

COMMITTEE ON STANDARDS IN PUBLIC LIFE – JUNE 2015

LEADERSHIP, ETHICS AND ACCOUNTABILITY IN POLICING

Police and Crime Commissioner for Suffolk and Chief Constable's response to the Committee's Recommendations

This document sets out the comments and actions of the Police and Crime Commissioner for Suffolk to the recommendations set out in the report "Tone from the top: Leadership, ethics and accountability in policing" by the Committee on Standards in Public Life. A number of recommendations are for both Police and Crime Commissioners and Chief Constables, namely recommendations 13, 14, 15, 16 and 18. The comments and actions for these recommendations have been agreed with the Chief Constable.

- 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.

Comment: The Local Policing Bodies (Specified Information) Order 2011 requires a PCC to publish a statement in relation to their conduct. Accordingly the PCC has published his Statement of Policy on Ethical Conduct, dated 1 April 2014.

Action: No action required by the PCC in advance of a nationally agreed minimum code of conduct.

- 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.

Comment: The PCC was inducted on Standards following his election, has agreed his own Statement of Policy on Ethical Conduct founded upon the seven principles of public life, and was inducted upon the Code of Ethics on its introduction.

Action: An ethical component will be included in future PCC inductions.

- 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.

Comment: There is no current Deputy PCC in Suffolk.

Action: Action noted if required.

- 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.

Comment: Action is required from the organisations identified above.

Action: In the meantime the PCC will continue to work to the arrangements clearly defined by legislation, including the Policing Protocol, other national guidance, and the Scheme of Governance and Consent which operates in Suffolk (and which sets out the arrangements for how the PCC and Chief Constable work together).

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

Comment: The PCC's and Chief Constable's Audit Committee has produced an annual review of its activities, approved at its meeting on 26 June 2015, and which has been published on the PCC's website.

Action: The existing Audit Committee practice regarding the production and publication of its review of its activities will continue.

- 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.

Comment: The current versions of the Police and Crime Plan for 2013 – 2017 do not make explicit reference to holding the Chief Constable to account for promoting and embedding the Code of Ethics. However the Chief Constable reported to the Audit Committee in September 2014 (Paper AC14/22) upon the implementation and embedding of the Code of Ethics. An updating report is scheduled for the Audit Committee meeting in September 2015. Thus there will be consideration by the Audit Committee, which has, amongst other things, responsibility to:

“Consider the corporate governance arrangements and review annual governance statements (including in relation to ethical values) of the PCC and Chief Constable”,

and which is attended by the PCC and Chief Constable as well as statutory officers, and will provide an appropriate opportunity to ensure that all reasonable steps are being taken to implement and embed the Code of Ethics. Indeed this was the purpose of establishing the arrangement during 2014.

In November 2014 the HMIC (Her Majesty's Inspector of Constabulary) reported upon police integrity and compliance in relation to Suffolk Constabulary. This report covered, amongst other things, the progress being made to communicate and embed ethical and professional behaviour, including in relation to Code of Ethics. The HMIC's report was positive in this regard and no recommendations for action were made in respect of this aspect of the report.

The PCC was able to hold the Chief Constable to account upon this issue and when it was formally reported to him at the Accountability and Performance Panel meeting on 28 April 2015 (Paper AP15/24). This meeting is the PCC's principal public accountability vehicle and where its papers and minutes are freely available to the public. There is and has been full opportunity for the PCC to hold the Chief Constable to account upon the implementation of the Code of Ethics in arrangements which allow for consideration not just by the PCC but the Audit Committee in addition.

Forthcoming business for both the Accountability and Performance Panel and Audit Committee is published on the PCC's website.

Action: Future versions of the Police and Crime Plan will articulate the above arrangements.

- 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.

Comment: Action required by other agencies and by Chief Executive to send the Ethical Checklist (attached) to all declared candidates for the post of PCC, with a request from the Committee on Standards in Public Life for each candidate to publish their response to the checklist.

Action: Chief Executive to send the Checklist as above on 18 April 2016.

- 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.

Comment: Action required by other agencies. The arrangements for decision-making by the PCC are clearly articulated in his Scheme of Governance and Consent and which is freely available via his website.

The PCC publishes all formal decisions on his website (apart from those that are confidential where only the fact of a decision being made is published). The Scheme of Governance and Consent and the decision-making arrangements have been drawn to accommodate the Local Policing Bodies (Specified Information) Order 2011 which contains the provisions relating to “significant public interest”. If there is insufficient clarity then it is considered that the legislators provide clarity rather than a number of agencies provide their own interpretation.

Action: No PCC action required above and beyond the Scheme of Governance and Consent until national developments occur.

- 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.

Comment: The PCC submits his report in accordance with legislation for scrutiny by the Panel in public session.

Action: No change to existing PCC practice is required which is in accordance with legislative requirements.

- 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.

Comment: Police and Crime Panels were introduced by virtue of legislation which gave them a statutory remit. They were introduced, as ministers set out, as light touch scrutiny bodies. In local government, local authorities publish forward plans for key decisions because they are required to do so by legislation. Imposing this and other requirements for key decisions upon PCCs will change the nature of the intended governance and delivery model of PCCs and Panels. This is an issue for the legislators.

The arrangements for how the PCC makes decisions are clearly articulated in the Scheme of Governance and Consent and are founded upon the statutory regime under which the PCC operates. Decisions are not routinely made in meetings but by consideration of Decision Papers outside meetings. Decisions that are made, apart from confidential decisions, are published and freely available via the PCC website. The schedule of formal business of the Accountability and Performance Panel and Audit Committee are published upon the PCC’s website.

The Police and Crime Panel produces a forward plan of work and advises the PCC of the information it requires to discharge its statutory purpose and functions. The arrangement operates in a way that enables the Panel to discharge its functions without the need for a further forward plan as recommended.

Action: Having regard to the statutory framework and local systems already in place which are open, transparent and proportionate no further action is considered necessary without further legislation and/or guidance upon the introduction of additional requirements.

The office of the PCC will continue, as at present, to operate within the prescribed statutory regime.

- 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.

Comment: This is a matter for the Home Secretary.

Action: No PCC action required.

- 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.

Comment: The above information relating to the Suffolk PCC is published upon his website and is regularly updated.

Action: No further action required from the PCC.

- 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.

Comment: The above information is kept under regular review by the PCC and Chief Constable.

Action: No further action required from the PCC and Chief Constable.

- 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.

Comment: The PCC and Chief Constable share a Chief Finance Officer on an interim basis for the period 1 May 2015 – 30 March 2016. The

arrangement has been described to and discussed with the Audit Committee. A PCC Decision Paper (27-2015) has been published and is freely available upon the PCC's website. It sets out in detail how the arrangement operates. The arrangement to manage any conflicts of interest is clearly articulated and published in the paper and further the arrangements are described in the Annual Governance Statement of the PCC.

Action: The arrangement is due for review by the Audit Committee in early 2016.

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.

Comment: The PCC and Chief Constable do not share a press/media officer.

Action: The recommendation is noted.

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.

Comment: The HMIC reported upon crime data integrity in relation to the Suffolk Constabulary in August 2014. Following that report the Chief Constable reported to the PCC at his Accountability and Performance Panel on 24 October 2014 and set out the actions being taken to respond to the HMIC's recommendations.

During 2013/14 Internal Audit carried out a review of data quality. The purpose was to ensure that assurance could be taken that the reported performance measures were accurate. The outcome of the audit was "effective" although a number of improvements were recorded and action was taken to address them. The outcome of the audit was reported to the Audit Committee by Paper AC14/11. Accordingly the Audit Committee have been seized on the crime data integrity issue and have had opportunity to ensure the necessary assurance.

Action: In view of the systems in place and actions taken to date no further action to implement the recommendations is considered necessary.

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.

Comment: The recommendation is noted.

Action: The PCC will, with effect from 1 October 2015 be introducing a register as described in the 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.

Comment: The complaints landscape is very complicated and regrettably not easy to understand and navigate for practitioners and service-users alike.

The PCC publishes information upon his website with regard to who has responsibility for the various types of complaint which might arise and how they should be progressed. There are links to legislation and statutory guidance pertaining to the different types of complaint. The Constabulary also publishes guidance on its website for complainants and the action they need to take. It is agreed that in view of the complexity of the landscape there is a national need for simplification and the provision of material as identified. This would best be taken forward by national agencies to ensure that there is one clear central source of information and nationwide consistency.

The changes nationally to complaints are either underway or still being developed. As changes occur the information provided via the PCC and Constabulary websites needs to be kept under review.

Action: The extent of information provided by the PCC through his website will be constantly reviewed as changes occur.

- 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.

Comment: Noted

Action: Action here is required by the Home Office and Police and Crime Panel.

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'.

Comment: Of the one relevant recruitment process run by the PCC for the recruitment of a Chief Constable, the PCC followed the recruitment processes as described in the College of Policing Guidance for the Appointment of Chief Officers. The PCC appointed an independent member drawn from College of Policing pool of accredited independent member/assessors.

Appointment was made against a series of key personal competences set locally and the personal competences from the National Policing Professional Framework. These included the competence of professionalism whereby an officer should “act with integrity in line with the values and ethical standards of the Police Service.”

The details of the appointment process and the composition of the appointment panel were published and a full report upon the process and all relevant aspects of it was supplied to assist the Police and Crime Panel reach its decision on confirmation.

The circumstances have so far been such that formal appointment processes have not been required for senior officers of the OPCC nor have the circumstances referred in the last two sentences of the recommendation above arisen.

Action: The recommendations will be noted for future reference.

11 September 2015

Ethical Checklist for PCCs

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?