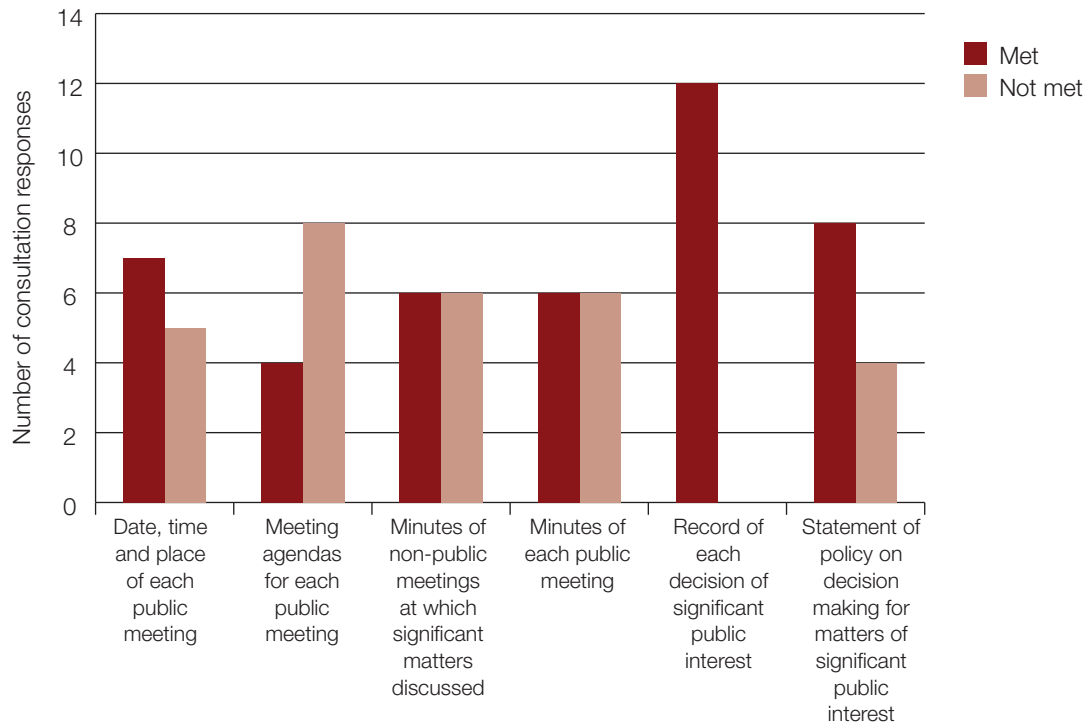
Committee on Standards in Public Life, 2015

- 5.12** The APCC highlighted that some PCCs publish detailed rationales for decisions, video footage of public decisions and where these relate to commissioning services, information on how service users have contributed to the design.<sup>270</sup> This openness is to be welcomed.
- 5.13** Desk research undertaken by the Committee in December 2014 (appendix H) did however indicate a lower level of compliance for information regarding decision-making, meetings, expenditure and contracts, in comparison with other areas of information. The compliance results regarding decision-making and meetings are in figure 18.

270 Ev3 written submission from the Association of Police and Crime Commissioners



**Figure 19:**  
Number of PCCs complying with transparency requirements



Committee on Standards in Public Life, 2015

- 5.14** The Committee is concerned by this level of compliance. Despite there being some indication from PCCs that the Bluelight tendering website<sup>271</sup> is in need of improvements, the Committee sees no reason why details of this information and other public meeting information cannot be published and in a timely manner. Public meetings are one of the main opportunities for members of the public to express views to the PCC and scrutinise how a PCC has arrived at a decision.
- 5.15** Comparing Police and Crime Commissioners (CoPaCC) examined the compliance of PCCs with their statutory transparency requirements in 2013. Similar to the Committee's desk research, CoPaCC found that no Office of the PCC was fully compliant with the specified information. CoPaCC have announced this year they are re-examining PCCs' level of compliance and initial results have indicated improvements by some PCCs since 2013. However CoPaCC notes that the outcome of the full re-examination, which is yet to be completed, will determine whether the current transparency requirements for PCCs need further deliberation.<sup>272</sup>
- 5.16** The Committee suggests that a distinction needs to be drawn between the need for prescription and compliance regarding the type and quantity of information specified and the quality and accessibility of that information. The Committee believes that the information that is already required, or that can be requested by the Police and Crime Panel, should be made clearer and more comprehensible. This would create the accountability the Committee considered in *Standards Matter* – publishing clear, intelligible data in an accessible format to create a genuine dialogue with stakeholders. This in turn builds public trust, as stakeholders can see policies and decisions being influenced and changed as a result of their own input.<sup>273</sup>

<sup>271</sup> Bluelight is a website for tendering used by PCCs and other emergency service. PCCs can make contract information accessible to the public via the website <https://bluelight.eu-supply.com/>

<sup>272</sup> CoPaCC. Policing Insight, Are PCCs still breaking the Law? A Statutory Transparency Update. 2015. <https://policinginsight.com/analysis/are-pccs-still-breaking-the-law-a-statutory-transparency-update/>

<sup>273</sup> Committee on Standards in Public Life. Standards matter, a review of best practice in promoting good behaviour in public life. 2013. [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/228884/8519.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/228884/8519.pdf)

**5.17** A transparent decision-making process is important because it results in more rounded decisions. Ensuring the public has accessible information about decisions and why they are made is what the public expect.<sup>274</sup> Many PCCs have established or are in the process of establishing decision-making or advisory boards as a means of improving the process, visibility and transparency of decision-making.

## Accessibility of information

**5.18** The public needs to access information to scrutinise the performance of their local police force and to hold the PCC to account. Question four of the consultation paper asked whether the information provided by PCCs to the public was sufficient for this purpose. Many responses shared a positive account in terms of accessibility and availability of information. Meeting outputs, local crime information, annual reports, Police and Crime Plans, HMIC reports and public engagement were all cited as ways of providing information to the public.

**5.19** However many respondents also recognised that improvements could be made. The Chief Constable of Cleveland Police expressed the need for a shared understanding between those involved in policing about the nature and purpose of transparency, along with its intended outcomes.<sup>275</sup> Other responses (from professional bodies, local government, academics, police forces and Police and Crime Panels) considered that the information published by PCCs was inconsistent, unclear, duplicated, fragmented, unsearchable, difficult to navigate and in one case volumes were too high. Lawyers in Local Government, as well as several other respondents, called for a national standard or template for information. The Humberside Police and Crime Panel suggested that the quality of information provided to the public directly impacts levels of trust.<sup>276</sup>

**5.20** The Committee's desk based research (appendix H) also highlighted difficulties regarding the accessibility of information. Although information was publicly available, it was often difficult to find, interpret and sometimes out of date. Organisations like CoPaCC make information on police governance available through its website, newsletters and thematic reports. This includes comparison data on transparency information.<sup>277</sup>

**5.21** The Committee's desk research did show that PCCs are consistently making available certain information relating to the PCC's performance including publishing a Police and Crime Plan and Annual Report. The Committee's research indicated a good level of compliance with this requirement by the majority of PCCs reviewed.

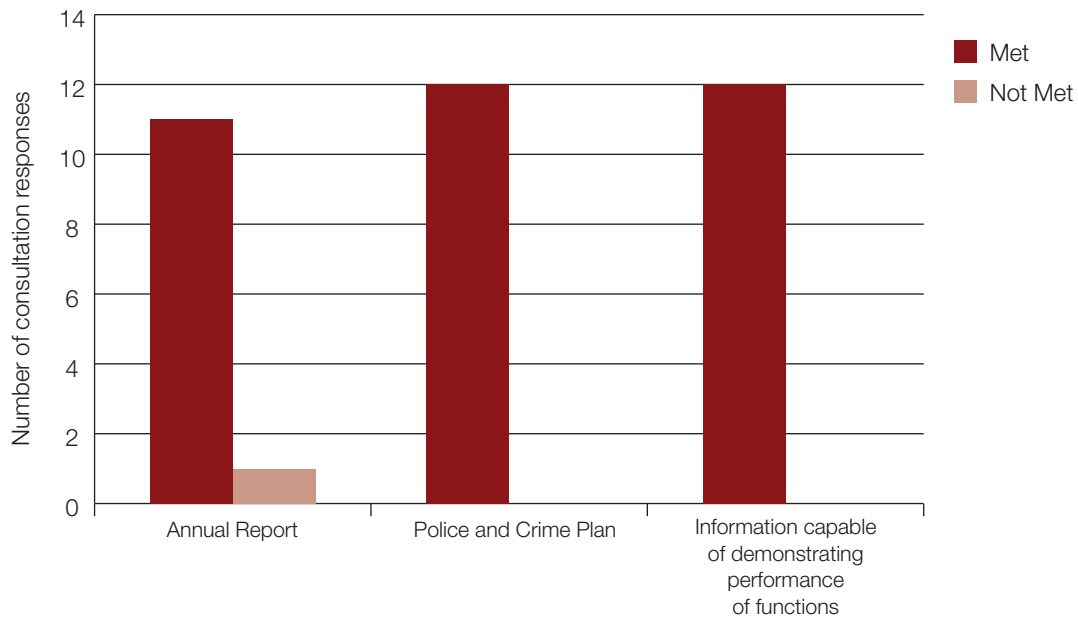
274 Committee on Standards in Public Life. Strengthening Transparency around Lobbying. 2013. [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/407530/2901376\\_LobbyingStandards\\_WEB.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/407530/2901376_LobbyingStandards_WEB.pdf)

275 Ev1 written submission from Association of Chief Police Officers

276 Ev29 written submission from East Riding Council

277 CoPaCC: monitoring police governance. <http://copacc.org.uk/>

**Figure 20:**  
Number of PCCs publishing performance data



Committee on Standards in Public Life, 2015

- 5.22** The provision of such information also enables the Police and Crime Panel to scrutinise the performance of the PCC. Further discussion of the Police and Crime Panel role in this respect can be found in chapter 3 and appendix F. However the Committee has heard evidence that many Panels believe greater openness is needed from PCCs and their Offices to help Panels carry out their role more effectively.
- 5.23** Accessibility and interpretation of information was discussed at the Committee’s concluding roundtable. Fraser Sampson, West Yorkshire PCC Chief Executive, explained how accessibility went hand-in-hand with transparency. He argued that whether or not the public can access information, it was entirely unreasonable for communities to support something they did not understand.<sup>278</sup> The Chief Constable of Cleveland Police suggested that limited resources often meant that the publication of information was done without the necessary narrative to make it accessible to members of the public.<sup>279</sup>
- 5.24** The NAO has stated: “without access to the resources and expertise to critically review it, the public may get a skewed view of police force performance by only being able to take performance data at face value.” The NAO recommends that the Home Office should report on how it plans to increase data availability and accessibility to help the public hold PCCs to account.<sup>280</sup> The Committee supports this recommendation.

<sup>278</sup> Committee on Standards in Public Life. Concluding roundtable, Fraser Sampson. 2015

<sup>279</sup> Committee on Standards in Public Life. Concluding roundtable, Jacqui Cheer. 2015

<sup>280</sup> National Audit Office. Home Office. Police accountability: landscape review. 2014. <http://www.nao.org.uk/wp-content/uploads/2014/01/Police-accountability-Landscape-review.pdf>

**5.25** The government's intention is that data should be open, accessible and in re-usable forms, so that the public can see, understand, influence, participate and hold the government to account for its policy and delivery of public services.<sup>281</sup> The Institute for Government has set out suggested principles that government data should adhere to covering accessibility, quality and comparability. We commend their suggestions to PCCs.<sup>282</sup> Information should be published in a consistent, open and re-usable format with easy to browse and search facilities so as to enable the public easily to locate, aggregate and compare information. This will improve transparency, increase accountability and build public trust.

"access to information and access to people to hear and heed you, builds involvement, trust and understanding. To build legitimacy is essential."<sup>283</sup>

Fraser Sampson, Chief Executive  
West Yorkshire

**5.26** In addition to accessible information, effective engagement with members of the public is also essential to building trust and legitimacy in policing. North Yorkshire PCC Julia Mulligan identified a link between transparency and engagement, suggesting that community engagement was of higher importance than the exact information provided by a PCC. She argued the key to transparency is not the level of information you publish but, "actually about how you engage with your community".<sup>284</sup>

## Public engagement

**5.27** The inquiry found commonality in the ways in which individual PCCs are engaging with their communities. Question five of the consultation paper asked what methods worked best for PCCs in engaging with the public and local communities. Most agreed that the most effective methods of public engagement were public meetings, events, social media and press coverage. Some responses explicitly mentioned the work done to engage victims of crime and young people, such as in Northamptonshire. Other responses commented that partnership working encouraged engagement. Accessing existing community groups was noted as another successful way to meet the public, but could result in exclusion of the wider community in some instances. Overall, responses to question five highlighted efforts made by PCCs to engage the public and local communities. However there were also concerns raised around limited measurement and evaluation of the effectiveness and impact of the engagement undertaken.

**5.28** In the Committee's research, very few respondents reported having had any contact with their PCC, with only 8% reporting such contact. Of those that reported contact, the most common form of contact was through written letters and telephone calls.

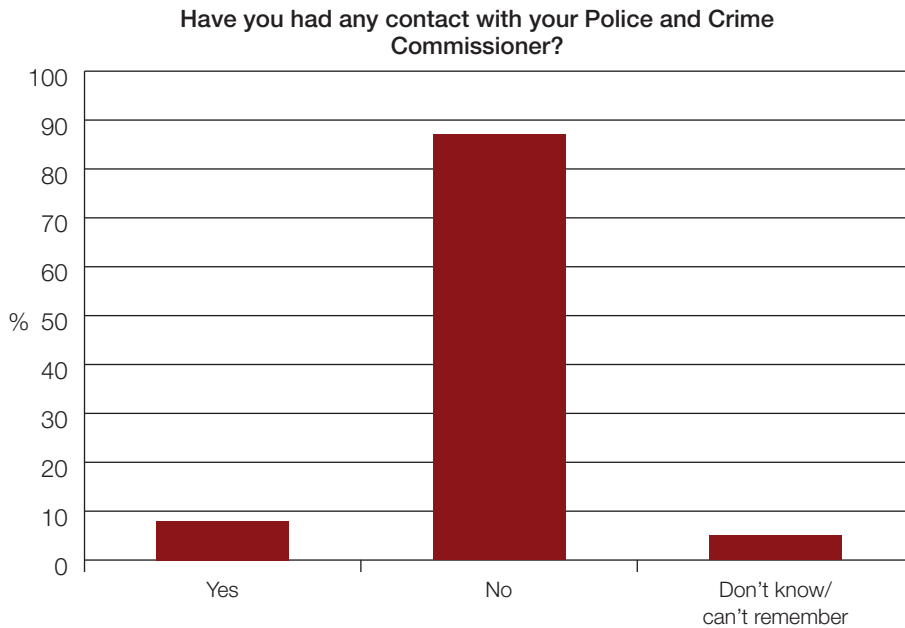
281 Cabinet Office. Open Government Partnership, UK National Action Plan. 2013-15. <https://www.gov.uk/government/consultations/open-government-partnership-uk-national-action-plan-2013-to-2015>

282 Committee on Standards in Public Life. Strengthening Transparency around Lobbying. 2013. [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/407530/2901376\\_LobbyingStandards\\_WEB.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/407530/2901376_LobbyingStandards_WEB.pdf)

283 Committee on Standards in Public Life. Concluding roundtable, Fraser Sampson. 2015

284 Committee on Standards in Public Life. Concluding roundtable, Julia Mulligan. 2015

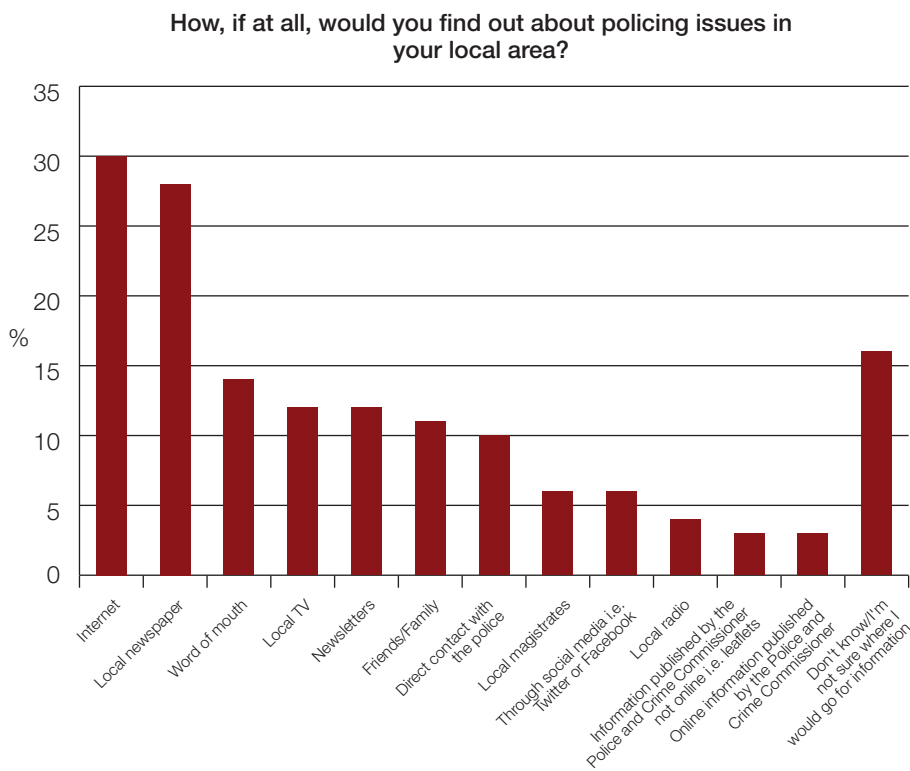
**Figure 21:**  
Percentage of the public that have had contact with their PCC



Committee on Standards in Public Life, 2015

**5.29** Most respondents said they were unaware of public meetings on local policing issues, with only 15% reporting that they were. 84% of respondents could name at least one source of information they would go to find information about policing issues in their local area. The most popular sources of information were the internet (30%) and local newspapers (28%), which had double the number of respondents than the next most popular category (word of mouth: 14%).

**Figure 22:**  
Methods used by the public to find out about policing issues in their local area

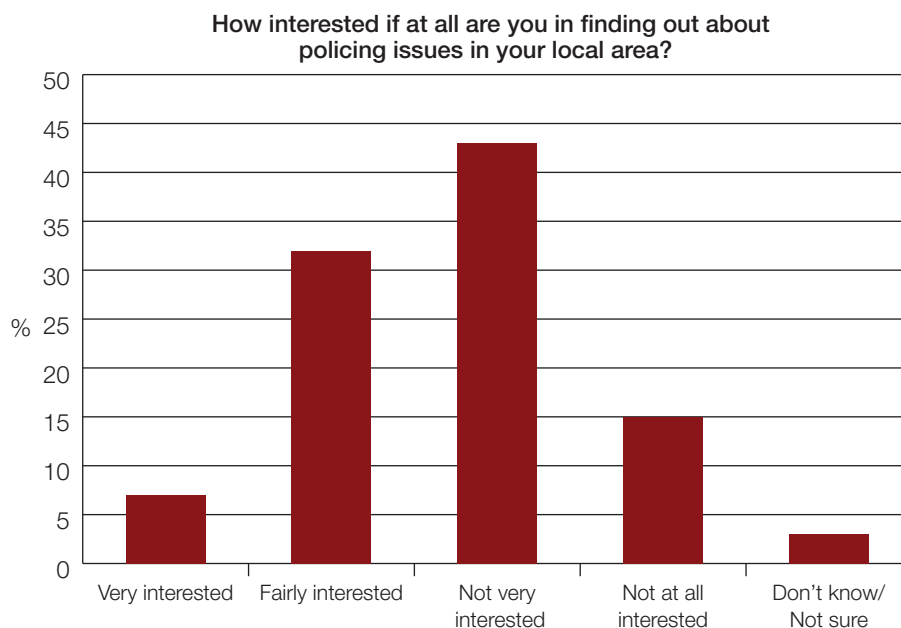


Committee on Standards in Public Life, 2015

- 5.30** A small but notable group of respondents said they did not know where they would go to find information about local policing issues (16%). The research identified that respondents in social grades D and E, or with lower levels of education, or ethnic minority respondents were more likely to say they did not know where they would go for information about policing issues.
- 5.31** The research also found that respondents were generally not very interested in finding out about policing matters. This might not come as a surprise to some, given the low level of voter turnout in PCC elections. 60% of respondents said they were not interested in finding out about policing issues in their local area. Similarly more respondents (41%) said they were not interested in the work of PCCs than said they were interested (29%).

**Figure 23:**

Level of public interest in finding out about policing issues in their local area



Committee on Standards in Public Life, 2015

- 5.32** Broken down into groupings, respondents in social grades A and B and the most educated respondents were more likely to say they were interested in policing matters than respondents in other categories. Ethnic minority respondents were more likely to say they were interested in policing matters. 56% of non-white respondents said they were interested in finding out about policing issues, compared with 37% of white respondents. 38% of non-white respondents agreed they were interested in the work of PCCs compared with 27% of white respondents.
- 5.33** The research suggests that the public are not very interested in or engaged with matters of policing accountability. The extent to which this is driven by public attitudes towards overall policing accountability in the abstract, or simply reflects wider trends of disengagement with public life is a matter for further debate. It should be contrasted with what the Committee has heard about the public's concern to access local policing teams when specific crimes or trends impact on operational policing deployment and priorities in their neighbourhood.
- 5.34** As discussed at the start of this report, most respondents had a positive impression of the conduct and the extent to which police are held to account for their actions. Similarly nearly three quarters of those surveyed in the 2012/13 Crime Survey for England and Wales had overall confidence in the local police<sup>285</sup>. Even if most people are reasonably satisfied with policing, it is difficult to ignore that engagement with the

<sup>285</sup> Office of National Statistics. Chapter 1: public perceptions of the police, and police visibility. 2012-13. <http://www.ons.gov.uk/ons/rel/crime-stats/crime-statistics/focus-on-victimisation-and-public-perceptions--2012-13/rpt--chapter-1.html#tab-Perceptions-of-the-police>

democratic accountability of policing is low, even for a disengaged public, particularly when a rationale for the current model was to increase local public engagement.

**5.35** During the inquiry the Committee learnt of the work done by PCCs to engage with victims of crime, following changes to the delivery of victim services in October 2012, which devolved the responsibility of many national services to a local level.<sup>286</sup> The Committee was told by the Avon and Somerset PCC Sue Mountstevens how victims were placed at the heart of her role.<sup>287</sup> Taking on the responsibilities for delivery of victim services as an early adopter, she had launched an “Integrated Victim Care programme” - “Lighthouse Victim and Witness Care”.<sup>288</sup> The service provides, “practical and emotional” support from expert staff, for victims.<sup>289</sup> On the Northumbria area visit the Committee also heard of the work done by the PCC to implement a victim strategy specifically for the woman and girls who are victims of violence.<sup>290</sup>

## Lobbying decision makers

**5.36** When consulting and engaging with individuals and organisations the PCC needs to be alert to lobbying of either themselves, their Deputies or their office.

**5.37** In its 2013 report *Strengthening Transparency around Lobbying*<sup>291</sup> the Committee considered the spectrum of lobbying activity; the application of the Seven Principles to lobbying; and against that background, what is required from both individuals and organisations to ensure high ethical standards in lobbying. The public concern around lobbying is the confluence of money, influence and power and vested interests. It is often not known who is influencing decisions or what may have been done to achieve the influence.

**5.38** The report acknowledged that the government’s commitment to localism meant that a wide range of bodies and holders of public office, including PCCs, were taking decisions of great public interest, of high value and which can be complex, such as the commissioning and procuring of public services.

**5.39** PCCs are likely to be subject to lobbying from a range of individuals and organisations including those looking for opportunities to provide services to or on behalf of the police. PCCs need to be conscious of the way in which their interactions with lobbyists may be perceived and aware of their responsibilities as decision makers in deciding how to spend public money.

**5.40** The report recommended a strengthening and a widening of transparency around lobbying to enable public office holders to demonstrate openness, probity and fair access in decision-making these recommendations included:

- Public office holders satisfying themselves as to the identify of the person or organisation lobbying them, the reasons for the approach and a record of the meeting (recommendation 1)
- Public office holders should decline all but the lost insignificant or incidental gifts, benefit or hospitality from professional lobbyists and the register of interest, gifts and hospitality should be published regularly and in an easily accessible format (recommendation 2)
- As a matter of good practice, guidance on lobbying should remind all public office holders of the principle of equality of access and the need to proactively consider, after any meeting, whether a balance of views should be obtained (recommendation 4)

<sup>286</sup> Ministry of Justice. Local commissioning of victim’s services. GOV.UK. 2014. <https://www.gov.uk/local-commissioning-of-victims-services>

<sup>287</sup> Committee on Standards in Public Life. Stakeholder meeting, Avon and Somerset PCC. 2015

<sup>288</sup> Lighthouse Victim and Witness Care. <http://lighthousevictimcare.org/about-us/>

<sup>289</sup> Avon & Somerset Police & Crime Commissioner. <http://www.avonandsomerset-pcc.gov.uk/News-and-Events/News-Archive/2014/Nov/New-Lighthouse-service-to-support-most-vulnerable-victims.aspx>

<sup>290</sup> Committee on Standards in Public Life. Area visit to Northumbria. 2015

<sup>291</sup> The Committee on Standards in Public Life. *Strengthening Transparency Around Lobbying*. November 2013



- More timely and detailed disclosure about all significant meetings and hospitality involving external attempts to influence a public policy decision. Information should include dates of meetings, details of attendees and meaningful descriptors of subject-matter published within one month on a relevant website in an easily accessible format (recommendation 5)

**5.41** The Committee notes that the APCC Ethical Framework refers to PCCs maintaining “appropriate transparency on approaches by lobbyists and ensure a balance of views in decision making.” The Committee have seen little evidence, if any, of mechanisms put in place by PCCs to ensure this, other than the minimum requirements under the legislation on recording gifts and hospitality. The HAC report *Police and Crime Commissioners Progress to date*<sup>292</sup> recommended PCCs publish a register of meetings held with external stakeholders. The Committee supports this and reasserts its lobbying recommendations for PCCs, in particular:

### Recommendation 17

PCCs and their Deputies should publish a register of meetings with external stakeholders and routinely publish information about all significant meetings involving external attempts to influence a public policy decision. The published information should include dates of meetings, details of attendances and meaningful descriptors of subject matter. It should normally be published within one month on their website in an easily accessible format.

## Complaints

**5.42** In the course of the inquiry the Committee has heard evidence about the complaints process and about the conduct and performance of both the police and PCCs.

**5.43** The Committee supports the statement of the Home Secretary that

*“Complaints must be responded to in a way that restores trust, builds confidence, and allows lessons to be learned. The handling of police complaints must be customer focused, simple to understand and transparent throughout.”*<sup>293</sup>

**5.44** In order for any complaints arrangements to be credible, the Committee considers they should be timely, proportionate and effective in dealing with non-compliance, act as a deterrent and, importantly, be capable of influencing positive individual behavioural change and organisational learning. These factors must be apparent, credible and demonstrable to the public in order to command respect. Those managing complaints administration and those conducting complaints investigations must observe the Seven Principles and must be able to give the public the assurance that those Principles are properly embedded and are being followed.

**5.45** Evidence submitted during the inquiry and the research commissioned by the Committee, has indicated that there is confusion amongst the public as to the remit and responsibilities of PCCs, particularly in relation to operational policing from which complaints stem. Lack of understanding of the boundary between operational responsibility and governance oversight is not new, but the Committee believes that all parties involved should be under an obligation to make clear and publicise where their responsibilities begin and end. This is especially important in relation to police investigations and their outcomes. Complainants, those under investigation and members of the public generally, need to be clear on the processes and likely timescales to be followed, and should not be under any misapprehension as to who is responsible for investigations and where the boundaries of ‘independent’ involvement lie.

**5.46** There is a degree of confusion between the current police complaints system and the complaints system attaching to PCCs. Clarity and transparency in complaints processes should be paramount. It is the Committee’s position, therefore, that both systems should be ‘customer focused, simple to understand and transparent throughout.’

<sup>292</sup> Home Affairs Committee. *Police and Crime Commissioners: progress to date*. Sixteenth Report of Session 2013-14. HC 757. 5 May 2014

<sup>293</sup> Home Office. *Improving police integrity: reforming the police complaints and disciplinary systems*. Cm 8976. December 2014

## Complaints about the police

- 5.47** As the IPCC has indicated “the current legislative framework governing the police complaints and disciplinary systems is complex. It does not work well and can be difficult to understand.”<sup>294</sup> The IPCC has argued for reform. Currently police forces administer the majority of police complaints locally. Serious cases are referred to the IPCC who also oversee the complaints system nationally. They promulgate best practice, undertake research and issue guidance.
- 5.48** The PCC has a duty to monitor all complaints made against police officers and staff. We have heard evidence of PCCs using various means to do this. Essex PCC Nick Alston, for example, requires a quarterly report from the Chief Constable on complaints, misconduct and other matters that have been processed by the force Professional Standards Department. The report, in an agreed format, is published on the PCC’s website. Some PCCs review complaints by way of a dip sampling, others such as Cheshire PCC John Dwyer, use their Ethics Committee to provide assurance on complaints handling.
- 5.49** In Northumbria, PCC Vera Baird has established an Independent Police Complaints Scrutiny Panel made up of members of the public to ensure that “Northumbria Police deal with complaints against themselves in an open and transparent way”. The panel, supported by the OPCC, reviews dip sampled completed police complaints files and raises issues relating to complaints handling such as appropriate resolutions and timeliness of response. They feed back good practice as well as issues of concern to the PCC. The OPCC also operates a triage system for the management of complaints.
- 5.50** Following a public consultation, the Home Office recently proposed legislation to enable PCCs, if they wish, to take on responsibility for key parts of the police complaints system at a local level currently dealt with by Chief Constables. They will be able to determine which of three models should be implemented locally. In theory PCCs are well placed to provide a single point of contact for members of the public and to gain a strategic overview of broad issues of concern arising from complaints, and to drive improvements in response to those issues.
- 5.51** There is a risk that the absence of national consistency resulting from the optional elements in the new proposal may further undermine confidence in the effectiveness of the police complaints system, and so may unintentionally add to the existing confusion and complexity. Given the level of concern and shortcomings in the present system, it is important that the implementation of changes is monitored locally by PCCs, and also nationally, to measure both improvements and new issues in an area that is vital for public trust in policing. There is a tension between the benefits of a locally delivered, public-facing system and local variation, plus the need to mitigate the risk of public confusion arising from a new triage system separated from operational responsibility. It is therefore essential that, whichever option is chosen, it is carried out with proper capability, timeliness, capacity and clear communication with the public.
- 5.52** The Committee is also concerned that one element of the proposals for appeals undermines one aspect of the rationale for the proposed changes, namely the introduction of more independence into the process. There is a fundamental conflict of interest, contrary to best practice and the principle of genuine independence, where an organisation responsible for the handling of a complaint is then responsible for the appeal against their handling of that complaint. While the Home Office notes in the consultation that “PCCs would need to ensure a degree of separation between decision and appeal to avoid a conflict of interest”<sup>295</sup>, the Committee would like more assurance that this aspect of the reforms has been sufficiently developed to meet the standards of probity and propriety expected by the public.
- 5.53** The Committee does not believe that PCCs should be given responsibility to consider appeals on the outcome of complaints dealt with through local resolution where PCCs themselves have been responsible for resolving complaints appropriate for local resolution. We note the IPCC in their response to the Home Office consultation supported “PCCs handling appeals that are currently heard in-force; but we do not believe they can also be local decision-makers, as this would replicate the existing problem whereby forces

<sup>294</sup> Ev 44 written submission from IPCC

<sup>295</sup> Home Office. Improving police integrity: reforming the police complaints and disciplinary systems. Cm 8976. December 2014

hear appeals against their own decisions.”<sup>296</sup> The Committee believes this is a matter of sufficient seriousness not to be left solely to local choice and variation.

**5.54** Finally, it is important that PCCs undertaking complaints handling locally are protected from misinformed or mischievous complaints about process matters by those dissatisfied with the outcome. PCCs must themselves carry out these responsibilities with the utmost integrity, and be properly held to account for any lapses, in the same way that they are ensuring that police officers are called to account following a public complaint.

### Complaints about Chief Constables

**5.55** The PCC has a specific responsibility as the disciplinary body (‘appropriate authority’) for any complaints against the Chief Constable. The IPCC has remit to consider and investigate certain serious complaints and incidents relating to Chief Constables and can recommend that the PCC refer a matter to the Crown Prosecution Service and recommend or direct that disciplinary proceedings should be brought.

**5.56** The IPCC raised with us practical difficulties concerning PCCs acting as the appropriate authority for complaints into the conduct of a chief officer including:

- the PCC may be a witness for the purposes of the investigation;
- it may be difficult to distinguish complaints about conduct as an individual from those which are about the Chief Constable as head of the police force;
- complaints which are suitable for local resolution under the legislation cannot be resolved by the PCC or their staff, but must be resolved by a member of the same police force; and
- challenges around keeping the PCC informed of the progress of the investigation without potentially prejudicing that investigation.

**5.57** These handling issues were also drawn to our attention by PCC Chief Executives who stressed the importance of the PCC following due process in dealing with a complaint and making an impartial determination. Given that PCCs appoint Chief Constables and on a day-to-day basis needs to maintain an effective, constructive working relationship with them, PCCs need to be alert to the relationship not becoming ‘too close’ nor giving rise to any perception of bias.

### Complaints about PCCs

**5.58** Responsibility for complaints about a PCC is a function of the Police and Crime Panel, although serious complaints and conduct matters must be passed to the IPCC for consideration and investigation. For less serious complaints the Police and Crime Panel is responsible for resolving the complaint and seeking a satisfactory outcome. The administration of the complaint is dealt with by the Monitoring Officer for the Panel, who in practice is likely to be the Chief Executive of the PCC. They may be asked to provide advice but they are not involved in the decision about the outcome of the complaint. The potential conflict of interest arising out of a Monitoring Officer being the Chief Executive employed by the PCC is discussed in more detail in chapter 4. Home Office guidance does not consider there is a conflict of interest in the handling of complaints, as the Panel can choose to delegate the initial handling of complaint to another person or take back the informal resolution of the complaint if necessary.

**5.59** Informal resolution is not an investigation or a disciplinary process. The Police and Crime Panel can use its powers to require the PCC to attend the Panel to answer questions or request information from the PCC. The Panel may publish the record of the outcome but the Panel does not have any power to impose sanctions.

<sup>296</sup> Home Office. Improving police integrity: reforming the police complaints and disciplinary systems. Cm 8976. December 2014

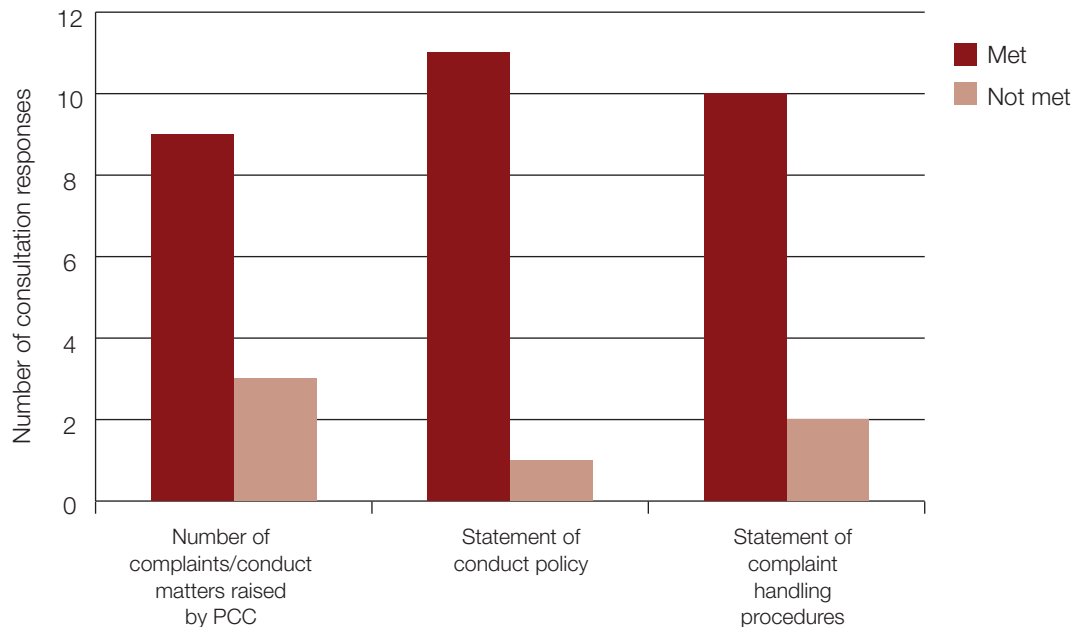
- 5.60** Where the Panel refers the complaint to the IPCC, the IPCC decides whether or not to investigate the complaint or conduct matter. If it decides not to investigate the complaint, it will be referred back to the Panel to resolve. The IPCC will notify the complainant and the PCC of their decision. If the IPCC decides an investigation is necessary, it will make a decision as to how to carry out that investigation. Following the investigation the matter may be referred to the Crown Prosecution Service to decide whether criminal proceedings should be brought against the individual. The IPCC also reports its findings to the Panel and publishes its investigation report.
- 5.61** The IPCC has suggested in its written submission to the Committee that its role in investigating criminal complaints against PCCs, including fraud, should be passed to a different body such as the National Crime Agency or the City of London Police given that the types of matters they are investigating “tend not to relate to core policing activities” and because they need “to maintain an open dialogue and work together in the oversight of a police force”.<sup>297</sup> The Committee has some sympathy with this argument and consider it is a further example of the inherent tensions that have been created in the complaints system. The Committee invites the Home Office to consider this issue as part of the ongoing implementation of changes to the police complaints system generally.
- 5.62** All stakeholder groups expressed varying levels of concern to the Committee about the process for complaints about PCCs. Issues of concern included:
- boundaries of the roles and responsibilities of the PCC and Chief Constable were often poorly understood by the public and this was reflected in the nature of complaints received against PCCs, some of which were in relation to operational policing matters;
  - there was a need for this confusion to be addressed, particularly because there was a risk that policing in times of austerity would result in Chief Constables making increasingly difficult operational decisions, which may not be supported by the public and this would impact on the number of complaints;
  - Police and Crime Panels did not have access to the expert resource or the support networks that existed for Professional Standards Departments dealing with complaints against police;
  - Police and Crime Panels were variable in their level of expertise to deal with complaints against PCCs;
  - there was a lack of clarity and consistency as to what amounted to a non-criminal complaint, which was resulting in unnecessary referrals to the IPCC;
  - many Police and Crime Panels felt a disproportionate amount of time was being spent in managing and locally resolving non-criminal complaints which was being exacerbated for the above reasons;
  - there was a lack of powers and sanctions available to the Panel in resolving a complaint; and
  - there was a gap in expectations of the public in how complaints against PCCs would be resolved, especially when this involved unethical but not criminal behaviour.
- 5.63** In chapter 3 the Committee considered whether the Panel’s powers are sufficient to take action against a PCC who breaches a code of conduct. The Committee is also convinced that greater clarity and consistency is required as to the standards of conduct which apply to PCCs and has recommended a minimum code of conduct for PCCs in chapter 2. The existence of a minimum code of conduct would simplify the complaints system by providing clarity and transparency for the public, the PCC, Panels and the IPCC as to the non-criminal standards of behaviour which apply to PCCs. Complaints out of scope of the Code could be dealt with more quickly, it would reduce the number of unnecessary referrals to the IPCC. The Committee believes there is a role for the LGA here in promulgating best practice resources and enabling Panels to share knowledge and learning.

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297 Ev 44 written submission from IPCC

**5.64** The PCC is required to publish specified information about complaints and conduct matters. Desk research (appendix H) indicated that compliance with these requirements was generally met, although there is room for improvement in relation to the variation in compliance between individual PCCs.

**Figure 24:**  
Level of PCC compliance with complaints and conduct information requirement



Committee on Standards in Public Life, 2015

## Recommendation 18

All parties with responsibility for complaints should make clear and actively publicise where their responsibilities – especially in relation to actual investigations and their outcomes – begin and end.

The implementation of the proposed changes to the police complaints and disciplinary systems should be monitored locally by PCCs and nationally by the Home Office, IPCC and HMIC.

Responsibility for handling police complaints through local resolution should not sit with those with appellate responsibility in relation to the same complaints.

The Home Office should consider whether or not complaints about PCCs should continue to be handled by the IPCC.

## Chief Constable appointments

**5.65** The Act sets out the statutory requirements for the appointment, suspension and removal of Chief Constables. Section 38 of the Act<sup>298</sup> requires a PCC to appoint a Chief Constable for their local area, and allows them to request that the Chief Constable retires or resigns, to which they must comply. PCCs must notify the Police and Crime Panel of a proposed Chief Constable appointment and provide certain information which includes the criteria used to assess the suitability of the candidate for the appointment and why the candidate satisfies those criteria. The Panel must then hold a public confirmation hearing and make a report to the PCC including a recommendation as to whether the candidate should be appointed. The Police and Crime Panel has the power to veto, on a two-thirds majority, the first proposed appointment. Chapter 3 considers the Panels' power of veto further.

<sup>298</sup> Police Reform and Social Responsibility Act 2011. c.13. Section 38. Appointment, suspension and removal of chief constables. <http://www.legislation.gov.uk/ukpga/2011/13/section/38/enacted>

- 5.66** Home Office guidance sets out the principles PCCs must follow when selecting and appointing a Chief Constable, these are: “merit, fairness and openness”<sup>299</sup> – the principles on which the Commissioner for Public Appointments has based his Code of Practice<sup>300</sup>. The APCC Ethical Framework includes guidance to PCCs in making public appointments and states that, “choices should be based on merit and objective criteria”.<sup>301</sup> The Home Office guidance advises that the PCC should involve an independent member during the assessment, shortlisting and interviewing of candidates, to “ensure the selection and appointment process is conducted fairly and openly, and the successful candidate is selected on merit.”<sup>302</sup> It is however for the PCC to decide the recruitment process and which candidate they wish to appoint. The College of Policing guidance for the appointment of chief officers, including Chief Constables, provides advice on the role and selection of the independent member.<sup>303</sup> The Committee supports the guidance provided by the College and welcomes the College’s intention to manage a list of suitable independent members for PCCs to access.<sup>304</sup>
- 5.67** During the inquiry the Committee has heard of concerns about the transparency and fairness of Chief Constable selection and appointment processes.



Stakeholder meetings and area visits, 2015

- 5.68** PCCs are not required, as Police Authorities were, to consider the advice of HMIC when appointing a Chief Constable. The Committee was told that this was a retrograde step as HMIC is able to provide an independent assessment of candidates. There is currently no requirement for an individual with professional policing knowledge to act as either a member of the appointments panel or in an advisory capacity. Without this expert input, the Committee doubts that a PCC can satisfy themselves as to the suitability and competence of the individual candidates.

299 Home Office. Selection and Appointment of Chief Officers. 2012. [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/120273/chief-officer-selection.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/120273/chief-officer-selection.pdf)

300 The Commissioner for Public Appointments. Code of Practice for Ministerial Appointments to Public Bodies. <http://publicappointmentscommissioner.independent.gov.uk/wp-content/uploads/2012/02/Code-of-Practice-2012.pdf>

301 Association of Police and Crime Commissioners. PCC Ethical Good Practice Framework. 2014. p.3

302 Home Office. Selection and Appointment of Chief Officers. 2012. [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/120273/chief-officer-selection.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/120273/chief-officer-selection.pdf). p.3

303 The College of Policing. Appointment of chief officers 2015. <http://www.college.police.uk/What-we-do/Support/Recruitment/chief-officers/Pages/default.aspx>

304 College of Policing. Independent Members and Policing. 2015. <http://www.college.police.uk/What-we-do/Support/Recruitment/chief-officers/Pages/Independent-Members-and-Policing.aspx>



- 5.69** The Committee welcomes the guidance from the College on the role of a Policing Advisor and the agreement of the APCC to recruit and manage a list of suitable Policing Advisors.<sup>305</sup> The recent College of Policing Leadership review found that under the current process chief officer appointments (by either the PCC or Chief Constable) often “favour ‘safe’ local candidates”<sup>306</sup>. That review found examples of good practice where forces had taken on external advisors in the selection process. The Committee was also told by a representative of the LGA that some PCCs have proactively appointed an independent panel member and asked them to provide update reports to the Panel on the selection process and its progress.<sup>307</sup> The College of Policing has suggested that more could still be done to ensure “good strategic advice and support” is available to those making appointments.<sup>308</sup>
- 5.70** Some Police and Crime Panels told the Committee they wished to be consulted and informed about the process of appointing a Chief Constable as it was ongoing. This was preferable for some Panels over simply confirming a PCC’s preferred candidate prior to the appointment being made. The Committee felt that Panels were conscious of the career implications for the candidate of any Panel exercising a veto on an appointment on the basis of suitability. The impression was given that Panels regarded the veto as a “nuclear option”. Others argued that any involvement of Panels in the selection process prior to the confirmation hearing could create a conflict of interest when confirming or vetoing the appointment.

## Decision to suspend or accept resignation of Chief Constable

- 5.71** The PCC may suspend the Chief Constable or call upon the Chief Constable to retire or resign. In contrast to the previous legislation which enabled Police Authorities to remove a Chief Constable “in the interests of efficiency and effectiveness”, the Act does not set out the grounds on which the power can be exercised. However the PCC is required to notify the Police and Crime Panel of the suspension and if the PCC is seeking the Chief Constable’s removal must provide the Chief Constable with a written explanation and notify the Panel. The Act provides for a ‘scrutiny process’ whereby the Panel must hold a scrutiny hearing, is required to consult HMIC and must make a recommendation to the PCC as to whether or not the PCC should call for the retirement or resignation. The decision however, remains with the PCC.
- 5.72** Professor Bryan Keith-Lucas described the right of an elected local policing body to dismiss a Chief Constable as “a power available only in extreme cases, and one which cannot otherwise justify any interference with the chief constable’s independence” and the Chief Inspector of Constabulary has explained that:

*“The statutory context of section 38 indicates that Parliament intended the power of the police and crime commissioner to remove the chief constable to be related to his performance of the duties and functions attached to that role, and the effect that that performance may have on the police and crime commissioner’s own duties and functions regarding achievement of local policing needs and related priorities. Dismissal of a chief constable for a serious failure in the performance of his duties and functions, which jeopardises the achievement of those priorities and needs, was envisaged as an option of last resort for holding the chief constable to account, in accordance with the police and crime commissioner’s duties to secure that the police force is efficient and effective.”<sup>309</sup>*

- 5.73** The HAC was concerned however that PCCs could circumvent the scrutiny process by “simply threatening to use it”<sup>310</sup> or not allowing an extension of contract. Although the Committee has not received direct evidence on this point, the standards risk is that undue influence could affect the calibre, independence and perception of senior leaders who are tasked with leading, promoting and sustaining a culture of ethical

305 College of Policing. Independent Members and Policing. 2015. <http://www.college.police.uk/What-we-do/Support/Recruitment/chief-officers/Pages/Independent-Members-and-Policing.aspx>

306 College of Policing. Leadership Review Interim Report. 2015. [http://www.college.police.uk/What-we-do/Development/Promotion/the-leadership-review/Documents/CoP\\_Leadership\\_Review\\_Interim\\_report.pdf](http://www.college.police.uk/What-we-do/Development/Promotion/the-leadership-review/Documents/CoP_Leadership_Review_Interim_report.pdf). p.15

307 Committee on Standards in Public Life. Stakeholder meeting with Local Government Association. 2015

308 College of Policing. Leadership Review Interim Report. 2015. [http://www.college.police.uk/What-we-do/Development/Promotion/the-leadership-review/Documents/CoP\\_Leadership\\_Review\\_Interim\\_report.pdf](http://www.college.police.uk/What-we-do/Development/Promotion/the-leadership-review/Documents/CoP_Leadership_Review_Interim_report.pdf). p.15

309 The John Harris Memorial Lecture 2013 Thomas P Winsor. WS Her Majesty’s Chief Inspector of Constabulary. Thursday 11 July 2013

310 House of Commons. Home Affairs Committee. Police and Crime Commissioner: progress to date. 2014 <http://www.publications.parliament.uk/pa/cm201314/cmselect/cmhaff/757/757.pdf>



behaviour. In turn other officers “to secure their own success and promotion.....will tend to follow their example and echo what they communicate.”<sup>311</sup>

## Recommendation 19

The Committee endorses the Home Affairs Committee’s recommendations that:

- the Home Office bring forward proposals to amend the powers of commissioners to suspend or remove Chief Constables under Section 38(2) and 38(3) of the Police Reform and Social Responsibility Act 2011 by stipulating the grounds on which they may do so.
- the Home Office should also provide guidance to commissioners on the use of their powers in both respects. In the case of a suspension there should also be a clear system of safeguards similar to those which guide suspension in respect of conduct.
- Police and Crime Panels inquire and report into the circumstances whenever a Chief Constable’s service is brought to an end irrespective of whether the Schedule 8 scrutiny process is formally engaged.
- the Home Office bring forward proposals to extend the Schedule 8 process to include scrutiny by the police and crime panel where a commissioner chooses not to agree to an extension of the Chief Constables’ contract to bring it in line with the process for the removal of a Chief Constable.

## Deputy PCC and senior appointments

**5.74** Similar ethical concerns have been raised about PCC appointments of Deputy PCCs, Chief Executives and Chief Financial Officers, particularly the former. The Police and Crime Panel exercises a similar scrutiny process over these appointments.

### Deputy Police and Crime Commissioners

**5.75** The PCC can appoint a deputy<sup>312</sup>. The PCC can delegate some not all functions to the deputy.<sup>313</sup> They are a member of the PCC’s staff but it is the only post which is not politically restricted. There are some restrictions on who can be appointed as a deputy but significantly the Act states that Schedule 7 of the Local Government and Housing Act 1989 (appointment of staff on merit) does not apply to the appointment of a Deputy PCC. The recruitment of Deputy PCCs therefore differs from that of the majority of public office holders who are either elected as politicians or appointed as non-political officials following the code of practice of the Commissioner for Public Appointments. PCCs need to be able to justify appointments publicly since the appointment of a ‘political’ deputy can be perceived as evidence of cronyism. The Committee is of the view that it is difficult to see how the Police and Crime Panel can meaningfully scrutinise an appointment to which these statutory requirements do not apply.

### Senior appointments

**5.76** The PCC must appoint a Chief Executive and a Chief Finance Officer. As with Chief Constables PCCs must notify the Police and Crime Panel of a proposed appointment and information including the criteria used to assess the suitability of the candidate for the appointment and why the candidate satisfies the criteria. The Police and Crime Panel must then hold a public confirmation hearing and make a report to the PCC including a recommendation as to whether the candidate should be appointed.

**5.77** In contrast to the appointment of the Chief Constable, the Police and Crime Panel has no power to veto the proposed appointment. There also does not appear to be any guidance to PCCs to appoint an independent member during the selection and appointment process for these appointments. It was this

<sup>311</sup> Public Administration Select Committee. Our work in the 2010-15 Parliament. Seventh Report of 2014-15. HC 1152. 28 March 2015

<sup>312</sup> Police Reform and Social Responsibility Act 2011. Section 18 (1)

<sup>313</sup> Ibid Section 18 (6) and (7)

Committee that recommended an independent Commissioner for Public Appointments be established to regulate Ministerial appointments to public bodies on the basis of a mandatory Code of Practice<sup>314</sup>. The Code, based on the Seven Principles, maps out the procedure for appointments to these posts on merit and fair and open competition. We commend the Code of Practice as a model for appointments processes and its aim of appointing high quality candidates from a strong and diverse field. It has been widely adopted and adapted beyond public appointments.

- 5.78** The Committee remains of the view that there is a need for transparency, openness and accountability in any public appointment and re-appointment process to ensure public confidence in selection. This should include, for these appointments, a requirement for there to be an independent member on the appointment panel set up to oversee the appointments process and for a criteria for selection to be that the Police and Crime Panel are satisfied that the candidates can meet the standards of the Seven Principles of Public Life. Details of the independent panel member should be published.
- 5.79** We therefore support the College of Policing’s recommendation from the Interim Report of its Leadership Review to embed the values articulated in the principles from the Code of Ethics in all local and national selection and promotion processes.<sup>315</sup>
- 5.80** The College of Policing also noted more generally across police forces that there was “inconsistency in standards, unfairness in procedures and bias in recruitment and promotion processes” across police forces. The College recommended that national standards for recruitment and promotion into all roles, ranks and grades should be introduced to drive consistency and achieve culture change. The Committee agrees with the College that:

*“Local experience and force needs must be accommodated in setting national standards, and this will be balanced by the importance of transparency, openness, and objectivity in making the right selection decision.”<sup>316</sup>*

- 5.81** We think this argument extends as much as to the Chief Constable and senior appointments of the PCC as it does to other police officer ranks.
- 5.82** The Committee therefore recommends that:

## Recommendation 20

PCCs’ appointment procedures should comply with open and transparent appointment processes including:

- a requirement for there to be an independent member on the appointment panel set up to oversee the appointments process for Chief Constables and senior Office of PCC staff; and
- a requirement that a criterion for selection be that the panel is satisfied that the candidates can meet the standards of the Seven Principles of Public Life.
- details of the independent panel member should be published.

Where a PCC intends to appoint a deputy PCC the PCC should disclose that fact and the intended Deputy (if known) at the time of the election.

A decision to suspend or accept a resignation of a Chief Constable or to appoint a Deputy PCC should be regarded as a decision of ‘significant public interest’.

314 Ibid 33

315 Recommendation 3 College of Policing Leadership Review Interim Report

316 Ibid para 5.7.1.

## Glossary

# Glossary

Term/reference	Description
APCC	Association of Police and Crime Commissioners
APCC Ethical Framework	APCC Good Practice Ethical Framework: document produced by Association of Police and Crime Commissioners setting out the key principles of ethical behaviour, which PCCs may wish to apply locally, with suitable adaptations, in order to meet obligations under the Local Policing Bodies (Specified Information Order) 2011
APACE	Association of Police and Crime Chief Executives
CIPFA	Chartered Institute of Public Finance and Accountancy
CfPS	Centre for Public Scrutiny
Chief Constable	Chief police officer for police forces in England and Wales (outside London)
Chief officers	Used in the report to refer to people in senior positions within the police force. A term more generally used to describe a person of a senior position in an organisation
College of Policing 'the College'	The professional body for policing
College of Policing's Code of Ethics 'Code of Ethics'	The Code of Ethics (2014) is a Code of Practice for the Principles and Standards of Professional Behaviour for the Policing Profession of England and Wales, produced by the College of Policing
Commissioner for Public Appointments	The Commissioner for Public Appointments is the guardian of the processes used by Ministers (primarily Ministers of the Crown and Welsh Ministers) to make public appointments on merit
Committee on Standards in Public Life/ CSPL 'the Committee'	An independent advisory non-departmental public body that advises the Prime Minister on ethical standards across the whole of public life in the UK
CoPaCC	Comparing Police and Crime Commissioners
Elected Local Policing Body	Under the Police Reform and Social Responsibility Act 2011 this term refers to PCCs in England and Wales (outside London). For London it refers to the Mayor's office for Policing and Crime
Electoral Commission	The independent election watchdog and regulator of party and election finance
Financial Management Code of Practice for the Police Forces of England and Wales	A code of practice to set out arrangements for financial governance for police. Applicable to PCCs, Chief Constables and MOPAC

Term/reference	Description
First Report	Report by the CSPL in 1995 that outlined the Seven Principles in Public Life
Greater London Authority/GLA	Established under the Greater London Authority Act 1999, responsible for spending, high standards, governing the organisation and electing the Mayor and Assembly
HMIC	Her Majesty's Inspectorate of Constabulary
HAC	Home Affairs Committee
IPC	Independent Police Commission is an independent inquiry focusing on the future of policing in England and Wales. Widely known for publishing the Stevens report
IPCC	Independent Police Complaints Commission
Joint Audit Committee	Used within the report with reference to policing, it is a shared function between a PCC and Constabulary, responsible for providing independent assurance of governance and risk management practices
Ipsos Mori	Ipsos Mori is a UK research company
LGA	The Local Government Association
London Assembly	An Assembly of 25 elected members that hold the Mayor to account, on behalf of Londoners
Mayor's Office for Policing and Crime/ MOPAC	The strategic oversight body which sets the direction and budget for the Metropolitan Police Service on behalf of the Mayor
Metropolitan Police Force	Police force responsible for Greater London's law enforcement
Monitoring Officer	Used within the report with reference to the Office of the PCC, it is a role undertaken by the chief executive of the Office of a PCC, responsible for telling a PCC about actual or possible law breaking or action that could cause an injustice
NAO	The National Audit Office
National Decision Model	A single decision-making framework adopted by the police service
NPCC	The National Police Chiefs' Council
The Office of the PCC/OPCC	The Office of the Police and Crime Commissioner is an Executive team each PCC has in place to support them in their role
Operational independence	The independence the police force has over operational policing matters
PASC	The Public Administration Select Committee
PEEL programme	HMIC's programme regarding police effectiveness, efficiency and legitimacy
Peelian Principles	A set of principles that underpin policing in England and Wales
Police Authorities	Until 2012 the public authority was responsible for oversight of the police force before being replaced by PCCs in 2012
PCC	Police and Crime Commissioners are a publicly elected individual responsible for the strategic side of policing and holding the police force to account. Introduced in 2012 under the Police Reform and Social Responsibility Act 2011

Term/reference	Description
Police and Crime Panel	Introduced under the Police Reform and Social Responsibility Act. The body responsible for scrutinising and supporting the PCC. The Panel's membership is made up of local authority and party political representatives, along with independent members.
Police and Crime Plan	Under the Police Reform and Social Responsibility Act 2011 an elected local policing body (PCC or London Mayor) is required to produce a police and crime plan, documenting the policing objectives for the local area
Policing by consent	Included within the Peelian principles this term explains that policing in Britain is done with the cooperation of the public
Policing Protocol Order 2011	Statutory instrument setting out powers that fall under the Police Reform and Social Responsibility Act 2011
Police Reform and Social Responsibility Act 2011	An Act to make provision about the administration and governance of police forces
PSNI	Police Service of Northern Ireland
PSAEW	Police Superintendents' Association of England and Wales
Seven Principles of Public Life	The Seven Principles of Public Life were published in the CSPL's First Report in 1995. The principles are Selflessness, Integrity, Objectivity, Accountability, Openness, Honesty, Leadership. All of the principles apply to anyone who works as a public office holder
SOLACE	Society of Local Authority Chief Executives and Senior Managers
Stage 2 transfers	Under the Police Reform and Social Responsibility Act 2011 an agreement can be made regarding the assets and police staff that are transferred from the Chief Constable to PCC
Tenth report	Report by the CSPL in 2005 focussed on implementing standards of conduct in public life
Tripartite arrangement	A term used within the report to specifically refer to the shared responsibility for policing between police authorities, Chief Constables and the Home Secretary, which was in place until PCCs were introduced in 2012

## Appendixes



# Appendix A:

## Policing accountability in London

### Introduction

The Mayor's Office for Policing and Crime (MOPAC) provides strategic oversight for policing in London.<sup>317</sup> MOPAC has the legal responsibility to ensure the maintenance, efficiency and effectiveness of the Metropolitan Police and hold the Metropolitan Commissioner of Police to account. Under the Police Reform and Social Responsibility Act 2011 MOPAC is led by the Mayor of London. The Mayor's capacity is analogous to the role of Police and Crime Commissioners outside London.<sup>318</sup>

The Mayor of London has the power to appoint a Deputy, to whom they can delegate some of their functions. Given the range of policy and operational responsibilities the Mayor of London has, the appointment of a Deputy Mayor for policing and crime is a probable choice. The current Mayor of London does delegate most policing and crime powers to a Deputy, but retains the power to issue a Police and Crime Plan and to appoint and remove senior Metropolitan police officers.

### Accountability and governance

The Mayor of London is held to account by the London Assembly. The London Assembly is made up of 25 members and is also responsible for representing the interests and concerns of people in London. The Assembly fulfils this function by investigating issues of importance, including policing and crime. All London Assembly meetings are open to the public.<sup>319</sup>

A governance framework in line with legislation, standards and good governance principles ensures that the processes and systems needed are in place for MOPAC to operate in an appropriate and accountable way. The framework includes a number of mechanisms to ensure governance of MOPAC is upheld, these include:

- Production of a police and crime plan;
- Common working principles for staff;
- High standards of conduct and behaviour;
- Informed, transparent and scrutinised decision-making; and
- Ongoing review and audit.

The Police and Crime Committee of the London Assembly is responsible for scrutinising the work of MOPAC. The Committee review the Police and Crime Plan and investigates the actions and decisions and functions of MOPAC. The Committee achieves this by requiring the provision of information and documents and attendance by the Mayor, Deputy Mayor and MOPAC at meetings. The Committee also holds regular meetings in public to question the Deputy Mayor on issues of policing.

<sup>317</sup> MOPAC has provided strategic oversight to policing in London since 2012

<sup>318</sup> London.gov.uk. About MOPAC. 2015. <https://www.london.gov.uk/priorities/policing-crime/about-mopac>

<sup>319</sup> London.gov.uk. London Assembly. 2015. <https://www.london.gov.uk/mayor-assembly/london-assembly>

## Ethics

The Mayor of London established a London Policing Ethics Panel in April 2014 to provide independent advice on ethical issues arising from operational policing. The panel is made up of five members and chaired by Lord Carlile (a Liberal Democrat life peer). It focuses on ethical dilemmas in policing in London and embedding of ethical frameworks.

The purpose of the London Policing Ethics Panel is to provide the Mayor and Deputy Mayor of London with independent, external and ethical advice and recommendations regarding: “policing issues that may impact on public confidence”.<sup>320</sup> The ambition to raise public confidence in policing aligns to a commitment made by the Mayor in his Police and Crime Plan. The recommendations made by the panel, on the basis of independent review, are expected to be acted upon.

The specific remit of the panel is guided by the Mayor or Deputy Mayor. The panel is tasked with investigating, “matters of operational policy” identified as having a possible impact on: “the effectiveness and efficiency of the police and broad public consent for policing”.<sup>321</sup>

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320 London Policing Ethics Panel. Ethical Challenges of Policing in London. 2014. <https://www.london.gov.uk/sites/default/files/LPEP%20-%20Ethical%20Challenges%20of%20Policing%20in%20London%20October%202014.pdf>. p.3

321 MOPAC. London Policing Ethics Panel Terms of Reference. [http://www.policingethicspanel.london/uploads/4/4/0/7/44076193/london\\_policing\\_ethics\\_panel\\_\\_terms\\_of\\_reference-1.pdf](http://www.policingethicspanel.london/uploads/4/4/0/7/44076193/london_policing_ethics_panel__terms_of_reference-1.pdf). p.1

# Appendix B:

## Accountability

### Introduction

Accountability is central to the work of the Committee on Standards in Public Life, and has been since the First Report in 1995. The First Report introduced the Seven Principles of Public Life, the fourth of which is Accountability.

Accountability, for the Committee means that: “holders of public office are accountable for their decisions and actions to the public and must submit themselves to whatever scrutiny is appropriate to their office”.<sup>322</sup>

The concept of scrutiny is integral to accountability. Scrutiny is not one of the Seven Principles, but is essential to understanding of all of the principles. The First Report explains that independent scrutiny is necessary for accountability to operate, meaning that: “internal systems for maintaining standards should be supported by independent scrutiny”.<sup>323</sup> The report explains that:

*“wherever there is scope for behaviour falling below the highest standards, then internal systems must be supported by independent scrutiny and monitoring. Part of this will be routinely performed by auditors, but in certain circumstances an independent body to oversee the framework within which actions are taken and to monitor compliance can be an important additional safeguard in maintaining public confidence”.*<sup>324</sup>

Within the standards framework set out in the First Report, accountability is regarded as institutional and routine.

### Defining accountability

The First Report assumed a common and uncontested understanding of accountability. However academic dialogue regarding accountability suggests it is a complicated concept. It has been described as a term that is “unclear and contested”.<sup>325</sup>

<sup>322</sup> Standards in Public Life. First Report of the Committee on Standards in Public Life . 1995. <https://www.gov.uk/government/publications/the-7-principles-of-public-life/the-7-principles-of-public-life--2>

<sup>323</sup> Ibid

<sup>324</sup> Ibid

<sup>325</sup> Richard Mulgan. Holding Power to Account. Accountability in Modern Democracies. 2003. Basingstoke: Palgrave. p.5

Philp (2009), Mulgan (2003) and Bovens (2010) all provide varying explanations of what accountability is:

<b>Philp (2009)</b>	Accountability is a type of relationship in which “A is accountable with respect to M when some individual body or institution, Y, can require A to inform and explain/justify his or her conduct with respect to M”. <sup>326</sup> Philp argues that “accountability requires careful specification and that it is frequently distorted when put to the service of theoretical models and normative principles”. <sup>327</sup>
<b>Mulgan (2003)</b>	<p>Accountability is founded on the democratic principle, that when power is delegated by a citizen to an agent (political or administrative), that citizen has ownership rights which are exercised by requiring the agent to give an account of how they have exercised that delegated power.<sup>328</sup></p> <p>Mulgan connects accountability to the concept of harm, for example when the citizen’s: “rights or interests are adversely affected by the actions of someone else, [they] have a right to hold that person to account for the manner in which they have been treated”.<sup>329</sup></p> <p>Mulgan (2003) suggests that accountability has “an inner core consisting of the prior rights of investigation and scrutiny, and the parallel obligations to inform and explain. Complete accountability, however, requires the addition of remedies and sanctions.”<sup>330</sup></p>
<b>Bovens (2010)</b>	Westminster-model based approach to accountability, described as “an institutional relation or arrangement” or a “social mechanism”. <sup>331</sup> Bovens focusses on whether the accountability of agents can be managed by “accountability forums”. <sup>332</sup> Accountability forums tend to be institutions, operating within the context of an electoral democracy.

## Local policing accountability

The model for local policing accountability introduced under the Police Reform and Social Responsibility Act 2011 promotes “replacing bureaucratic accountability with democratic accountability”.<sup>333</sup> Democratic accountability is privileged over bureaucratic accountability, in terms of its effectiveness and legitimacy, in reflecting and delivering local priorities.

Democratic accountability in local policing focuses on the electoral process as the primary means of holding the PCC to account, and giving him or her the right to hold others to account. The direct connection to the electorate through the electoral process is key to legitimacy for those in the role, and renders the PCC “directly accountable”.<sup>334</sup>

326 Political Studies. Delimiting Democratic Accountability. 2009. p.32

327 Ibid.p.28

328 Holding Power to Account: Accountability in Modern Democracies. 2003 Basingstoke: Palgrave. p.7

329 Ibid.p13

330 Ibid.p.10

331 Two Concepts of Accountability: Accountability as a virtue and as a Mechanism. 2010 Taylor and Francis. p.948

332 Ibid

333 Policing in the 21st Century: Reconnecting Police and the People. 2010 Home Office. p.3

334 Ibid.p.10

The notion of ‘electoracy’ is considered as an alternative to democratic accountability by Professor Raine:

### **Electocracy - Professor Raine**

Professor Raine of the University of Birmingham has considered whether the new model for local policing can be deemed an example of ‘electocracy’.<sup>335</sup> Raine refers to electocracy as “political systems offering citizens the opportunity to vote for their preferred candidate (or party group) but who, once elected, assumed all authority to govern until the next ballot”.<sup>336</sup>

However Raine reaches the conclusion that ‘electocracy’ is not an accurate descriptor of the PCC model, given that “PCCs have gone to considerable lengths to build relationships with their local public and so foster an on-going process of public accountability”. Furthermore “it has been the PCCs own efforts at public engagement that have been providing the real counterbalance to any potential for electocracy to prevail”.<sup>337</sup> Raine also notes:

*“At face value at least, the statutory requirements of the PCC role, which vest considerable powers and authority in the office-holder, and with few limiting conditions, once elected, do tend to suggest a strongly monocratic form of governance for policing. Indeed, as discussed, critics of the PCC model have from the outset been greatly concerned at the concentration of authority and governance responsibility in the hands of one individual”.*<sup>338</sup>

The Policing Protocol Order sets out the basic governance framework for local policing in terms of a hierarchical accountability framework:

*“The public accountability for the delivery and performance of the police service is placed into the hands of the PCC on behalf of their electorate. The PCC draws on their mandate to set and shape the strategic objectives of their force area in consultation with the Chief Constable. They are accountable to the electorate; the Chief Constable is accountable to their PCC. The Police and Crime Panel within each force area is empowered to maintain a regular check and balance on the performance of the PCC in that context”.*<sup>339</sup>

## **Scrutiny**

Scrutiny is a means of facilitating accountability. It is conducted primarily by the electorate, by viewing the information which the PCC is required to publish and using that information to inform their choice at the next election. Some of that information is related to performance of duties, some to activities and some to the compliance with the standards regime such as expenses, gifts and hospitality, and declaration of interests.

Public scrutiny is a continuous process, but the holding to account through the electoral process is periodic, with elections occurring every four years.

Institutional scrutiny is present within the model of local police accountability. Section 28 (6) of the Act, under the heading *accountability of elected local policing bodies, Scrutiny of police and crime commissioners*, the Police and Crime Panel to are required to:<sup>340</sup>

- (a) Review or scrutinise decisions made, or other action taken, by the relevant police and crime commissioner in connection with the discharge of the commissioner’s functions
- (b) Make reports or recommendations to the relevant police and crime commissioner with respect to the discharge of the commissioner’s functions.

335 Ev49 written submission from Professor Raine

336 Ibid

337 Ibid

338 Ibid

339 Statutory Instrument. Police, England and Wales. The Policing Protocol Order 2011. The Policing Protocol Order 2011. [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/117474/policing-protocol-order.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/117474/policing-protocol-order.pdf)

340 Police Reform and Social Responsibility Act. c.13. 2011. <http://www.legislation.gov.uk/ukpga/2011/13/contents/enacted>

The accountability mechanisms exercised by the Police and Crime Panel do not involve the same range of sanctions as those of the PCC, or the public. For example a PCC has the power to dismiss the Chief Constable and the public can choose not to re-elect a PCC.

Police and Crime Panels have the power of scrutiny, a limited power of veto in particular circumstances (relating to appointments and budgets) and the power to make public statements expressing support, criticism or condemnation.

## Effectiveness of accountability

The Committee believes it important to consider whether the accountability model for local policing can be considered effective, and whether it is consistent with the standards framework advocated in the First Report.

Under the new structures for local policing, the accountability relationship between the PCC and the Chief Constable is direct, continuous and based on a concept of accountability that involves giving an account and being held to account through the operation of sanctions.

The police are accountable to the public. The public delegate their rights in this respect to the PCC, via the electoral process. The PCC holds the Chief Constable, as the most senior representative of the police, to account for breaches of an established standards framework (i.e. the Code of Ethics and the Seven Principles), through scrutiny and the sanction of dismissal.

The PCC is accountable to the public for the powers delegated to them, and this too is based on a concept of accountability that involves giving an account and being held to account through the operation of sanctions. The PCC gives an account through providing information to the public and to the Police and Crime Panel on his/her priorities and performance, and to a lesser extent of their compliance with a standards framework, i.e. their oath of office and compliance with expenses, gifts, hospitality and transparency rules. The sanction available to the public is to vote them out of office or to voice such disapproval that the PCC resigns. The sanction available to the Police and Crime Panel in relation to standards failures or breaches, is to voice disapproval or call for resignation.

The giving of an account by the PCC in terms of the publication of information may not be sufficient to provide a meaningful account to the public, given the variable quality of information and the absence of sanctions for non-publication. The standards framework in place for the various players in the local policing system is also different, with police standards governed by a Code of Ethics and a disciplinary system and PCC standards lacking a common code or disciplinary system outside the formal electoral process. These differences give a different weight to the operation of accountability in relation to PCCs.

## National perspective

The Government's position so far has been that only an electoral process can be used as the means of holding PCCs to account, given the privilege attached to the PCC's democratic mandate, but this is not an argument that holds in relation to other elected individuals at national level. The accountability arrangements for MPs require them to give an account to the Parliamentary Commissioner for Standards and the Committee on Standards, and they are held to account against a Code that relates specifically to standards of behaviour and from which sanctions flow.

There does not appear to be anything to prevent PCCs from coming to a collective agreement to adopt a code of conduct, and abide by a system of sanctions, operated by an external body charged with so doing. Such a step could introduce a measure of continuous accountability without undermining the primacy of the electoral mandate as the means of delivering accountability.

# Appendix C:

## The College of Policing's Code of Ethics

### Code of Ethics: A Code of Practice for the Principles and Standards of Professional Behaviour for the Policing Profession of England and Wales (Extract)<sup>341</sup>

#### Policing principles

1. **Accountability** – You are answerable for your decisions, actions and omissions
2. **Fairness** – You treat people fairly
3. **Honesty** – You are truthful and trustworthy
4. **Integrity** – You always do the right thing
5. **Leadership** – You lead by good example
6. **Objectivity** – You make choices on evidence and your best professional judgement
7. **Openness** – You are open and transparent in your actions and decisions
8. **Respect** – You treat everyone with respect
9. **Selflessness** – You act in the public interest

#### Standards of professional behaviour

1. **Honesty and integrity** – I will be honest and act with integrity at all times, and will not compromise or abuse my position
2. **Authority, respect and courtesy** – I will act with self-control and tolerance, treating members of the public and colleagues with respect and courtesy. I will use my powers and authority lawfully and proportionately, and will respect the rights of all individuals.
3. **Equality and diversity** – I will act with fairness and impartiality. I will not discriminate unlawfully or unfairly
4. **Use of force** – I will only use force as part of my role and responsibilities, and only to the extent that it is necessary, proportionate and reasonable in all the circumstances
5. **Orders and instructions** – I will, as a police officer, give and carry out lawful orders only, and will abide by Police Regulations. I will give reasonable instructions only, and will follow all reasonable instructions

<sup>341</sup> College of Policing. Code of Ethics. Principles and Standards of Professional Behaviour for the Policing Profession of England and Wales. 2014. [https://www.durham.police.uk/About-Us/Transparency-and-Integrity-Programme/Documents/Code\\_of\\_Ethics\\_2014%5B1%5D.pdf](https://www.durham.police.uk/About-Us/Transparency-and-Integrity-Programme/Documents/Code_of_Ethics_2014%5B1%5D.pdf)



6. **Duties and responsibilities** – I will be diligent in the exercise of my duties and responsibilities
7. **Confidentiality** – I will treat information with respect, and access or disclose it only in the proper course of my duties
8. **Fitness for work** – I will ensure, when on duty or at work, that I am fit to carry out my responsibilities
9. **Conduct** – I will behave in a manner, whether on or off duty, which does not bring discredit on the police service or undermine public confidence in policing.
10. **Challenging and reporting: improper behaviour** – I will report, challenge or take action against the conduct of colleagues which has fallen below the standards of professional behaviour.

# Appendix D:

## APCC Ethical Good Practice Framework

This document sets out the key principles of ethical behaviour, which Police and Crime Commissioners may wish to apply locally, with suitable adaptations, to meet their obligation under the Local Policing Bodies (Specified Information Order) 2011 (as amended in 2012) to publish “a statement of the policy of the elected local policing body in relation to the conduct of relevant office holders, including procedures for the handling of qualifying complaints and conduct matters.”

### Selflessness

- Taking decisions in the public interest, not for personal gain or that of family and friends
- Putting local communities (including victims, witnesses and vulnerable people) at the heart of what PCCs do
- Standing up for principles and local people

### Integrity

- Not placing oneself under any financial or other obligation to external entities that might seek to influence the performance of official duties
- Not engaging in activity which is not demonstrably in the public interest
- Maintain appropriate transparency on approaches by lobbyists and ensure a balance of views in decision making
- Putting effective whistle-blowing procedures in place in the organisations for which the PCC is responsible

### Objectivity

- Choices should be based on merit and objective criteria in:
  - making public appointments
  - awarding contracts
  - recommending individuals for awards and benefits; or
  - otherwise carrying out public business.
- Promoting and monitoring ethical standards through the procurement/commissioning process to ensure good standards of behaviour in organisations with which PCCs contract
- Ensuring appointees’ commitment to ethical standards
- Acting fairly, irrespective of race, religion, gender, etc

## Accountability

- Demonstrating accountability for decisions and actions to the public
- Submitting themselves to scrutiny by the public, police and crime panels, Parliament, or other appropriate bodies
- Promoting greater accountability in the organisations for which PCCs are responsible, especially the police, by holding them to account effectively on behalf of the public
- Improving public trust and confidence through promoting accountability.

## Openness

- Being as open as possible about all the decisions and actions that PCCs take, including giving reasons for decisions.
- Restricting information about the PCC's office only when the wider public interest clearly demands it.
- Being as open as possible about the organisations for which PCCs are responsible, except where information would not be in the public interest.
- Being as open as possible with the media, without breaching the privacy or confidence of others, or giving them inappropriate access to restricted information

## Honesty

- Declaring any private interests in relation to public duties and decisions in a regular and easily accessible format
- Taking steps to resolve any conflicts and mitigate risks arising in a way that protects the public interest, particularly in relation to:
  - Personal/prejudicial or financial interests
  - Use of resources
  - PCC expenses, gifts and hospitality
  - Procurement/commissioning process
- Being honest in dealings with the public and promoting greater trust in the office of the PCC.

## Leadership

- Promoting and supporting these principles by leadership and example, since as leaders of local policing bodies PCCs are critical to setting the culture of transparency and ethical behaviour in which the public can have trust across the criminal justice system in their area,
- Setting an ethical vision and approach as a leader and ensuring it makes a difference to the culture of the organisations for which PCC is responsible
- Not bringing their office into disrepute
- Treating the public with dignity, respect and fairness to increase their confidence in the criminal justice system

## Complaints Process

Complaints about the behaviour of Police and Crime Commissioners are dealt with by local Police and Crime Panels. If the matter is a serious complaint (an allegation of criminal behaviour against the PCC), the Panel will refer it on to the Independent Police Complaints Commission to deal with. If it is a less serious matter, the Panel is responsible for resolving the problem and seeking a satisfactory outcome. For instance, this might be an explanation or apology from the PCC, or an agreement to prevent or improve a problem in the future.

The administration of the complaint is dealt with by the Monitoring Officer for the Police and Crime Panel. The Monitoring Officer handles the paperwork about the complaint and may be asked to provide advice about the law in relation to complaints. Monitoring officers need to ensure the details of the complaint are recorded properly, but they are not involved in making any decision about the outcome of the complaint.

In some cases Police and Crime Panels will have asked one of the PCC's staff to act as their Monitoring Officer, in other cases it may be a member of staff of a local authority – but in any event a Monitoring Officer is under a statutory duty to act fairly and objectively in this role. For this reason, in some cases, Police and Crime Panels may ask complainants to contact a member of staff of the Police and Crime Commissioner with details of the complaint.

Local ethical statements will need to set out appropriate contact details for their Police and Crime Panel.

# Appendix E:

## Ethics Committees

The emergence of Ethics Committees in policing has drawn on lessons learnt from the health sector. The origins of Ethics Committees in health date back to the 1980s where they were introduced in hospitals “to assist the decision making process for resolving ethical dilemmas”.<sup>342</sup> Ethics Committees in health now focus on, “ethical decision making, ethics advice and the formulation and review of ethical policy”.<sup>343</sup> Ethics is a central component to policing in concern of the decisions made by officers and staff on a daily basis. Similarly to health, the introduction of Ethics Committees provides a mechanism to improve and scrutinise ethical decision-making.

The Avon and Somerset constabulary has recently established an Ethics Committee. Below is an overview of the foundation on which the Committee has been set up.

### **Avon and Somerset Ethics Committee<sup>344</sup>**

Avon and Somerset’s Ethics Committee met formally for the first time in March 2015. The Committee set up by the Avon and Somerset police force in collaboration with Bath Spa University and with the support of the PCC, is a way of increasing the focus on ethics – a central component of high standards in policing.

Avon and Somerset’s police force acknowledge that it is the daily responsibility of individual officers to make difficult decisions regarding ethical matters. Such decisions have a moral dimension and must place the interests of the public at the forefront. The legitimacy of ethical decisions is dependent on the behaviour of individual officers.

The value of the Code of Ethics in supporting ethical policing decisions is recognised by the force. But it is also appreciated that the code alone is not enough to uphold ethical policing and an accompanying culture to “discuss ethical issues and identify potential problems in an open and an unthreatening manner” is required.

Research undertaken by Bath Spa University drew on learnings from the ethical and moral decisions taken in the medical profession and development of clinical ethics committees. These learnings have contributed to setting up the Avon and Somerset Ethics Committee. Preliminary training has been undertaken to ensure there was awareness of the purpose of the Committee amongst the force, prior to its embedding.

The Avon and Somerset Ethics Committee permits members of the police force to discuss ethical dilemmas faced. After only one meeting, the value of the Committee is difficult to determine. Its progression and effectiveness is being closely reviewed by researchers at the University.

The Avon and Somerset Ethics Committee example sets out the reasoning for establishing such a function within a force. Since the end of 2013 over 20 Ethics Committees have emerged. A number of forces have been encouraged to establish a Committee following the launch of the College of Policing’s Code of Ethics (further information about the Code of Ethics can be found in the chapter 2 of the report) as a way of supporting the embedding of the code. Some Committees state an explicit intention to embed the College of Policing Code of Ethics, including South Yorkshire, Kent, Cheshire, West Mercia and Warwickshire. In October 2013, eight forces (including Staffordshire, Greater Manchester and Kent) in particular agreed piloting an Ethics Committee in

<sup>342</sup> Bath Spa University & Avon and Somerset Constabulary. Applied Ethics for Avon and Somerset Police Force. 2014. p.4

<sup>343</sup> Ibid

<sup>344</sup> Ibid

conjunction with the College of Policing and APCC. Other forces, such as Staffordshire state the commitment to the Seven Principles of Public Life. A typology of some Committees, including the London Policing Ethics Panel set up by the Mayor in April 2014, is provided below:

<b>Typology</b>		
<b>Area</b>	<b>Membership</b>	<b>Remit</b>
Staffordshire Ethics, Transparency and Audit Panel (Jan 2014)	Nine members, including OPCC, police force, public. Public meetings held six times a year, two focus on thematic issues.	Challenge accuracy of crime recording, examine response to incidents, analyse complaints handling. Provide assurance to PCC and Chief Constable around decisions, policies and process. Commission work, share information and improve transparency.
Cleveland & Durham Independent Ethics Committee (Jan 2014)	Joint committee between Cleveland and Durham constabulary and PCCs.	Maintain trust and confidence by promoting high ethical standards, educating, supportive and measuring compliance with organisational values. Committee consider thematic and day-to-day ethical issues.
London Policing Ethics Panel (April 2014)	The panel consists of five members, one of whom is the panel's chair, Lord Carlile (a life peer of the House of Lords and former MP of the House of Commons). All the panel members have had experience in a legal setting, some have had experience in other areas such as policing, human rights and philosophy. On a formal and professional basis the panel meet monthly, additional work is undertaken outside these regular meetings. The panel is expected to serve until May 2016.	For the Metropolitan police, policing ethics is based on the principles of: truth, transparency, fairness, integrity, inclusiveness, engagement and honesty. <sup>345</sup>  In line with the principle of policing by consent, it is the aim of the London Policing Ethics Panel (LPEP) to: "enhance relations between the public and police by promoting better understanding on both sides" <sup>346</sup> . To achieve this it is the role of the panel to advise members of the police force on ethical conduct and to inform the public of ethical policing matters faced by the force.
Greater Manchester Independent Ethics Committee (Aug 2014)	Established by the PCC and Chief Constable, the Committee is made up of thirteen members.	Maintain trust, confidence and transparency the committee considers thematic issues e.g. discrimination and day-to-day ethical issues e.g. body-worn cameras.
Essex Ethics and Integrity Committee (Aug 2014)	Five independent advisers that meet three times a year.	Advisory committee look at current and future issues of ethics, integrity to policing e.g. use of force, treatment of whistleblowers. The committee's remit excludes individual cases.

345 London Policing Ethics Panel. About the London Policing Ethics Panel. 2015. <http://www.policingethicspanel.london/about-ljep.html>

346 Ibid

Typology		
Area	Membership	Remit
West Mercia & Warwickshire Joint Trust, Integrity and Ethics Committee (Sept 2014)	Joint committee made up of five independent members. The committee meets three-four times a year, some meetings are in public.	Enhance trust and confidence in ethical governance. Responsible for the education and promotion of high standards of integrity and ethical conduct and sustained compliance of high standards. Considers internal and external issues arising within both police forces, encourages learning.
Cheshire Audit and Ethics Committee (Sept 2014)	Four members. The Committee meet at four times a year.	The Committees provides assurance on complaints handling and conduct, improves public transparency and legitimacy. It is advisory and supports the PCC and Chief Constable to ensure effective governance.
Kent Ethics Committee (Dec 2014)	Panel established by PCC and Police Force is made up of five independent members.	Open and transparent committee to ensure trust and public confidence. The remit is leadership, complex issues, decision-making, influencing culture and ethical practice.
South Yorkshire Independent Ethics Panel (Jan 2014)	Set up by the PCC, the advisory panel is made up of five members that meet four times a year.	Improve transparency and accountability, the panel oversee policing to increase public trust and confidence and encourage greater scrutiny. Challenge integrity, ethics, decision-making.

The typology indicates that there are similarities between the Ethics Committees that have been established in police areas:

<b>Membership</b>	Many Committees appoint independent member(s) in the interest of impartiality. The Committees do not explicitly state how independent members are appointed. However in Staffordshire members of the public can apply online to sit on the panel.
<b>Transparency</b>	There is a commitment to transparency by all Committees. However there is inconsistency between the level and type of information made public by the Committees. For example the West Mercia and Warwickshire Committee explicitly state that some Committee discussions will not be public. It is unclear what is public and what is private.
<b>Police and Crime Panel</b>	There is no evidence of a relationship, either formal or informal, between any of the Ethics Committee and Police and Crime Panels.

There is also evident variation between the Committees. This is partially expected as there are no common terms of reference for the set-up of Committees. Remit, membership arrangements (including payments arrangements for members) and structure differs. Some are led by police forces, some by PCCs and some jointly. Others have been jointly established by two independent PCCs, and some have added ethics to existing audit functions (Cheshire). The eight pilot Committees set up to an agreed framework differ. Differences are not necessary a disadvantage, providing that each Committee is fitting for the context in which it operates.



Although there is evidence of police areas which have established dedicated Ethics Committees, other areas have intentionally chosen not to. The Committee heard from one stakeholder on an area visit that an Ethics Committee was not needed, because ethics should be embedded at all levels of policing and a dedicated committee was not necessary to ensure this happens.<sup>347</sup>

However it is important to recognise that Ethics Committees are still new to policing, so their value and effectiveness is difficult to judge. As Ethics Committees continue to establish and develop, the periodic review of their impact will be important to help determine their effectiveness.

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<sup>347</sup> Committee on Standards in Public Life. Northumbria Area Visit. 2015

# Appendix F:

## Police and Crime Panels

The Committee's remit and focus for this inquiry into local policing accountability structures is on the structures in place to ensure high ethical standards in policing. However, during the course of the inquiry and as noted in chapter 5 of this report, the Committee found that several interrelated issues have limited the ability of Panels to function effectively. This included a high rate of membership turnover, which was affected by the political balance objective, diversity and skills. The Committee's detailed findings on these issues are detailed below in turn.

### Membership and turnover

Panels have a range of responsibilities set out in the Act. This includes reviewing the draft Police and Crime Plan of the PCC and the PCC's Annual Report and making a report or recommendations to the PCC in addition to "reviewing or scrutinising decisions made, or other action taken, by the relevant police and crime commissioner in connection with the discharge of the commissioner's functions".

Panel members are appointed by local authorities and must have one elected representative (councillors or, where relevant, elected mayors) from each local authority within the force area.<sup>348</sup> See schematic below for structure.



<sup>348</sup> Home Office 2012 Have you got what it takes: To publicly account for your decisions.  
[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/117462/publicly-account-for-decisions.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/117462/publicly-account-for-decisions.pdf)

## Balanced appointment objective

The Act requires Panel members to be selected to achieve the balanced appointment objective. This means a Panel's membership must broadly reflect the geographical and political make up across the force area. This may result in the majority of Panel members having the same political affiliation as the PCC they are scrutinising.

Stuart Lister researched the political affiliation of Panel members and PCCs and found that, "nearly 40 per cent of panels (16 of 41) had no overall political majority among its membership, but an equal proportion had a Conservative majority. Around a fifth of panels (nine of 41) had a Labour majority. None had a Liberal Democratic majority. Of those panels that did have a political majority, 68 per cent (17 out of 25) shared the same political affiliation as the PCC."<sup>349</sup>

This data raises questions about whether a Panel that is politically aligned is exercising a support rather than scrutiny function and vice versa. Further, the need for political balance may limit the work that the Panel can carry out effectively by adding to the existing workload of Panel members. This may contribute to the relatively high turnover of Police and Crime Panel members.

In evidence submitted to the Committee, academic Barry Loveday noted that a Panel member had said that "many members were not re-elected or were replaced and this had created a high degree of instability within the PCP. It had also limited its ability to develop policy and to develop a body of knowledge over time or to present a consistency of purpose and a level of coherence required to effectively monitor the PCC" [PCP member 2014]. Loveday notes that adding the demands of political balance in terms of selection to the high turnover that already exists further undermines the panel's effectiveness.

There was no perception amongst PCCs and Panels that political affiliation affected the level of scrutiny or support provided by the Panels. Evidence from the LGA however, has suggested that local internal party politics plays more of a role in relationships between the Panel and the PCC than political affiliation.<sup>350</sup> An example of this is evidence from the Humberside PCC that the Panel there had been affected by a "somewhat dysfunctional" relationship which, "is not solely based on party political grounds but more often geopolitical, highlighted by disagreements and the as yet, unresolved issue of the actual composition of the Panel and how many members there should be from each authority".<sup>351</sup>

## Turnover

In addition, evidence highlighted that the churn of Panel members impacted on the overall effectiveness of the Panel. Churn may be a result of appointed members sending substitutes and/or a change in membership as a result of changes to local authority members following local elections – especially in those elections where they take place are by thirds, annually.

We were told that many members did not receive any additional allowances for the Panel role, though some Panel members did (though the allocation of allowances is a matter for each local authority.) Travel time to meetings could be considerable for those in large police areas. The time commitment for members is often significant. Additionally, the low profile of Panels may affect the attractiveness to candidates as one respondent stated, "they do not constitute a priority for council leaders or members of their executive given the range of functions local government has to service".<sup>352</sup>

The Committee's desk based research shows that the West Midlands Panel has had a turnover of 42% of positions, with many of this number replaced multiple times. As noted earlier, there are several implications arising from a high turnover of members and high number of substitution members attending meetings. For example, there is a lack of continuity which makes it difficult to build a body of knowledge on the Panel. New members would also have to be trained, which could limit the amount of work a Panel can undertake.

349 Lister S 2014 Scrutinising the role of the Police and Crime Panel in the new era of police governance in England and Wales

<http://www.birmingham.ac.uk/Documents/college-social-sciences/business/economics/events/2014/pcc-workshop/scrutinising-police-crime-panels.pdf>

350 Committee on Standards in Public Life. Stakeholder meeting. Local Government Association. 2015

351 Ev3 written submission from Association of Police and Crime Commissioners

352 Ev98 written submission from West Midlands Police Force

## Relevant skills, knowledge and experience

Panel members must have the relevant skills, knowledge and experience to discharge the Panel's functions effectively<sup>353</sup>. Due to their perceived importance, when Panels were first established, some local authorities decided that the leaders of the authority should be on the Panel. In other areas former police authority members were appointed because they already had experience in exercising oversight of the police force. Independent members of Panels have usually been selected to meet particular skills or requirements identified by the councillors on the Panel. They may be from a community group or have knowledge of the criminal justice system.

Although the Act requires Panel members to have appropriate skills, knowledge and experience, no further specification is provided in either the legislation or any Home Office guidance. In addition, the Committee were told that the requirement for political balance meant that there may be a small pool of eligible candidates limiting the extent to which a candidate's relevant skills, experience and knowledge can meaningfully be taken into account.

The Committee agrees that the sufficiency of the Panel is "dependent on the skills, knowledge and understanding of the individual panel members."<sup>354</sup> In the absence of general guidance, the Committee considers relevant skills for carrying out the role are knowledge of scrutiny, risk management and governance and an experience, knowledge or interest in policing, community safety partnerships and the justice system would assist Panel members in carrying out their role effectively.

Ensuring that Panels have a strong chair, with good leadership skills and knowledge of scrutiny from other roles could also provide some assurance for less experienced panel members and enhance the overall effectiveness of the Panel. For example, the Chair of West Midlands Panel successfully steered the panel through uncharted territory when PCC Bob Jones died and an interim PCC had to be put in place until a new PCC was elected. The legislation was unclear as to who in the PCC's office could take this interim role and was also unclear on the procedure, including the timeline, for doing so. The Panel later wrote of the process: "The Panel expresses profound concern about the near total inadequacy of the statutory provisions relating to the arrangements that prevail when a casual vacancy occurs in the office of a Police and Crime Commissioner, including but not limited to, the appointment of an Acting Commissioner and the arrangements for the calling of a by-election."<sup>355</sup> The Chair's strong leadership skills ensured that the Panel successfully appointed an interim PCC and held a by-election for a new PCC within the time specified in the Act.

## Training

The Committee were also told that Panel members did not always feel adequately trained for the role beyond a basic understanding of the relevant legislation. The LGA published a guidance document in 2012 to assist councils in setting up panels, which focuses on the panel's composition. The LGA and Centre for Public Scrutiny have run several knowledge sharing events for panels to share their learning and experience and some panels have opted to attend training courses run by consultants. Derbyshire Panel members were given a training session on the elements of the approval or veto of the annual budget. However there is no centrally available training for Panels. Similarly, no central training or induction was made available to PCCs regarding their own role or that of the Panel. The Committee believes that training for PCCs on their role and for the Panel could encourage good working relationships between all parties by providing clarity on the function of each body.

353 Police Reform and Social Responsibility Act 2011 Schedule 6, Section 31 Parts 2 and 4. <http://www.legislation.gov.uk/ukpga/2011/13/schedule/6/enacted>

354 Ev37 written submission from PCC for Gwent Ian Johnstone

355 West Midlands Police and Crime Panel: lessons learned

Many Panels and PCCs referred to the need for greater training and guidance for Panels. One response suggested that “training should be provided through a national pack including an interactive CD, such as that which OFSTED provides to all school governors. It is essential for Panel members to understand the landscape of policing and the criminal justice system in order to be effective in holding the PCC to account”.<sup>356</sup>

The Committee believes that the LGA should consider extending its provision of support for Panels by providing e-training for Panels as it is cheap (once the training is drafted) and can be done in members’ own time. The LGA could provide a coordinating role with the Home Office providing input. The Committee has heard that it is difficult to get Panel members together outside a meeting and funding for Panels is clearly limited in areas where local authorities do not contribute. E-training allows members to pick and choose which modules to complete as some members will already feel confident of their skills in particular areas.

## Diversity

In recent years, there has been a growing emphasis in public and private organisations and their boards on increasing diversity so as to be representative of their users or customers and to increase the range of views and perspectives. Evidence has shown that companies with more women on their boards were found to outperform their rivals with a 42% higher return in sales, 66% higher return on invested capital and 53% higher return on equity<sup>357</sup>.

Evidence from Professor Gains argues that Panels do not reflect the diversity of the public they represent, with only 28% of Panel members being female in the first year of their creation.<sup>358</sup> Professor Gains said “what is lost from the arrangements governing composition of police committees, to the criteria for composition of the Police and Crime Panels, is ensuring diversity in the make-up of the panel. We are concerned that panels may become unrepresentative in other ways of the populations they serve.”<sup>359</sup> Professor Gains told the Committee that the issue of wider diversity and the public’s acceptance of this needs addressing.<sup>360</sup> This is an important matter of legitimacy to which the Home Office and LGA should give further consideration. To achieve it would require either or both statutory changes in the constitution of panels and in the demographic make-up of the pool of eligible councillors.

## Conclusion

In order to carry out their role effectively, it is imperative that Panels have members with the relevant skills to carry out its functions. Panels therefore need to consider how they will recruit members in future to ensure that the panel has the right mix of skills. The option for Panels to select independent and co-opted members gives them scope to fill skills gaps.

There are many benefits to organisations who have a diverse workforce. In the case of Panels, who hold the PCC to account on behalf of the public, it is essential that they are also representative of the local community they serve.

The turnover of Panel members due to the local election cycle was an issue that was raised during the inquiry. Panels are constrained by the election cycle; however, Panel Chairs can provide continuity for members by providing strong leadership. Relevant training of new Panel members would also assist in limiting the impact of frequent changes to Panel membership.

<sup>356</sup> Ev95 written submission from PCC for Warwickshire Ron Ball

<sup>357</sup> The Bottom Line: Corporate Performance and Women’s Representation on Boards”, Lois Joy, Nancy M Carter, Harvey M Wagener, Sriram Narayanan, Catalyst, 2007 In: BIS 2011 Women on Boards.

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/31480/11-745-women-on-boards.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/31480/11-745-women-on-boards.pdf)

<sup>358</sup> Ev33 written submission from Professor Gains

<sup>359</sup> Ibid

<sup>360</sup> Committee on Standards in Public Life. Area visit to Greater Manchester. 2015

# Appendix G:

## Police and Crime Panel best practice

### Manchester case study

The Committee visited Greater Manchester as part of their visits to five police areas throughout England undertaken between December 2014 and February 2015. The Committee met with the Police and Crime Panel (Panel), the Police and Crime Commissioner and the Chief Constable.

Greater Manchester decided early on to nominate the leaders of the councils in the Manchester police area as members of the Panel. The membership is currently made up of 12 people: nine Council Leaders, the Salford City Mayor, and two independent members appointed for their skills, knowledge and experience of wider criminal justice and community safety issues<sup>361</sup>.

Greater Manchester functions as a combined local authority known as the Association of Greater Manchester Authorities (AGMA), which describes itself as ‘the voice of the ten local authorities of Greater Manchester’<sup>362</sup>. The Committee heard evidence that the Panel is integrated into the existing structure of the combined local authority.

This integration means that the Panel and AGMA are particularly effective at ensuring coordination of public services including policing. For example, the Committee heard evidence of a mental health pilot working across both health and police services to prevent people with mental illness being taken into police custody. Resources have been provided from structures already in place in the AGMA, enabling the Panel to carry out its work effectively.

AGMA Chief Executives and Council Leaders meet regularly to work together on a range of key strategic and policy issues that affect Greater Manchester. AGMA also provide a range of joint services across the conurbation via AGMA Units and through cross authority professional groups. AGMA has a cabinet system, which includes a lead on police and crime. The police and crime lead from AGMA is on the Panel.

AGMA wrote that one of their key objectives is:

*“Providing governance arrangements which aim to provide streamlined decision making; excellent co-ordination of services across the combined administrative area; mutual co-operation; partnering arrangements, and added value in the provision of shared services.”*

These governance arrangements mean that the Panel members have strategic oversight of a number of areas such as health as well as policing, allowing them to see the connections between different areas of public services. The Committee was also told that this approach builds effective working relationships as members regularly interact outside Panel meetings in other roles in their capacity as councillors. Further, Panel members such as those on Community Safety Partnerships, have developed good working relationships with Chief Superintendents and local police officers. Information gained in these other roles informs their work on the Panel both scrutinising and supporting the PCC.

<sup>361</sup> AGMA website [http://www.agma.gov.uk/police\\_crime/index.html](http://www.agma.gov.uk/police_crime/index.html)

<sup>362</sup> AGMA website <http://www.agma.gov.uk/agma/index.html>

## Greater Manchester Governance



In addition to attending Panel meetings, the PCC Tony Lloyd attends Leaders' meetings and the Panel also holds informal meetings if necessary. The Committee were told the effect of the good working relationships was that:

- The Panel and PCC were able to agree a way of working together early on and define 'significant public interest'<sup>363</sup>. The process of the PCC's decision making is carried out according to the agreed definition.
- The Panel was kept informed of the process of appointment renewal for the Chief Constable Peter Fahy and was consulted before the renewal of the Chief Constable's contract.
- The Panel has regular access to the PCC's finances and budget with no impediment.
- The Panel has been able to develop its own work plan and forward plan, which is aligned with the PCC's work plan.

<sup>363</sup> The PCC has defined a key decision as 'one which will have a significant/ongoing impact on communities in Greater Manchester, and/or is financially significant, in terms of spending or savings for the service or function concerned'



# Appendix H:

## Transparency desk research 2014

### Background

The Committee undertook desk research in December 2014 into compliance with statutory information requirements by PCCs. The Committee looked at a random sample of 12 police areas (outside London) and the extent to which PCCs were meeting statutory information requirements. The research analysed online information provided by each of the police areas, measuring levels of compliance to requirements set out in the Elected Local Policing Bodies (Specified Information) Order 2011.

Publication of specified information allows the public to determine the extent to which the PCC is performing against their mandate and statutory requirements, and demonstrates the extent to which PCCs comply with the principles of Accountability, Openness and Integrity.

Guidance is available to PCCs on how information might be presented, both from the Home Office and the Information Commissioner's Office. There is evidence from a number of websites that PCCs have been using this guidance to frame their disclosures. It could be problematic that the guidance issued by the Information Commissioner relates to the general expectations for publications under the model publication scheme<sup>364</sup>, and not to the requirements attaching to PCCs under the Elected Local Policing Bodies (Specified Information) Order 2011.

The Information Commissioner's Officer made clear in their consultation response to the Committee that:

*"PCCs are public authorities for the purposes of freedom of information. Section 19 of the Freedom of Information Act (FOIA) requires every public authority to adopt and maintain a publication scheme which has been approved by the Information Commissioner and to publish information in accordance with that scheme."*<sup>365</sup>

Additionally:

*"PCCs are also subject to the provisions of the Elected Local Policing Bodies (Specified Information) Order 2012 which includes additional responsibilities in terms of publication of information."*<sup>366</sup>

A PCC using the Information Commissioner approved publication scheme may not be meeting all their requirements under the Order.

### Findings

The Committee's research found only one of the 12 police areas examined to be 100% compliant with requirements. Many others were very close to 100% compliance, but missing only single items.

364 Information Commissioner's Officer. Model Publication Scheme. Freedom of Information Act. <https://ico.org.uk/media/for-organisations/documents/1153/model-publication-scheme.pdf>

365 Ev45 written submission from Information Commissioner's Office

366 Ibid



Below are the full findings from the Committees research. The table shows how many of the 12 police areas analysed either met a specific information requirement or not. The non applicable column refers to where information wasn't required to be provided by an individual PCC, for example in the case of information relating to Deputy PCC and a PCC had not appointed one.

Category	Requirements	Met	Not met	N/A
Complaints and Conduct	Number of complaints/conduct matters raised by PCC	9	3	
	Statement of conduct policy	11	1	
	Statement of complaint handling procedures	10	2	
Contact details	Name of PCC	12		
	Correspondence Address	12		
	Name of Deputy PCC	7	3	2
	Correspondence Address	7	3	2
Decision-making and meetings	Date, time and place of each public meeting	7	5	
	Meeting agenda for each public meeting (+ report or document on agenda)	4	8	
	Minutes of each public meeting	6	6	
	Minutes of non-public meeting at which significant matters discussed	6	6	
	Record of each decision of significant public interest	12		
	Statement of policy on decision making for matters of significant public interest	8	4	
Expenditure and contracts	Proposed expenditure	11	1	
	Annual investment strategy	8	4	
	Information on individual crime and disorder grants	12		
	Information on each item of expenditure of £500+	11	1	
	Each contract of £10,000+	7	5	
	Each contract under £10,000	7	5	
	Each ITT for contract of £10,000+	4	8	
	Each ITT for contract under £10,000	5	5	2
Income and Assets	Total budget of PCC	11	1	
	Precept issued by PCC	11	1	
	Anticipated source of revenue (other than precept)	10	2	
	Premises and land owned	10	2	
Performance	Annual Report	11	1	
	Police and Crime Plan	12		
	Information capable of demonstrating performance of functions	12		
Public disclosure	Statement of policy on whistleblowing	10	2	

Category	Requirements	Met	Not met	N/A
Records/ Freedom of Information	Statement of policy on records management	10	2	
	Provisions for FOI as required under the Act	12		
Salary and Expenses	Salary of PCC	12		
	Allowance/expense of PCC	12		
	Register of interests of PCC	12		
	Gifts and hospitality register for PCC	9	3	
	Salary of Deputy PCC	6	2	4
	Allowance/expenses of Deputy PCC	6	2	4
	Register of interests of Deputy PCC	8		4
	Gifts and hospitality register for Deputy PCC	8		4
	Job title, salary and responsibility of senior staff (£58,200 + pa)	12		
Gifts and hospitality register for staff	8	4		
Staffing	Number of staff	11	1	
	Details of arrangements to make use of the staff of the chief officer of police or a local authority	8	4	
	Gender, ethnicity, disability breakdown	11	1	
	Organisational chart	10	2	

## Areas of concern

The Committee's research raised a number of concerns, in terms of inconsistency and variation. Findings highlighted a variation in what constitutes transparency in relation to individual areas, such as gifts and hospitality. For example, some areas provide details but do not attempt to monetise them, others provide full details, and one lists only one entry for the whole time in office.

Research found higher levels of compliance for certain types of information. There was a higher level of compliance for information regarding income and assets, performance, public disclosure, freedom of information and salary. Whereas there was a lower compliance for information regarding decision-making meetings, expenditure and contracts. The Committee's findings of variation in compliance levels, can be verified by other reviews undertaken by a number of organisations including CoPaCC (2013)<sup>367</sup>, Home Affairs Select Committee (2014)<sup>368</sup> and the National Audit Office (2014).<sup>369</sup>

Research also evidenced that the time taken and difficulty in finding information varied between police areas. In some cases, knowledge of the subject area and governance arrangements are needed to find the information. Some address most of the requirements under a specific 'Transparency' heading – but not all. Below are some further concerns identified.

367 CoPaCC. Thematic PCC Statutory Transparency. 2013. [http://www.grant-thornton.co.uk/Global/Publication\\_pdf/CoPaCC-PCC-Statutory-Transparency-Thematic-Nov2013.pdf](http://www.grant-thornton.co.uk/Global/Publication_pdf/CoPaCC-PCC-Statutory-Transparency-Thematic-Nov2013.pdf)

368 House of Commons. Home Affairs Committee. Police and Crime Commissioner: progress to date. 2014 <http://www.publications.parliament.uk/pa/cm201314/cmselect/cmhaff/757/757.pdf>

369 National Audit Office. Police Accountability: Landscape review. 2014 <http://www.nao.org.uk/wp-content/uploads/2014/01/Police-accountability-Landscape-review.pdf>

<p><b>Decision-making and meetings</b></p>	<p>Requirements under this heading included date, time and place of each public meeting, copies of meeting agendas for public meetings and minutes for public and private meetings.</p> <p>In some instances, details of a forthcoming meeting were on the website, but no forward calendar. Even if some meeting details were published, there is no way of knowing whether all are. Some meetings on a website had agendas and minutes while others did not, and in some cases meeting minutes were not published but more publicly accessible news items on the meeting were.</p> <p>Determining compliance under this heading is therefore more complicated and open to contestation. For the purposes of recording the findings, publication of at least one item was deemed a met for compliance.</p>
<p><b>Contracts and Invitation to Tender (ITT)</b></p>	<p>Police forces use Bluelight, an emergency services online tendering portal for contracting and tendering purposes. Although contracts and tenders are managed through the site, and each contract and ITT is referenced through the portal, there are different degrees of information entered by individual forces.</p> <p>Some put monetary value in, attach documentation, have a threshold above which they tender, but others do not. Some PCC websites provide instructions on how to use the portal, others have links to the site which are broken.</p> <p>It is also difficult to distinguish police contracts and ITT's from those directly related to the Office of the PCC, and for breakdowns where forces contract jointly.</p>
<p><b>Grants</b></p>	<p>Information may be published, but there is no way of knowing whether it represents all or some of the total number of grants.</p>

# Appendix I:

## Methodology

### Report methodology

#### Scope

This inquiry reviewed police accountability structures and how well they are able to uphold ethical standards. The aims of the inquiry were to:

- To examine how ethical standards are being addressed in the police accountability landscape.
- To consider how effective the structures are for ensuring ethical standards, what works well and, if there are shortcomings, identify what we would expect to see in any model for police accountability.

The objectives were as follows:

- Examine how well PCCs are holding Chief Constables to account in a way that provides assurance of ethical standards.
- Examine PCC accountability frameworks including how they are embedding their own ethical frameworks and establish whether they are acting within that framework when holding the Chief Constable to account.
- Examine how well Police and Crime Panels are exercising their functions of scrutiny and support.
- To identify practical evidence based recommendations for any future model of police accountability.
- Measure public understanding and engagement with the current police accountability model.

#### Method

In examining these issues, we used a range of methods including:

- Issues and questions paper call for evidence.
- Use of unattributed round table discussions with key stakeholders exploring issues arising out of the call for evidence and emerging evidence from stakeholder meetings to test emerging conclusions.
- Stakeholder meetings including visits to five police areas to meet PCCs, Chief Constables and Police and Crime Panels in their locality.
- Quantitative public research as a survey to measure public understanding of the different roles and responsibilities in the accountability model and the level of public engagement.
- Desk based research including:

- A review of academic and practitioner literature and published documents explaining and analysing the different accountability, scrutiny and ethical frameworks that currently exist.
- A review of local documents including published plans, minutes, registers and reports to understand how the framework operates in practice.
- We reviewed a range of documents to identify to what extent PCCs were meeting publication requirements as set out in appendix H including:
  - Reviewing PCC Annual Reports and websites.
  - Reviewing minutes of Police and Crime Panel meetings

## Consultation

In October 2014 the Committee consulted members of the public on the accountability structures of police. Responding to criticisms of the existing model of accountability for policing, the consultation set out to explore issues particularly relating to ethical standards and governance structures, applied to Police and Crime Panels, PCCs and Chief Constables.

A consultation paper seeking views on local police accountability was made available online or by request to the Committee. The consultation period ran from 6 October 2014 to 30 November 2014, a period of 8 weeks. Within this timeframe, the Committee received a total of 102 responses to the consultation, all of which were subsequently published on the Committee's website on 10 February 2015. Some additional material was provided to the Committee as evidence after the 30 November deadline but this has not been published.

### Questions asked

The consultation asked 12 questions. Questions 1 to 7 focussed on existing accountability structures. These questions primarily explored the role of PCCs and Police and Crime Panels. Also covered in these questions was: the Panel's role in holding PCCs to account, the PCCs relationship with the public and Chief Constable and the role of audit committees. Questions 8 to 12 focussed on ethical leadership and embedding the policing code of ethics. These questions explored the role of PCCs as ethical leaders, how they approach ethics and transparency and handling conflicts of interest.

## Overview of responses to the issues and questions paper

### Themes

Responses highlighted common themes, in terms of successes and challenges of the existing model are evident between different stakeholder groups.

Theme	Findings
Accountability	<ul style="list-style-type: none"> <li>■ PCC accountability can be challenged by the nature of the electoral cycle.</li> <li>■ Limited powers and resource constraints of the Police and Crime Panel can challenge their ability to hold PCCs to account.</li> <li>■ Improvements to public information can allow the public to scrutinise PCCs, potentially holding them to account.</li> </ul>

Theme	Findings
Transparency	<ul style="list-style-type: none"> <li>■ PCCs compliance to transparency requirements varies.</li> <li>■ Increased transparency around the decision-making process is called for by stakeholders.</li> </ul>
Public engagement	<ul style="list-style-type: none"> <li>■ Public engagement is inconsistent, challenging and effectiveness is unknown.</li> <li>■ Public have limited understanding of the roles and responsibilities of Police and Crime Panels, PCCs and Chief Constables.</li> </ul>
Police and Crime Panels	<ul style="list-style-type: none"> <li>■ A Panel's effectiveness is restricted by limited powers and resource constraints.</li> <li>■ Recall, sanctions, appointments are specific areas for review.</li> <li>■ Imbalanced panels (notably in terms of political imbalance) are regarded as ineffective.</li> <li>■ Definitions of responsibilities need reviewing e.g. 'scrutiny' 'support' 'significant public interest'.</li> <li>■ The control Panels currently have over senior appointments is an area for review.</li> </ul>
Audit Committees	<ul style="list-style-type: none"> <li>■ Joint audit committees for PCCs and Chief Constables prove to work well.</li> </ul>
Ethical standards	<ul style="list-style-type: none"> <li>■ High standards of personal conduct are essential for PCCs to maintain.</li> <li>■ Seen as ethical leaders, PCCs are required to champion high ethical standards, embed and sustain a vision for ethical policing.</li> <li>■ PCCs should adopt and adhere to a College of Policing Code of Ethics or suitable alternative.</li> </ul>

## Roundtable discussions

The Committee on Standards in Public Life held three roundtable meetings chaired by the inquiry's sub-committee. The first roundtable was held with Chief Executives, who lead the Offices of Police and Crime Commissioners. The second roundtable was held with academics with research expertise relevant to the inquiry and the final roundtable was held with a range of key stakeholders.

Roundtable participants included:

### Chief Executive roundtable

Stakeholder name	Role and organisation
Jacky Courtney	Chief Executive, Office of the Police and Crime Commissioner for the West Midlands
Simon Dennis	Chief Executive, Office of the Police and Crime Commissioner for Cleveland
Nancy Hogan	Chief Executive, Office of the Police and Crime Commissioner for Bedfordshire

### Academic roundtable

Stakeholder Name	Role	Organisation
Francesca Gains	Professor of Public Policy	University of Manchester
Jon Graham	Director	Police Foundation
Stuart Lister	Senior Lecturer in Criminal Justice	University of Leeds
Barry Loveday	Reader in Criminal Justice Administration	University of Portsmouth
Graham Smith	Senior Lecturer in Regulation	University of Manchester
Tony Travers	Professor	London School of Economics

### Concluding roundtable

Stakeholder name	Role	Organisation
Councillor Lisa Brett	Councillor	Bath and North East Somerset Council
	Deputy Chair	Safer, Stronger Communities Board, Local Government Association
	Member	Avon and Somerset Police and Crime Panel
Lord Alex Carlile	Chair	London Policing Ethics Panel
Jacqui Cheer	Chief Constable	Cleveland
Allyson MacVean	Professor MacVean – Senior Research Fellow at the School of Society, Enterprise and Environment	Bath-Spa University
Ray Marley	Lead on Ethics and Professional Standards	College of Policing
	Detective Superintendent	Surrey Police
Julia Mulligan	Police and Crime Commissioner	North Yorkshire Office of the PCC
John Raine	Professor of Management in Criminal Justice	University of Birmingham
Fraser Sampson	Chief Executive	Office of the Police and Crime Commissioner for West Yorkshire

## Stakeholder meetings

### The Committee met with the following stakeholders:

Stakeholder Name	Organisation	Role
Councillor Nigel Ashton	Avon and Somerset Police and Crime Panel	Chair
Helen Bailey	Mayor's Office for Policing and Crime	Chief Operating Officer
Louise Bladen	National Audit Office	Director of Policing Accountability Report
Lord Alex Carlile	London Policing Ethics Panel	Chair
Jacqui Cheer	Cleveland Police Association of Chief Police Officers	Chief Constable National Lead for Professional Standards and Ethics
Irene Curtis	Police Superintendents' Association of England and Wales	Chief Superintendent President
Kate Flannery	The Police Foundation	Trustee
Dave Livesey	Police Strategy and Reform Unit, Crime and Policing Group, Home Office	Head of Scrutiny
Allyson MacVean	Bath-Spa University	Professor MacVean – Senior Research Fellow at the School of Society, Enterprise and Environment
Robin Masefield	Northern Ireland Prison Service	Former Director General
Joanne McCartney	Police and Crime Committee, London Assembly	Chair
Sue Mountstevens	Avon and Somerset Office of the PCC	Police and Crime Commissioner
Mark Norris	Local Government Association	Senior Advisor
Lynn Owen	Surrey Police	Chief Constable
Dame Anne Owers	Independent Police Complaints Commission	Chair
Dame Shirley Pearce	College of Policing	Chair
Bernard Rix	CoPaCC	Chief Executive
Alan Reiss	Office of the Police and Crime Commissioner for Durham	Chief Executive
Mark Sedwill	Home Office	Permanent Secretary
Keith Vaz MP	Home Affairs Select Committee	Chair
Lord Wasserman	Institute of Public Safety, Crime and Justice, University of Northampton	President
Sir Thomas Winsor	Her Majesty's Inspectorate of Constabulary	Her Majesty's Chief Inspector of Constabulary
Various	College of Policing	Various



Stakeholder Name	Organisation	Role
Various	Police and Crime Panels (numerous at LGA learning event)	Various
Various	Association of Police and Crime Commissioners (attended meeting on integrity groups)	Various
Various	Police Federation – Chief Constables of England and Wales	Various
Various	Leicestershire Police and Crime Panel	Various

## Police area visits

The Committee selected and invited Chief Constables, Police and Crime Commissioners and Police and Crime panel members in five police areas (Essex, West Midlands, Greater Manchester, Northumbria and Warwickshire) to meet with them.

The police area visits were selected on the basis of ensuring a good regional coverage of England, a mix of urban and rural areas, areas that were highlighted as innovative and areas that had a high amount of public interest. The Committee held public meetings in all five police areas visited.

### Table listing the areas and stakeholders visited

Police area	Stakeholder meeting	Attendees
Essex	Office of the PCC	Nick Alston (PCC) Carly Fry (Assistant Director Scrutiny and Performance) Susannah Hancock (Chief Executive of the Office of the PCC)
	Essex Police Force	Stephen Kavanagh (Chief Constable)
	Police and Crime Panel	Councillor John Jowers (Chair) Councillor Mike Danvers John Gili-Ross
	Additional stakeholder meetings	Lindsey Read (Centre for Action on Rape and Abuse) Heather Robbie (Victim Support)
West Midlands	Office of the PCC	David Jamieson (PCC) Jacky Courtney (Chief Executive)
	West Midlands Police Force	Chris Sims (Chief Constable) Dave Thompson (Deputy Chief Constable)
	Police and Crime Panel	Councillor Darren Cooper (Chair) Jess Phillips (Vice Chair) Councillor Joe Tildesley John Pollock Benita Wishart
	Additional stakeholder meetings	Sean Russell (Chief Inspector)

Police area	Stakeholder meeting	Attendees
Greater Manchester	Office of the PCC	Tony Lloyd (PCC) Jim Battle (Deputy PCC) Alan Adam (Chief Executive)
	Greater Manchester Police Force	Ian Hopkins (Deputy Chief Constable)
	Police and Crime Panel	Lord Peter Smith (Chair) Donna Hall (Chief Executive) Jeanette Stale (Policy Advisor) Councilor Mike Connolly (Police and Crime lead) Julie Connor
	Additional stakeholder meetings	Francesca Gains (Professor, University of Manchester) Colin Talbot (Professor, University of Manchester) Bishop David Walker (Chair of Greater Manchester Ethics Committee)
Northumbria	Office of the PCC	Vera Baird (PCC) Ruth Durham OPCC (Director of Policy) Councillor Bryant
	Police and Crime Panel	Councillor Peter Mole Jeanette Guy
	Northumbria Police Force	Sue Sim (Chief Constable)
Warwickshire	Office of the PCC	Ron Ball (PCC) Neil Hewison (Chief Executive) Eric Wood (Deputy PCC) Ben Twomey (PCC Support Officer)
	Warwickshire Police Force	Andy Parker (Chief Constable)
	Police and Crime Panel	Cllr Harvey Georgina Atkinson (Democratic services team leader)

## Quantitative public research: rationale, methodology and key findings

In November 2014, the Committee on Standards in Public Life commissioned Ipsos MORI to undertake some public research in the form of a survey on the subject of Public Awareness of Police Accountability.

The rationale for the public research was:

*“The model of police accountability is working adequately, only if the public knows about it, understands it and engages with it. It is important to know then what the public know about the model, and how they do or would engage with it.”*

### Quantitative methodology

This research project used one quantitative data collection instrument; a face-to-face survey of general public in England. The aim of the survey was to:

- Determine how effectively the model of accountability in policing can operate in view of public knowledge and understanding;

And the objectives of the research were to:

- Determine the level of public knowledge of the roles (PCC, Chief Constable, Police and Crime Panel) and responsibilities in the accountability model;
- Measure the level of public engagement with PCCs; and
- Determine if the public know who to go to with a particular problem

The survey was conducted using Ipsos MORI's weekly face-to-face omnibus survey (“Capibus”). 1059 English adults aged 15+ were interviewed between 21st November and 3rd December 2014 in home by Capibus interviewers.

### Headline results

Overall only 39% of respondents said that they were interested in finding out about policing issues in their local area and 58% said that they were not interested.

Senior police officers are considered relatively trustworthy, ranking below judges but above local councillors in terms of perceived levels of veracity. Seven in ten (71%) say agree with the statement ‘I would trust Judges to tell the truth’ with six in ten (59%) agreeing that they would trust Senior Police officers to tell the truth. Local Councillors are least trusted; more disagree than agree that they would trust Local Councillors to tell the truth (38% vs 32%).

In general, just under a quarter (23%) of the public rate the standards of conduct of public office holders in the UK as high. Just under a third (31%) rate standards of conduct among public officials as low, and four in ten (40%) would rate standards as neither high nor low (40%).

Just under seven in ten (68%) of English people say they have heard of Police and Crime Commissioners (PCCs), with around half (47%) knowing that they are elected by the public. Four in ten either do not know how Police and Crime Commissioners are chosen (37%) or selected an incorrect response (24%). Those from London were less likely to say they had heard of PCCs (42% compared to 68% overall). Around a quarter (26%) of those surveyed in London were aware of the different arrangements for police accountability in London.

Of those living outside London, 44% could recall the PCC elections in 2012, with just over half (53%) saying they could not. Of those who could recall the elections, 45% said they had voted in them. One in ten say they are able to name their own PCC (10%) with nearly nine in ten saying they could not (88%).

One in twelve (8%) have had contact with their PCC; the most popular forms of contact with a PCC are by written letter or telephone call (both 2%). Almost nine in ten (87%) say they have not had contact with their PCC in anyway. Only 15% are aware of any public meetings in their local area on policing issues, with eight in ten not aware (81%).

Internet (30%) and local newspapers (28%) are the top two ways that respondents would like to find out about policing issues in their local area, whilst one in six people (16%) say they are not sure where they would go for this information.

The majority (81%) have not heard of Local Police and Crime Panels and half (51%) do not know how they are chosen. A quarter (24%) say they are chosen by local authorities and 18% say they are elected by the public. More agree they are confident that Police and Crime Panels will provide sufficient oversight of PCCs than disagree (34% vs 17%).

### **Sampling technique**

Ipsos MORI's Capibus survey is conducted using a random location sampling methodology. The Primary Sampling Unit of this approach are grouped Census Output Areas, small areas comprising c.125 households which cover the entire country. Output Areas are randomly selected from all available areas, and interviewers then conduct interviews using a quota methodology within these areas.

170-190 points are chosen in each wave of the Omnibus, with c.5 interviews conducted at each point, although the precise number depends on the precise size of the area. Four calls are made at each chosen address before another is selected.

Capibus quotas for each chosen point are set to match the profile of the general public using CACI ACORN geo-demographic information. The quotas used are interlocking quotas based on age, gender and working status.

The target population for this survey was all adults aged 15+ living in England.

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