

Title: Reform of the Police Disciplinary System following the Chapman Review 2014. IA No: HO0179 Lead department or agency: Home Office Other departments or agencies:	Impact Assessment (IA)		
	Date: March 2015		
	Stage: Final		
	Source of intervention: Domestic		
	Type of measure: Primary/Secondary		
Contact for enquiries: Police Integrity Consultation Team policeintegrityconsultation@homeoffice.gsi.gov.uk			
Summary: Intervention and Options			RPC Opinion: N/A

Cost of Preferred (or more likely) Option			
Total Net Present Value	Business Net Present Value	Net cost to business per year (EANCB on 2009 prices)	In scope of One-In, Two-Out? Measure qualifies as
NOT KNOWN	£0m	£0m	No N/A

What is the problem under consideration? Why is government intervention necessary?

Public perception of police integrity has suffered in the wake of a series of high-profile incidents such as the findings of the Ellison review into the investigation of the murder of Stephen Lawrence, and the findings of the Hillsborough Independent Panel. In a system of policing by consent, it is vital that the police maintain, and are seen by the public to maintain, the highest standards of integrity. Government intervention is required to maintain the confidence of the public in the police by making the police disciplinary system clearer, more independent and public-focused.

What are the policy objectives and the intended effects?

The policies under consideration aim to increase the confidence that the public have in the integrity of the police and the justness of the police disciplinary process by making the police disciplinary system clearer, more independent and public-focused. The effect of this will be to improve the efficacy of the police force, which relies on the trust of the public to police by consent, and to improve police-public relations.

What policy options have been considered, including any alternatives to regulation? Please justify preferred option (further details in Evidence Base)

Option 0 - Do nothing.

Option 1 (preferred) – Implement the recommendations of the Chapman Review of the police disciplinary system, including aligning the performance management system with the misconduct system, allowing delegations of decisions to Inspectors, regionalising appeal hearings and ensuring that warnings remain on a police officer’s record for longer.

Will the policy be reviewed? It will be reviewed. If applicable, set review date: 2019						
Does implementation go beyond minimum EU requirements?			N/A			
Are any of these organisations in scope? If Micros not exempted set out reason in Evidence Base.		Micro No	< 20 No	Small No	Medium No	Large No
What is the CO ₂ equivalent change in greenhouse gas emissions? (Million tonnes CO ₂ equivalent)			Traded:		Non-traded:	

I have read the Impact Assessment and I am satisfied that, given the available evidence, it represents a reasonable view of the likely costs, benefits and impact of the leading options.

Signed by the responsible Minister : Date:

Summary: Analysis & Evidence

Policy Option 1

Description: Implement the recommendations of the Chapman Review of the police disciplinary system

FULL ECONOMIC ASSESSMENT

Price Base Year 2014	PV Base Year 2014	Time Period 10 Years	Net Benefit (Present Value (PV)) (£m)		
			Low: N/A	High: N/A	Best Estimate: NK

COSTS (£m)	Total Transition (Constant Price) Years	Average Annual (excl. Transition) (Constant Price)	Total Cost (Present Value)
Low			
High			
Best Estimate	NK	NK	NK*

Description and scale of key monetised costs by 'main affected groups'

*The vast majority of costs are non-monetised so the net present value is deemed to be not known. However, specific monetised costs are outlined in the impact assessment where we have some, albeit limited, data. These are: the potential maximum cost of the IPCC investigating all chief officer cases; the cost of the IPCC presenting cases that it directs to hearings; and the impact of potentially having more hearings as a result of aligning the performance and misconduct systems.

Other key non-monetised costs by 'main affected groups'

Police officers & Special constables: there are likely to be additional travel costs to officers subject to the appeal proceedings as these will be held regionally. Individuals who are dismissed will be affected financially in loss of salary. IPCC cost of investigations into chief officers and presenting some cases at hearings, and likely administration associated with compelling officers to cooperate if disciplinary action is pursued. There will be familiarisation costs to all parties involved in the disciplinary process, including IPCC, police officers and staff and Professional Standards Departments in each force.

BENEFITS (£m)	Total Transition (Constant Price) Years	Average Annual (excl. Transition) (Constant Price)	Total Benefit (Present Value)
Low			
High			
Best Estimate	NK	NK	NK

Description and scale of key monetised benefits by 'main affected groups'

We are unable to monetise the benefits because of a lack of available data at this stage.

Other key non-monetised benefits by 'main affected groups'

Police forces benefit by (potentially) reducing the costs of hearings and appeals through economies of scale and shared resources through flexible hearings and regional appeals. Potential efficiency savings through streamlining and simplifying the regulations, particularly for performance cases. There could be a small reduction in investigations and appeals if chief officer cases transfer to the IPCC, freeing up chief officer time. There could also be a small reduction in costs of presenting directed cases if IPCC presents some of them.

The wider public and the police will benefit from a more efficient and effective police disciplinary system.

Key assumptions/sensitivities/risks

Discount rate (%) 3.5%

- 1) Assume that the workload (i.e. the level of misconduct and performance by police officers) stays broadly the same.
- 2) Greater transparency will have a positive effect on public confidence.
Using sensitivity analysis we provide indicative costs of: aligning the performance and misconduct system; having IPCC investigate all Chief Officer misconduct cases; and the IPCC presenting the cases it directs to a hearing.

BUSINESS ASSESSMENT (Option 1)

Direct impact on business (Equivalent Annual) £m:			In scope of OITO?	Measure qualifies as
Costs: £0	Benefits: £0	Net: £0	No	N/A

A. Problem under consideration

In her oral statement on 22 July 2014, the Home Secretary announced a review of the police disciplinary system from beginning to end, to be chaired by Major General (Retd.) Chip Chapman. This was in response to a number of negative high profile cases reported in the media and data which suggested the disciplinary system was not as effective as it could be. The Home Secretary asked Chip Chapman to look for ways to ensure that the disciplinary system is clearer, more independent and public-focused.

The Chapman Review was conducted over the summer of 2014. The full report of his independent review can be found at <https://www.gov.uk/government/publications/the-police-disciplinary-system-in-england-and-wales>. A summary of recommendations can be found at Annex A of the report. The report sets out a wide-ranging analysis of the current state of police discipline and puts forward recommendations for reforming the system to meet the Home Secretary's stated objectives.

It highlighted a number of issues within the disciplinary system:

a) The public and police lack confidence in the system

- i. Research from Greater Manchester Police indicates that Black and minority ethnic group officers are subject to disciplinary procedures disproportionately more than White officers
- ii. Decision making across forces is inconsistent – with different outcomes for the same misconduct
- iii. The system is opaque making it hard to understand, leading to delays

b) The system could be more effective

- i. Separate systems apply to police officers and staff meaning different standards are often applied. This can also mean separate hearings for officers and staff involved in the same case, increasing costs
- ii. The system for performance is difficult to use – many performance issues are either not dealt with effectively or end up in the conduct system as a result, increasing costs
- iii. There are no national training standards for Professional Standards Department (PSDs) officers: PSDs do not always have trained investigators filling roles which can affect the quality and success of investigations and outcomes
- iv. Management interventions are not clearly defined – officers lack training in management skills, meaning rehabilitation can be absent or ineffective for officers who are not dismissed

c) The system could be easier to follow

- i. The system is hard to understand. It is difficult for those without experience and knowledge to navigate through the system – regulations are unduly complex, overly bureaucratic and burdensome which increases costs and the administrative burden
- ii. Communication during a case is poor which can increase delays

d) The system could be more efficient

- i. The gap between final written warning and dismissal is too great with missed opportunities for rehabilitation of officers
- ii. The length of time an officer spends on a final written warning is too short, so any further disciplinary action would need to start from the beginning and previous action would not be taken into account
- iii. The join between Professional Standards Departments and Human Resources in some forces is poor which can be inefficient
- iv. Delay is institutionalised – a combination of the adversarial nature of the system, regulations and delays caused by setting up a disciplinary panel

e) *The system could be more independent*

- i. The entire system is managed at a local level increasing the risk of vested interests influencing a case
- ii. Loyalty of police officers can sometimes be misplaced and skewed towards colleagues, rather than to upholding the values that officers should hold

B. Rationale for intervention

The problems outlined could hinder the police in maintaining, and being seen by the public to maintain, the highest standards of integrity.

Government intervention is required because it maintains the regulatory framework for the current disciplinary system. Due to a number of high profile cases, the integrity of the disciplinary system has often been called into question; therefore there is a need to take action to ensure that the system is effective and maintains public confidence.

C. Policy objective

The policies under consideration aim to increase the confidence that the public have in the integrity of the police by making the police disciplinary system:

- **Clearer**
- **Quicker**
- **More Objective**
- **More Robust**
- **More Open and public-focused**

D. Options considered

Option 0 - Do nothing

Option 1- Implement the recommendations of the Chapman Review of the police disciplinary system.

The Chapman Review has made a number of recommendations for how the system can be reformed to address the issues that the review has identified. The Government proposes to make a number of changes from beginning to end of the police disciplinary system (the bracketed numbers denote the recommendation they relate to from the Chapman Review):

The Government has consulted publicly on those proposals, which have received broad support from stakeholders. The consultation responses highlighted a number of concerns and suggested some ways to mitigate them. This document includes changes that have been made to the proposals following the feedback received.

1. Creating a clear system

Baseline: how the current system works

- a) The system is locally managed by each of the 43 police forces in England and Wales. There is no coordinating body. Guidance is issued centrally by the Home Office on the regulations that govern the system.
- b) There are separate regulations for performance and attendance and for conduct. The performance process consists of three linear and sequential stages, whereas the conduct process has a single stage set at two levels depending on the severity. Attendance policy varies from one police force to another.

Changes

- a) The College of Policing could oversee the disciplinary system for the 43 police force areas (1). This could include managing a benchmarking exercise with key stakeholders such as the IPCC, to determine clear standards for all forces. This would cover: what sanctions should apply to officers in disciplinary cases including which actions should usually lead to dismissal (2); what transformative action should be taken in cases below dismissal (6); and, what the common attendance triggers should be for sickness absence (17). The Government will continue to work with the College to determine what its future role could be in the police disciplinary system.
- b) Cases of under performance of police officers will be managed in the same way as misconduct cases; this would involve stripping away the current three-stage process and moving to an internal meeting for performance issues that do not lead to dismissal, and a disciplinary hearing for those that do lead to dismissal (33, 34).

2. Investigations must be quick, objective and robust.

Baseline: how the current system works

- a) The IPCC investigates serious and sensitive misconduct cases involving senior officers. Less serious cases are usually investigated by a chief constable from a different force.
- b) Language used in the system is set out in the regulations.
- c) Authority currently sits with the chief constable and can be delegated to Inspector or above, although certain decisions (for example on suspension) must be authorised by a senior officer.

Changes

- a) The IPCC investigates all disciplinary cases involving Chief Officers (11), to remove the current practice of Chief Officers investigating each other. Whilst in practice the IPCC already investigates most of those cases, usually due to the seriousness and sensitivity of the cases that arise, it is not always the case.
- b) Language used in disciplinary investigations will be simplified (36), so that the terms used describe what the system actually does. For example, what is currently described as a 'severity assessment', where a decision is taken about whether a case is misconduct or gross misconduct, we will change to a simple 'dismissal test' (8, 18), and the terms misconduct and gross misconduct will be abandoned. Anything above the line agreed through the benchmarking exercise (described above) will usually lead to dismissal; anything below the line will lead to a robust focus on rehabilitation.
- c) The 'appropriate authority' will be able to delegate their authority to the rank of inspector or above for matters that do not lead to dismissal (35). In response to feedback from the public consultation, certain decisions will be ratified by the Head or Deputy Head of PSD to ensure consistency and fairness. This will specifically include initial assessments of the severity of conduct allegations and decisions on whether to refer cases to formal proceedings.

3. Hearing and appeals must be open and fair.

Baseline: how the current system works

- a) Hearings are currently convened locally and separately by each of the 43 forces in England and Wales.
- b) Hearings are held in private currently
- c) Hearings are chaired by a senior officer from the police force concerned.
- d) Mitigation can be taken into account by hearing panels but there is not a clear policy and the practice may therefore vary from force to force.
- e) The IPCC can direct a police force to take a case to a hearing even where the force disagrees with the IPCC's findings. This occurs in approximately 10 cases per year.
- f) Appeals currently take place locally and are convened by the local policing body.
- g) Retired officers currently sit on appeals panels.

Changes

- a) Disciplinary hearings will be held regionally rather than at a local level (as is currently the case) to improve the consistency of outcomes (21). Each region would be responsible for coordinating the hearings and providing the necessary administration and support. The College of Policing could have a role in supporting the administration of the hearings. In response to feedback from the consultation the Government will enable, rather than mandate, forces to hold hearings regionally and it will therefore be for forces to decide how best to collaborate.
- b) Disciplinary hearings and appeals will be conducted in public (20) - a separate consultation has been carried out and a Government response published on the specifics of the proposal, which are being implemented in 2015. This measure is therefore part of the do nothing baseline option, but is mentioned here for completeness.
- c) The panel who preside over a disciplinary hearing (including performance cases) should be chaired by a legally-qualified person (19), with a serving senior officer of Superintendent rank or above (22) and a lay member. To ensure objectivity in the process, the police officer would be from a different force to the person subject to the proceedings (23), and their role would be to provide an operational view of policing to inform the panel's decision. Both the legally-qualified chair and the lay member would be recruited locally, their names added to a regional list and they would be paid a fee for each hearing they sit on. A separate consultation has been carried out and a Government response published on the proposal to introduce legally-qualified chairs to disciplinary hearings (19), which will be implemented in 2015. This measure is therefore part of the do nothing baseline option, but is mentioned here for completeness.
- d) The panel is given the discretion to disregard or place less weight on a mitigation that could have been raised earlier, but that was only declared for the purposes of a hearing or appeal (31, 32). The officer would need to provide evidence that they had formally declared the mitigating circumstances to at least one of the following: the police force; a medical professional; or, a recognised staff association (such as the Police Federation).
- e) The IPCC should present those cases where it has carried out an independent investigation and directs that a case should be taken to a hearing (and any subsequent appeals hearings) (24). This will usually apply where a police force disagrees with the IPCC's recommendation.
- f) Appeals will be regional rather than centralised or held at police force level to ensure greater consistency of outcomes (38). Regional appeal hearings were preferred by the majority of respondents. As with the regional hearings it will be for police forces to coordinate the hearings, and the College of Policing could have a role in managing and supporting the process. There are options around where the hearings are held that have implications for public access and logistic issues.
- g) The panel presiding over an appeal would consist of a legally-qualified chair and a serving senior officer, as now, but the retired officer who currently sits on the panel would be replaced by a lay member.

4. Outcomes must be fair, robust and either seek to rehabilitate or dismiss officers, as appropriate.

Baseline: how the current system works

- a) Officers can currently be given notice if they are dismissed. Where an officer already has a final written warning in place, this can be extended for 12 months as an alternative to dismissal.
- b) Officers can only be reduced in rank as a result of under performance.
- c) Language used in sanctions is set out in the regulations.

Changes

- a) The sanctions of 'dismissal with notice' (25) and 'extension of a final written warning' (26) be removed.

- b) The sanction of 'reduction in rank' (27) should be available for use in all disciplinary cases, not just performance as is currently the case, to give panels fuller discretion to make appropriate decisions. However, we are clear that the same standards should apply to all ranks and it would not be acceptable, for example, to reduce in rank where a constable in the same circumstances would have been dismissed.
- c) The language used in warnings issued be changed to reflect the focus on rehabilitation for cases that do not lead to dismissal (28, 29, 30). A 'memo of correction' would replace 'management advice'; 'written corrective warning' and 'final corrective reprimand' would replace current written warnings.

5. Bringing the police officer and staff disciplinary systems together

Baseline: how the current system works

The systems for officers and staff are separate. The officer system is entirely regulated and guidance is produced by the Home Office. The staff system follows ACAS principles akin to most organisations and is managed locally by HR departments in police forces.

Proposed changes

The separate disciplinary systems for Police officers (an internally managed, regulated system) and civilian staff (an employment tribunal system common to most organisations) be brought together into the same system (16). Two options were presented in the consultation for this which we sought views on:

- i. Move civilian staff into the regulated police officer system
- ii. De-regulate the police officer system (wholly or in part) and adopt the civilian staff system

The majority of respondents agreed with the principle of bringing the systems together and were in favour of moving civilian staff into the regulated police officer system, but commented that further work was needed before the Government commits to a particular model. We agreed and this work will now be taken forward in the next Parliament and, if necessary, a further IA will be produced.

6. Compelling police officers to answer IPCC questions

Baseline: how the current system works

The IPCC has the power to compel officers to attend an interview. It has no power to compel officers to answer questions at such an interview.

Proposed changes

The Government will introduce a duty of candour for Police officers which sets out how they should cooperate with IPCC investigations, including responding to questions posed by the IPCC. This is to ensure that the IPCC has full access to the information it needs to fully and robustly investigate cases. There would need to be certain protections in place, for example an officer could not be forced to incriminate his or her self. For cases where officers do not cooperate with the IPCC the Government will introduce a disciplinary sanction. This means that a Police Officer could be disciplined and ultimately dismissed if they fail to cooperate appropriately with the IPCC.

E. Consultation

These proposals have been subject to a public consultation. The consultation took place over an eight week period from 11 December. To support the consultation process, three events were held to canvass opinions from policing partners and frontline practitioners. Key themes from these discussions were noted and have been reflected in the summary of responses in the Government response. The Government received a total of 151 responses to the consultation (78 were submitted by post or email, and 73 were responses to the online survey).

There was broad support from the respondents to the majority of proposals, particularly bringing the performance and misconduct systems together, benchmarking sanctions, delegating decisions to Inspector level and regionalising appeals. There was little support for compelling officers to answer IPCC questions. For some of the proposals there was a clear sense that more work needed to be done, such as the proposals to bring the police officer and staff systems together. In the case of regional hearings, the majority agreed with the principle of achieving greater consistency, but felt that the costs and benefits needed to be clearer before they could fully support the proposal. Where some forces have indicated that they would like to collaborate with other forces on hearings, we will work with those forces to evaluate the costs and benefits.

In addition to specific questions relating to the proposals, a general question was also asked in the consultation document. This question invited views on any issues that should be taken into consideration when deciding whether to implement the proposals set out in this consultation. This included practical, policy-related issues as well as any data, financial information to enable the Home Office to carry out a full assessment of their affordability or information relating to the impact assessments published alongside this consultation considered relevant.

In a stakeholder engagement exercise separate to the public consultation we engaged with ten Professional Standards Departments and asked a series of questions which were designed to aid the quantification and monetisation of impacts.

Both exercises were informative and helped to refine our proposals to ensure they are affordable. However, they did not provide sufficient data to enable us to fully monetise the costs and benefits for all of the changes.

F. Appraisal

The following appraisal considers the costs and benefits associated with the implementation of Option 1 in comparison with the baseline 'do nothing' option.

We have attempted to identify all of the relevant costs and benefits of these proposals. The consultation was used to seek further information about the likely impacts of the proposals. Separate stakeholder engagement with the IPCC and with a sample of ten PSDs was also undertaken, with a number of questions asked in an attempt to aid the monetisation of costs and benefits. The responses to this have been informative, but they did not provide sufficient data to enable us to fully monetise the costs and benefits for all of the changes. We will need further engagement with stakeholders as we work through the detail of how the changes will be implemented.

Option 0: Do nothing

There will be no impact.

Option 1: Implement the recommendations of the Chapman Review of the police disciplinary system which the government proposes to take forward.

Costs will be borne by the public sector.

This policy has no impact on business and so is not in scope for One-In-Two-Out.

1. Creating a clear system

1(a) If the College of Policing were to provide some oversight of the disciplinary system

Costs: This would place a small resource requirement on the College. We will continue to work with the College to determine what its future role could be and to understand the exact nature of

the resource required. Police forces would continue to be responsible for disciplinary matters. There would be small familiarisation costs for those involved in the disciplinary process, including police officers and staff, IPCC, and police forces' Professional Standards Departments. We have insufficient information on the nature and scale of these costs to allow for monetisation, and in any case details of the College's role are yet to be determined.

Benefits: Greater consistency in the system should increase fairness, transparency and efficiency across police forces, and should help maintain public confidence in the police disciplinary system. Some of the familiarisation costs could be partly offset by the benefits of greater consistency and clarity around the system.

1(b) Align performance and misconduct process into a single system

Costs: This will require significant legislative change and may increase the number of performance cases going to hearing. An increase in performance cases going to hearing could increase overall hearing and appeal costs, which will fall to police forces. A typical hearing under the proposed reforms could cost around £4.8k¹ and an appeal around £5.3k². We have been unable to obtain sufficient estimates of the number of additional performances cases which might go to hearing in order to monetise this cost. Indicative costs of an increase in the additional performance cases going to hearing due to alignment in to a single system are presented in sensitivity analysis in Section H. There will also be some familiarisation costs for those who work in the disciplinary system and police officers who are subject to it, however we do not expect these to be significant as this is simply a wider extension of current processes.

Benefits: This should enable forces to tackle poor performance more quickly. Currently the performance process consists of a complex three stage process. The system is currently under used and fewer than 25%³ of cases progressed beyond stage one and only 3% led to dismissal in 2012-13. Anecdotal evidence obtained through the review suggests that the misconduct route is usually used in preference to performance, due to the relative ease of that process. We would therefore expect dismissals to increase for performance cases and decrease slightly or stay the same for conduct cases.

2. Investigations must be quick, objective and robust. We therefore propose that:

2(a) IPCC investigates all chief officer cases

Costs: There may be costs to the IPCC for conducting more investigations. However, the number of cases is typically low and the IPCC tends to already investigate these cases due to the often serious and sensitive nature of those cases. For instance, in 2013 the IPCC carried out over 80% of investigations into Chief Officers⁴. This demonstrates that there may be a small number of additional cases the IPCC will need to investigate, which are expected to be less serious cases. We estimate the maximum cost to the IPCC would be around £120k per full investigation⁵, though less serious cases are likely to cost significantly less than that. Due to a lack of robust data on the number of additional investigations the IPCC might undertake annually, we have not been able to fully monetise this cost.

Benefits: This should make the position clearer for chief officer investigations and the investigative route for these cases will be independent of the police, which will help maintain public confidence. There will be savings for forces where chief officers currently carry out investigations against other chief officers, as these will now be undertaken by the IPCC.

2(b) Simplify language used in the disciplinary system

¹ Taking into account the average cost of a legally-qualified chair, superintendent, lay member and holding the hearing in public. The costs have been taken from existing fees of PAT chairs and lay members, and the average salary for superintendents. The cost of holding hearings in public have been set out in IA HO0176.

² With costs as per hearings but with an assistant chief constable replacing the superintendent.

³ Based on data collected from Professional Standards Departments on performance cases from 2012-13.

⁴ Based on the number of investigations carried out by the IPCC in 2013.

⁵ House of Commons Home Affairs Select Committee, Independent Police Complaints Commission, 1 February 2013, HC 494 of session 2012-13, p 13.

Costs: Some familiarisation costs to those working in the disciplinary system and police officers. There may also be some small costs to police forces to reprint forms, guides and information notices. The method through which simplification will be delivered is not yet finalised and as such we are unable to monetise this cost. In any case, the simplification of language and ease of understanding is designed to reduce the need for familiarisation in the longer run and allow more intuitive understanding. This is likely to offset some of the costs of familiarisation.

Benefits: This should make the system easier to follow and therefore more transparent. The changes will be straight forward and reflected in the legislative changes and in the guidance that is produced as a result.

2(c) Allow delegation of 'appropriate authority' to Inspector

Costs: Expanding the number of potential decision makers in disciplinary cases could increase training costs. The risk of inconsistency should be reduced by the benchmarking process and the proposed oversight and guidance from the College of Policing. Aside from this, the act of delegation is a reorganisation of resources and does not generate any additional costs.

Benefits: Inspectors and more senior officers are likely to be paid in any event, however this proposal should free up the time of more senior officers and enable decisions to be taken more swiftly, thereby creating efficiencies in the timeliness of the process, enabling rehabilitation of officers to progress more quickly.

3. Hearing and appeals must be open and fair. We therefore propose that:

3(a) Regional hearings

Costs: Subject to the potential changes in demand for hearings and appeals that may arise as a result of other changes we are making (i.e. holding hearings in public and introducing measures to prevent officers resigning or retiring to avoid dismissal – both covered by other IAs), we do not expect the number of cases going to a hearing to change as a result of regionalising them. We have information from forces which indicates that at least one force in each region has the facilities to hold a hearing, therefore there should be no additional costs for facilities. Police officers will need to travel further to attend hearings (though still within the same region) which may increase their travel costs.

Benefits: There should be greater consistency in the process and outcomes, which will increase fairness across different forces. It will also encourage greater collaboration and sharing of resources between forces in each region. There are likely to be some efficiency savings in administering the hearing centres as they will be fewer in number – currently all forces conduct their own hearings.

3(b) and 3(c) – Public hearings and introducing legally qualified chairs to hearings and reducing rank of senior officer panel members. As mentioned above, these measures are being considered as part of a separate consultation process and the costs and benefits are analysed in a separate impact assessment. This consultation can be found at <https://www.gov.uk/government/consultations/changes-to-the-police-disciplinary-system>. For the purposes of this IA these measures are therefore considered to form part of the do-nothing baseline case.

3(d) Disregarding mitigations

Costs: This should not in itself cost more though it may lead to a slight increase in the number of appeals against a decision to disregard or place less weight on mitigation. We would need to provide the panels with clear guidance on how to use their discretion. If medical evidence is required to be produced then there may be an additional cost to obtain that from a medical professional, which would need to be met by the person subject to the proceedings.

Benefits: This should ensure greater fairness in the way mitigations are handled in hearings and ensure they are not used by a small minority simply to frustrate the process.

3(e) IPCC presents cases it directs to a hearing

Costs: This would involve the IPCC instructing counsel to represent them at a disciplinary hearing or appeal. The IPCC would only present cases where the police disagree with the IPCC's finding or recommendation. The number of cases is likely to be small (data from police forces suggests only around 10 hearings per year are currently directed). Estimates provided by the police indicate that typical counsel costs are around £80 per hour. Based on an estimated 3.5 days per case (including preparation time) the cost per hearing could be around £2k. This represents an annual cost of almost £19k.

The costs will fall to the IPCC. The IPCC has provided its own estimates which assume that a single hearing would require 25 days of internal lawyer time with about one third on preparation and the rest in attendance at the hearing. There would also be investigator costs for a similar period of 25 days. The IPCC estimate that the internal salary and on costs would be £18k per hearing plus external counsel advice at £6k, so £24k in total per hearing. This would represent an additional financial cost to the IPCC of £6k per hearing, with the rest coming from internal resources. This estimate includes the costs of investigations, which is counted as part of the baseline cost as the investigation would have been carried out by the IPCC anyway. Some internal lawyer resource is also likely to be involved in current cases, therefore some of that cost is also considered as part of the baseline. Furthermore, the estimate assumes that these cases are extremely complex, which may not be the case. Using the IPCC estimate of cost per hearing and the estimate of ten hearings per year, this could cost up to £240k per year. Given that an average hearing lasts for 3 days and that some of this cost may form part of the do-nothing baseline, the estimate provided is likely to be at the high end.

Benefits: This will ensure an independent, open and transparent process, whilst recognising that in most cases it will be appropriate for the police force to present the IPCC's findings at a disciplinary hearing.

3(f) Centralised appeals

Costs: The appeal hearings are currently held locally. The consultation posed two options: (i) hearing appeals in one central location or (ii) at regional centres. Both options could be cost neutral in terms of facilities, as forces are likely to be able to accommodate them with existing buildings. Travel costs will likely increase under either option from the current position. If appeals are all heard in one central location, the travel costs will be higher for police officers travelling to and from them. The travel costs would be met by the individual police officers or possibly their staff associations. Equally, there will be even fewer hearing centres resulting in a greater saving to forces, which may offset this.

Benefits: This could improve the consistency of appeals and make administration more efficient and streamlined with a lower number of hearing centres. The administrative costs should be less under both options.

3(g) Removing retired officers from appeal panels

Costs: We will be replacing retired officers with lay members. The lay members will be fee paid as is currently the case with retired officers and therefore there is assumed to be no cost change. In the current system, lay members participate in hearings and are paid a fee for their attendance, so this proposal is in line with those arrangements.

Benefits: Retired officers may lack up-to-date knowledge of operational policing, which is in any case already provided by the other senior officer panel member. Lay members will bring a different, public focused and objective perspective and may therefore add more. This should introduce greater independence to the appeals panels whilst retaining the expertise and

perspective of a senior police officer and avoid allegations that the police are over-represented on the panels.

4. Outcomes must be fair, robust and either seek to rehabilitate or dismiss officers, as appropriate. We therefore propose that:

4(a) Remove 'dismissal with notice' and 'extension of a final written warning'

Costs: This will require changes to legislation. There should not be any direct cost increases as a result of these changes. However, the removal of 'extensions' could lead to a small increase in the number of appeals as the outcome could be dismissal in future such cases. There will be a familiarisation cost to those working in the system and police officers, though as this is a proposal which removes a current component of the system, rather than implementing a new one, these are expected to be minimal. There may also be a negative financial impact on officers who would have received either sanction.

Benefits: This will ensure a robust approach by removing two current anomalies from the system, which should help maintain public confidence in the system.

4(b) Make 'reduction in rank' available for all disciplinary cases

Costs: There will be clear guidance provided through the College of Policing's benchmarking process to ensure that it is only used in the appropriate cases.

Benefits: This will provide managers with discretion to reduce officers in rank in appropriate circumstances, retaining good police officers.

4(c) Change language of some sanctions

Costs: We do not anticipate any additional costs to forces as a result of these changes. There may be a need for re-printing of local guidance which could attract a small cost. There may be a familiarisation cost to those working in the system and police officers.

Benefits: This should help to simplify the system, making it easier to follow and potentially increasing efficiency.

5. Bringing the police officer and staff disciplinary systems together

Costs: We are currently unable to state the costs of this proposal as further work is needed to better understand the costs and implications and therefore determine the right direction.

Benefits: There are currently separate systems. Bringing them together will ensure greater consistency and fairness in the outcomes of disciplinary cases that involve both officers and staff, and the sanctions that are applied to both. There could also be savings in back office administration and functions through combining HR and PSD functions.

6. Compelling police officers to answer IPCC questions

Costs: This will impact on police officers as there is potential for this policy to lead to dismissal from the force, creating a financial impact on those officers in income forgone. There will be additional costs to forces in investigating and taking those cases to a conclusion. This would be balanced against the need for robust investigations. The numbers of cases likely to arise - and therefore the additional costs - are likely to be extremely low as this power would only be used in cases where the public interest justifies it.

Benefits: Officers would be clear of the need to cooperate fully with the IPCC and the IPCC would have a means of redress where officers fail to do so. This should help the IPCC to conduct thorough investigations into the police, which could improve the effectiveness and outcomes of those investigations as well as maintain public confidence.

G. Proportionality

These proposals have been subject to a public consultation process, and consultation with policing partners via a series of stakeholder meetings. Engagement has also taken place with a sample of PSDs and the IPCC in an attempt to aid monetisation.

Where cost data is available, there remains insufficient data on expected volumes in order to fully monetise the impact of many of the proposals.

H. Risks and assumptions

It is assumed that the workload (i.e. the level of misconduct and performance by police officers) will broadly stay the same.

There is an assumption throughout that greater transparency will have a positive effect on public confidence.

In order to provide an indication of the potential cost implications of some of the policy proposals, a sensitivity analysis is presented below. This analysis does not facilitate monetisation in the central, upper or lower bound estimates because the modelled changes are arbitrary and only included to provide indication through established unit costs.

Sensitivity Analysis

We have been unable to provide fully monetised estimates of the costs of these proposals. Cost data is available for some proposals, but we lack reliable information on the relevant volumes. Here we present indicative costs for arbitrary volumes.

Performance cases

Proposal 1(b) intends to increase the number of performance cases going to hearing by aligning the performance and misconduct into a single system. Anecdotal evidence from forces suggests that the performance route is currently underused due to the relative complexity of the process in comparison to the misconduct route. Therefore the expectation is that performance hearings will increase under the alignment. We do not have any evidence with which to estimate this increase in volume. We therefore provide some indicative changes here to demonstrate the scale of cost under a percentage increase in these cases.

It is assumed that there are 405 performances cases per year, 29 of which go to appeal, based on information provided to the Home Office by a sample of 30 Professional Standards Departments during 2013-2014. This represents an appeal rate of 7%. The cost of a performance hearing under the proposals is assumed, as in Section F, to be £4.8k while an appeal is assumed to be £5.3k.

We can estimate the impact of a 10% increase in the number of hearings. A 10% increase would mean that approximately 41 more hearings would take place at £4.8k each. Assuming a 7% appeal rate, there would also be 3 additional appeals at £5.3k each. The overall cost of this many additional hearings and appeals would be £0.2m per year⁶, which would be a cost of £1.7m in Net Present Value (NPV) over 10 years.

IPCC investigates all chief officer cases

As set out in the costs of reform 2(a) Costs, there may be costs to the IPCC for conducting more investigations. There is much uncertainty surrounding the costs of these investigations, but we estimate the *maximum* cost to the IPCC would be around £120k per full investigation⁷. Less serious cases are

⁶ (41 performance hearings x £4.8k) + (3 appeals x £5.3k). Rounded to nearest £100k.

⁷ House of Commons Home Affairs Select Committee, Independent Police Complaints Commission, 1 February 2013, HC 494 of session 2012–13, p 13.

likely to cost significantly less than that. The number of cases is typically low and the IPCC tends to already investigate these cases due to the often serious and sensitive nature of those cases. For instance, in 2013 the IPCC carried out over 80% of investigations into Chief Officers. This demonstrates that there may be a very small number of additional cases the IPCC will need to investigate, which are expected to be less serious cases in any case. Using the maximum cost to the IPCC of around £120k per full investigation, if the IPCC were to take on an additional two or three cases as a result of this change then the cost implications would be a *maximum* of £240K-£360K per year, or a cost of £2M-£3M in NPV over 10 years.

IPCC presents cases it directs to a hearing

The potential impact of this is covered in the costs under Reform 3(e) above. Assuming that the IPCC would present cases it directs to hearings 10 times a year, the cost could be between £19K and £240K, with the variance arising from differences in the assumed preparation time involved. In NPVs, this represents a cost of £165K to £2M over 10 years.

I. Wider impacts

If the policy options outlined in option one result in increased public confidence in the police then both the wider public and the police will benefit from a more efficient and effective policing system.

J. Preferred option and implementation

Our preferred option is to implement option 1 (all of the Chapman Review recommendations) through a combination of administrative action and significant amendments to primary and secondary legislation within the next Parliament. We have considered the consultation responses and have amended some of the proposals as a result, for example deciding to enable rather than mandate regional hearings. We have also discounted some of the options, including a criminal offence and issuing disclosure notices for officers failing to answer IPCC questions, where the consultation set out options we have indicated which ones we intend to pursue, or whether more work needs to be carried out. We will continue to work with partners to plan for the implementation of the reforms set out here through the National Policing Portfolio on Complaints and Misconduct and establishment of a working group to guide the implementation process. We will establish a working group, including key stakeholders, to monitor and evaluate the policies to determine whether they are being implemented as envisaged (the process) and are having the intended impact (the effect).