

**An independent review of the  
governance arrangements of the  
Independent Police Complaints  
Commission**

Sheila Drew Smith

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# Foreword and acknowledgements

Dear Home Secretary,

In August this year you asked me to review the proposals made by the Independent Police Complaints Commission (IPCC) to reform their governance and organisational structure, and recommend a future structure. The full terms of reference for the review are contained in Annex A of the report. I am pleased to submit my report.

The focus and context for my review had already been set first by the recommendations in the Triennial Review of the IPCC earlier this year which highlighted the need to bring the governance of the IPCC into line with best practice, and by the IPCC's recognition that change was essential to clarify their internal line of accountability for decision-making.

I was aware of the major changes in the IPCC already under way since 2013, as part of the much wider changes in the policing landscape, enabling it to investigate all serious and sensitive allegations against the police and to undertake investigations into the Hillsborough disaster. In making my recommendations I have however not had regard to the progress and implementation of its current change programme but recognise that both my recommendations and the changes proposed by the IPCC itself will impact on that change programme.

I have found much to commend and agree with in the IPCC's own proposals. I support their intention to have a single Head for the organisation to provide for a single, strong internal line of accountability for decision-making and to demonstrate externally their independence in reaching decisions. I agree with the proposed change in the Commissioners' role who would no longer form part of the governance but who should instead be locally based providing the essential public facing element of the IPCC's work. I also welcome their recognition of the benefits of external advice to the new Board and stakeholder input. Throughout my discussion with external commentators and stakeholders I was impressed by the consistency in the view that the IPCC is regarded as an organisation which reaches its decision on a genuinely independent basis and that the Home Office was not considered to have interfered in the IPCC's decision-making.

There were however a number of aspects of the Commission's proposals which I consider not to be in the best interests of the organisation itself and those whom they serve. I have endeavoured to provide workable alternative approaches which would better enhance the governance of the organisation, its operations and overall quality of work. My proposals would, inter alia, leave the IPCC within the sponsorship of the Home Office, reporting to the Home Secretary. It should not become an Ombudsman scheme, reflecting the extensive nature of the IPCC's current role and proposed new powers which go well beyond what is understood by that title.

In addition, I propose that the Head of the organisation be supported by a formally constituted Board which he or she would chair and which should have a majority of non-executive directors, similar to Unitary Boards found elsewhere in the public sector. I have proposed a change to the name of the organisation and for the senior post holders but recognise that any such change, together with the other recommendations, will require further discussion.

My recommendations and supporting information are described in more detail in the following pages. Taken together I consider the proposed changes should help in securing public confidence in the future operations of the organisation. I have also indicated where the proposals may require legislative changes and hope such amendments may be accommodated as soon as possible in forthcoming legislation to support the vital work of the reformed IPCC.

In my experience changes in governance and organisational structures are not in themselves sufficient to bring about the required improvements in the quality and timeliness of decision-making, the need for which has been drawn to my attention. The IPCC has already embraced the need for change and is to be commended for its work to date to effect such changes. I have made a number of proposals which if implemented should further improve the quality and timeliness of its work and thus assist in increasing wider confidence in the IPCC. Public and police interaction and confidence are inextricably intertwined and the IPCC plays an essential role in that inter-relationship.

In undertaking this review and in reaching my conclusions I have been very ably supported in a number of ways, firstly in drawing on material and reports by others which are recorded elsewhere in detail. In particular, I am grateful to the Chair of the IPCC, members of the Commission and senior staff for sharing with me the work underpinning their proposed changes. I have also consulted with a wide range of people in diverse organisations who gave generously of their time and thoughts, and I am grateful to them.

Above all I am grateful to the enthusiastic and energetic team at the Home Office – Michael Cordy, Ann Oldroyd, Dan Fitzharris, Nathan Roberts, Genevieve Wardle and Gary Watson – who have organised the logistics, analysed reports and relevant legislation, supported and challenged me as the project proceeded and as the report was completed.

At the end of the day however I take full responsibility for any errors of fact or omission and for the conclusions and recommendations.

Sheila Drew Smith  
November 2015

# Executive Summary

1. In August 2015 the Home Secretary asked me to provide an independent assessment of the proposals from the Independent Police Complaints Commission (IPCC) for the reform of its governance and accountability arrangements. My terms of reference (see Annex A) also required me to consider the issue of how reformed governance structures for the IPCC can directly or indirectly increase and ensure the confidence of the public and key stakeholders, such as the police, in such a body. I was also asked to consider the implications of implementing high level changes to the IPCC's governance including transitional arrangements.
2. The immediate origins of this review can be traced to the Triennial Review (TR) of the IPCC which reported in March 2015. One aim of TRs is to consider an organisation's control and governance arrangements to ensure the body is complying with recognised principles of good corporate governance. The TR highlighted that Commissioners are engaged in both the governance of the organisation and its operational activity, and that this dual role is not fully compliant with Cabinet Office guidance that there should be a clear division of roles between non-executives and executives. In a number of ways, the TR helped to highlight a well known issue about the IPCC's current high level governance.
3. The wider origins of this review can also be found in the changing policing landscape within which the IPCC operates, including recent and proposed reforms to the police disciplinary and complaints systems. The IPCC is part way through a three year change programme to build its capacity and capability to take on responsibility for dealing with all serious and sensitive allegations against the police. Between 2013-14 and 2014-15 the IPCC doubled the number of independent investigations it started from 120 to 241 and in the course of 2015-16 it expects to start in excess of 400 investigations. Reflecting the expanding role of the IPCC, expenditure increased substantially between 2013-14 and 2014-15 from £41million to £54million.
4. In the light of the IPCC's growth, together with further forthcoming integrity reforms, a widespread consensus has emerged that the IPCC's existing governance arrangements are not sustainable.
5. In June 2015 the IPCC presented its proposals to the Home Office. In summary, the IPCC proposed:
  - Its powers be vested in a single Crown appointee, with final accountability for decision-making and Accounting Officer responsibilities;
  - it be expressed as an "Ombudsman" role analogous to other complaints and investigative bodies in the UK;
  - the "Ombudsman" should be a corporation sole but with an Advisory Board and an Audit and Risk Committee and be accountable directly to Parliament, to demonstrate independence;

- he or she would work through a Deputy Ombudsman and through formally designated Regional Ombudsmen and a Wales National Ombudsman; and
  - decision-making accountability would rest with the Ombudsman, and would be delegated to Regional Ombudsmen and the Wales National Ombudsman via a delegation framework that the Ombudsman creates.
6. To meet the terms of reference for this review my approach involved three elements: a series of interviews with key stakeholders to discuss the IPCC's proposals; a desk-based review of corporate governance and accountability arrangements in a number of ombudsman bodies and investigatory and regulatory arm's length bodies (ALBs); and a literature review of reports, papers and guidance on corporate governance, police complaints systems and the IPCC.
7. The IPCC's proposal for a single Head of the organisation would bring two major structural changes. Firstly, the abolition of the governance role and amendments to the job description of the Commissioners as currently defined in legislation; secondly, given the scale of responsibility, the role of the Head of the organisation would probably have to revert to being that of a full-time executive, as it was when the IPCC was first established.
8. There was a general view from those consulted as part of this review that corporation sole is not appropriate for IPCC and that in a large and growing organisation it is a very challenging "ask" for a single individual to be accountable for all decisions. Certainly some aspects of the IPCC's remit (e.g. appeals work) are indeed 'Ombudsman-like' but the range of its powers and responsibilities as described above, including its quasi-judicial role in investigating issues such as deaths in custody and whether there is evidence of criminal activity, are far more extensive than that of many other Ombudsman schemes which tend in the public mind to be more focused on final-tier arbitration and redress.

### **Recommendation 1**

**I agree there should be a single Head of the organisation, reflecting the need to ensure a single line of accountability for decision-making, and be designated the Accounting Officer. That person should continue to be a Crown appointee. However, I recommend that the IPCC's governance arrangements should not be modelled on an Ombudsman scheme nor be based on a corporation sole.**

### **Recommendation 2**

**Having considered the views and experience of those I consulted I recommend that the reformed IPCC governance be based on a Unitary Board model smaller in number than the current Commission, consisting of a number of executives and a majority of non-executive directors. The non-executives should be specifically selected for their experience in relevant fields and would be appointed exclusively via the Public Appointments process. The unified chair and Head of the organisation would retain all operational decision-making powers, with the Board**

**providing vital steers on leadership and culture, challenge and support on issues of efficiency and effectiveness but otherwise having no say on operational decisions.**

### **Recommendation 3**

**To avoid any danger of the Head of the organisation over-ruling decisions agreed by the majority of the Board, I recommend that the legislation establish respective roles and powers including a requirement that the Head of the organisation record in writing any decision on which he/she ignored advice from the Board. Consideration should be given to making public any such communications.**

### **Recommendation 4**

**While I concur with the proposal by the IPCC that the new structure should and must have an ARC, I recommend that it does not stand alone; it should form part of the overall Board governance arrangements. I further recommend that the members of the ARC are drawn from the non-executive members of the main Board supplemented as necessary by specialist finance/audit experience and that the ARC reports to the main Board.**

9. I also considered the IPCC's proposal that it should report directly to Parliament. Like other public bodies, the IPCC should be held properly to account for its efficiency, effectiveness and performance and robust internal and external scrutiny of the IPCC's operations is not incompatible with independent decision-making. Many ALBs and their sponsoring Government departments can and do successfully manage this duality.
10. I concluded that IPCC is an integral part of the overall policing system. It operates alongside, and in conjunction with, the CoP, HMIC and PCCs to provide a framework of professional standard setting, inspection, investigation and oversight of the police. The effective delivery of the IPCC's core functions (maintaining confidence in the wider complaints system) is best supported by the IPCC remaining within the broad cluster of policing bodies sponsored by the Home Office. Reporting directly to Parliament would not necessary secure a greater perception of independence.
11. Remaining within the ambit of the Home Office would also help to ensure stronger alignment and working relationships with PCCs who, going forward, can be expected to play an increasingly important role in the overall system of police integrity and complaints.

### **Recommendation 5**

**I recommend that the IPCC should remain within the sponsorship of the Home Office.**

12. At the same time I concluded that proper oversight and accountability of public bodies requires effective transparency and part of this requires robust performance management arrangements with clearly defined performance indicators. This is in line with Institute for Government and the Public Chairs' Forum best practice for ALBs.

### **Recommendation 6**

**There should be greater visibility of performance information, internally and externally. I recommend that current transparency arrangements are strengthened further, based on the best practice principles set out by the Institute for Government and the Public Chairs' Forum. Steps to be taken should include, for example, a dedicated and easily accessible "Performance" section on the IPCC's website providing up-to-date performance data against the IPCC's strategic objectives. Improving transparency should be taken forward as an integral part of the IPCC's change programme to ensure it is embedded as the organisation expands. Improved communications and accessibility of performance information should help to enhance public confidence.**

### **Recommendation 7**

**At the same time I recommend the Home Office ensures consistent high quality oversight of the IPCC's performance, building on steps already taken to strengthen its sponsorship role, while maintaining its current complete lack of involvement in IPCC case investigations and decision-making. The Home Office should also consider how best to review the economy and efficiency of the IPCC's resource management as its remit grows during a period of general resource constraint.**

13. I also considered a possible senior leadership structure of the IPCC including the IPCC's regional or local presence and its links with major stakeholders.

### **Recommendation 8**

**I recommend that the Head of the reformed organisation should not have previously worked for the police. This would mirror the condition that currently applies to Commissioners. The Home Office should consider further whether such a condition should also apply to the two Deputies and the regional Heads or whether a less restrictive condition is more appropriate for these employee roles, for example that the persons should not have worked for the police within the previous 10 years.**

14. The IPCC's proposal also suggests that the Head of the reformed organisation be supported one-on-one by a Deputy, with delegation of authority running through that post down the "spine" of the organisation and responsibility and accountability flowing upwards. Given the proposed span of control for that post (seven regions, operations and special investigations) even before my recommendation to incorporate regional oversight and engagement responsibilities I see this one-on-one arrangement as being potentially overloaded and unbalanced with the risk of offering insufficient support to the Head of the reformed organisation.

### **Recommendation 9**

**I therefore recommend at least two Deputy Head roles. Both Deputies should be members of the Board and would have responsibility for a specific allocation of regions with exactly the same delegation and direct lines of decision-making and**



reporting to the Head of the reformed organisation. The post holders should be senior employees of the IPCC rather than public appointments. In addition to their regional responsibilities one of the Deputy Heads would also have a particular focus on strategy, policy development and quality assurance processes which assume greater importance in the new devolved structure, while the other would have responsibility for their regions together with that of the Head of Operations and the Head of Special Investigations. This arrangement would add to the resilience of the organisation.

15. The need for a strong regional or local presence had very widespread support amongst those I consulted. The senior post holder in any area would occupy a vital and significant role as the main visible point of contact of the IPCC in that area for the community and families, individual police forces, PCCs, the local and other statutory authorities, as well as being public facing and dealing with the media. They must have strong personal credibility as they will have a key role in community engagement and will also be responsible for holding the police to account for acting on case-related recommendations in their area together with oversight of high profile cases.

16. I agree with the general principle that the IPCC needs to operate with a strong regional or local presence.

#### **Recommendation 10**

**Regional Heads should be senior employees, not public appointments. They should have clear delegated decision-making responsibility from the Head of the organisation, and should have direct accountability up to him or her via the respective Deputy. They should operate only within that agreed scheme of delegation and in no way should be considered or regarded as a local decision-maker with powers to act outside the national framework. The post holders should not be members of the Board, but should be invited to attend Board meetings for relevant agenda items.**

#### **Recommendation 11**

**Currently, IPCC *may* at its discretion have regional offices, with the consent of the Secretary of State. Having regard to some of the evidence I heard on the benefits of a regional or local presence, I recommend that the Government rewrites that “may” as a “must” in forthcoming legislation.**

**I do not consider that the territorial coverage of each area should be defined explicitly in the legislation governing the IPCC. This would not only limit the freedom of movement of the new Head of the organisation to organise it as they see fit, and as befits the operational reality of the reformed IPCC, but would also prove problematic in the event devolutionary boundaries change in the future. In deciding on the geographical split of regions no police force should be split between two or more regions.**

17. The idea of an external stakeholder advisory group at national and regional level was also included in the IPCC proposals but it was intended as a formal part of the governance structure of the reformed IPCC. There was a general consensus amongst those I spoke to that regular formal links with stakeholders would be helpful provided they remained purposeful and focused on relevant topics. The IPCC at present has a national level external stakeholders' forum. I agree that such consultative arrangements with appropriate levels of representation and clear specification of role can provide a valuable forum for interested parties to share their views and ideas and to act as a useful conduit in the development of policies

### **Recommendation 12**

**I would strongly recommend that any stakeholder groups (whatever form they take) serve only in an advisory capacity - whether they sit at a local or national level, but the national group might present an annual report on key issues to the reformed Board of the IPCC.**

18. Throughout this report I have indicated where recommended or proposed changes to the governance of the IPCC should make a positive contribution to public confidence both in its decision-making and in its efficiency. Not only is measuring levels of public confidence in public bodies and among professions inherently challenging but public confidence can be highly variable and susceptible to multiple external factors particularly through the impact of the media including social media. The need for independent investigation and greater public confidence were two of the drivers behind the creation of the IPCC.

19. The IPCC has a statutory obligation to secure and maintain public confidence in the police complaints system in England and Wales. It is crucial that those who come into contact with the police complaints system have confidence that through it they will achieve a fair outcome, lessons will be learned, and the police will be held to account. The IPCC has a difficult role to perform and it is perhaps 'part of the territory' that they will always be open to criticism from those affected. As the volume of work rises and the remit extends criticism could also increase.

20. Although not a core part of my Terms of Reference which focus on governance, my view is that while changes in governance arrangements as described earlier should help increase public confidence in the operations of the IPCC they are not in themselves sufficient. The proposed changes need to be supported by robust lines of accountability, a strong culture of continuous improvement and quality assurance systems which operate throughout the organisation. Such systemic changes can support an organisation's independence (and the perception of independence) which, in turn, should help raise public confidence in their decisions.

21. A further element of accountability and transparency that the IPCC should consider is the introduction of an independent element to its own complaints handling process. The aim of such processes is to create a self-improving loop – to identify what works well, and not so well, and to identify, and iron out, any systemic problems using

analysis and feedback to agree and implement improvement plans. Developing a more customer-focused approach to service may help to build public confidence in the reformed IPCC. This is essentially a management issue and one that the IPCC should be able to drive forward independently of any forthcoming governance changes.

22. With regard to Quality Assurance, the IPCC is committed to developing a new QA framework, including some form of external accreditation. A new quality team has recently been recruited and they are currently piloting new quality processes.

### **Recommendation 13**

**I recommend that, drawing on the experience of the CPS and other organisations, the IPCC should review and, as necessary, strengthen its processes for staff related complaints handling by adding an external review element to its procedures with the aim of developing a culture of continuous improvement and learning. In addition to strengthening its current quality assurance arrangements for decision-making, I recommend that the reformed IPCC should include a mechanism to allow for an independent/external review or ‘audit’ of its decisions. The review arrangements should be on the lines of an externally based regular but proportionate audit of its decision-making and the sample should only include cases that have concluded.**

23. The issue was also raised in the course of my review on whether the current remit of the IPCC should be amended to enable it to have a specific focus on enhancing police confidence as well as public confidence, similar to the remit of the Police Ombudsman for Northern Ireland (PONI).
24. Opinion on a possible change to the IPCC’s remit to refer specifically to both police and public confidence proved to be divided, with some seeing its inclusion as essential to be included in statute, others less certain, arguing that improved governance, transparency and accountability would be sufficient to enhance police confidence in the body and its decision-making, while others regarded the police as being encompassed by the term ‘public’. Some saw it as an unhelpful change as it might be interpreted as implying additional advocacy for the police while others considered it might help allay the concerns and doubts raised by the police. My view is that police confidence should be enhanced by the improvements to transparency, quality assurance and changes in the governance of the IPCC. The police are inextricably part of the public.

### **Recommendation 14**

**The reformed IPCC’s statutory objectives should not be extended to refer expressly to police confidence.**

25. Part of the remit of this review is “to consider the IPCC’s proposal for the IPCC to become an ‘Ombudsman’ and the impact of this (and other titles/terminology) on public confidence and the fit of the term ‘Ombudsman’ with the IPCC’s functions.”

26. I reached the conclusion that while the IPCC undeniably has Ombudsman-like features, the IPCC's role, functions, statutory purposes and 'reach' are such that the name of Ombudsman is an inadequate and insufficient description of its responsibilities and that it should not be applied to the reformed IPCC.
27. Whichever governance model of the IPCC is finally determined it is perfectly possible for the IPCC to retain its current well recognised name. While there are advantages in minimising the need for legislative changes and in limiting unnecessary changes to the national 'brand', I think however there are greater risks in not signalling clearly the changed nature of the Commissioner role and the revised governance of the body.

### **Recommendation 15**

**I believe it is time to consider an alternative to the current name of the organisation. This might usefully reflect more accurately its functions beyond “complaints” and may also help to minimise confusion in the public mind with the names of other organisations in the policing landscape, particularly the Police and Crime Commissioners who will in the proposed legislation also have a role in the complaints process in the future. One option would be the ‘Independent Police Conduct Authority’ which would retain the emphasis on independence, reflect the organisation’s remit to investigate police conduct, and recognise that the current Commission as currently constituted would no longer exist (as it would be replaced by a new Board structure).**

28. Finally there will be a transitional period during which the IPCC will move from its existing arrangements to its new governance and operational structure. This will come at a time when the IPCC is already expanding to investigate a greater number of cases and will be facing challenges in establishing and embedding the organisational change required to achieve this. The IPCC will need to ensure that the changing governance structure strengthens and underpins the expected improvements in performance and monitoring arrangements they are developing under their current change programme.
29. Similarly, the senior management team and Board will have a vital role to play in developing effective corporate team working across the organisation, ensuring the public-facing role of the regional structure is effectively put in place and that the concept of the single line of accountability for decision-making is embedded in culture and behaviours.
30. While the job descriptions for senior posts within the new structure will be different, compared with current roles and responsibilities, the 'job weight' of the current Commissioners and Regional Heads would be broadly similar and the combined number of Board and senior executive positions would also be similar in total. I believe that the new governance I have proposed would be broadly cost-neutral given the small number of posts involved and the different mix of public appointments and employee roles. What is difficult to quantify is the expected benefits of more

streamlined decision-making, clearer communication, and improved public confidence that should result from the reformed governance arrangements.

### **Recommendation 16**

**I recommend the IPCC and Home Office establish a joint working party with a dedicated project manager to ensure both parties have a clear understanding of what is entailed in the changes including identification of all necessary legislative changes, the timing of such changes and other arrangements such as staff recruitment to the new posts and locations. Operational responsibility for changes other than legislation should remain with the IPCC.**

Sheila Drew Smith  
November 2015

# Approach

The approach adopted for this review reflected the Terms of Reference (TOR) agreed by the Home Secretary.<sup>1</sup>

I was asked to provide an independent assessment of the IPCC's proposals to reform its governance structures and accountability arrangements, and to draw conclusions and set out my recommendations on those proposals.

My first priority was to assess and understand the IPCC's role within the wider policing landscape (with particular regard to the overall police complaints system) before moving on to review its current and proposed governance models and accountability arrangements as an arm's length body (ALB) sponsored by the Home Office. I was also aware of the organisational changes the IPCC is currently undergoing together with proposed further legislative changes to the police complaints system.

My approach to gathering information involved three main strands:

- A series of interviews between August and October with the IPCC and key stakeholders in the police complaints system, academia, and other public bodies, to seek their insights into corporate governance and accountability frameworks and to inform my review of the IPCC's proposals. A list of those consulted is attached at Annex B.
- A desk-based study of the corporate governance and accountability arrangements in a number of Ombudsman bodies and investigatory and regulatory ALBs to compare and contrast arrangements with the IPCC's proposals and to identify any common features. The desk-based study was not designed to provide a comprehensive list of the corporate governance structures of every public sector Ombudsman and ALB in the United Kingdom but sought to identify bodies that have some similar features to the IPCC and which might therefore provide relevant examples of how a public body's governance and accountability arrangements might best be structured. A list of the bodies reviewed is provided at Annex C.
- A literature review of reports, academic papers and guidance on corporate governance, police complaints systems and the IPCC shown at Annex D. The literature review was informed by suggestions from interviewees and also included documents provided by the IPCC, the Cabinet Office (which has a lead role to promote good governance across Government and ALBs) and leading academics in the field of corporate governance in the public sector.

Wherever I have quoted an interviewee I have explicitly sought their permission to do so.

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<sup>1</sup> See Annex A for full terms of reference.

# 1. The changing policing landscape

1.1. Both the Conservative and Liberal Democrat coalition and the present administration have set in train major changes in the landscape of policing in England and Wales “to make the police more accountable, accessible and transparent to the public”.<sup>2</sup> Reforms already introduced during the 2010-2015 Parliament include the following:

- The introduction under the Police Reform and Social Responsibility Act 2011 (PRSR Act) of directly elected Police and Crime Commissioners (PCCs) aimed at bringing greater accountability and transparency compared with the Police Authorities that they replaced.
- Establishing the College of Policing (CoP) with the aim of driving-up standards and ensuring that policing is informed by best practice. The CoP have published a Code of Ethics for policing, as a statutory code of practice.<sup>3</sup>
- Reinforcing Her Majesty’s Inspectorate of Constabulary (HMIC) who have implemented a new programme of annual inspections of all police forces (the PEEL inspections) which look at a force’s Performance, Effectiveness, Efficiency and Legitimacy in the eyes of the public through an examination of whether each force’s officers and staff act with integrity.
- The introduction of the National Crime Agency (NCA) to tackle organised crime.

1.2. The current Government has set out its intention to implement further police reforms and in one of her first speeches following the 2015 election, the Home Secretary made clear that there was still more to do:

*“.....if we want policing in this country to be the best it can be then we must reform further..... in the Queen’s Speech we will introduce a new Policing Bill, which will allow us to go further and faster with reform freeing up police time and putting policing back in the hands of the professionals.”<sup>4</sup>*

## Police integrity: discipline and complaints

1.3. Addressing issues of public confidence in the police has been a key impetus for reform. There is a very long tradition dating from Sir Robert Peel that public trust is often seen as the very basis of this country’s model of policing by consent and could so easily be undermined. In a key speech on police integrity in 2013 the Home Secretary said:

*“.....I know that the vast majority of police officers conduct themselves with the highest standards of integrity..... But that doesn’t mean we should ignore the fact that when it does occur, police corruption and misconduct undermines*

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<sup>2</sup> Foreword by the Rt. Hon Theresa May MP, Home Secretary to “Policing in the 21st century, reconnecting police and the people: consultation”, published by the Government, 26 July 2010.

<https://www.gov.uk/government/publications/policing-in-the-21st-century-reconnecting-police-and-the-people-consultation>

<sup>3</sup> [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)

<sup>4</sup>The Rt. Hon Theresa May MP, Home Secretary, speaking at the Police Federation Annual Conference 20 May 2015.

<https://www.gov.uk/government/speeches/home-secretarys-police-federation-2015-speech>

*justice, lets down the decent majority of officers, and damages the public's confidence in the police.”<sup>5</sup>*

- 1.4. As part of the coalition Government's police integrity reforms the Home Secretary announced in 2013 that she would transfer to the IPCC responsibility for dealing with all serious and sensitive allegations against the police and also transfer resources from the police settlement to the IPCC to make sure it has the budget and the manpower to do its work.<sup>6</sup>
- 1.5. In launching a review of the police complaints system, including the role of the IPCC, in July 2014, the Home Secretary noted some of the innovative approaches being developed locally by PCCs and announced the review's remit was *“to look at the complaints system from end to end, examining the process every step of the way”*.<sup>7</sup> In December 2014, following the complaints review, and also the Chapman review of the police disciplinary system,<sup>8</sup> the Home Office launched a consultation on proposals for further long-term reforms to improve police integrity, including changes to the role and powers of the IPCC. In her foreword launching the consultation the Home Secretary said:

*“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>9</sup>*
- 1.6. In March 2015, following the period of consultation, the Government set out its future intentions for the police complaints system including making the system more independent of the police through an expanded role for PCCs.<sup>10</sup>
- 1.7. The current Government announced as part of the Queen's Speech in May 2015 that it will legislate, via a Policing and Criminal Justice Bill, to introduce the range of new integrity measures set out in the consultation response of March 2015. This package of reforms will include measures to enable the IPCC to initiate its own investigations and recommend remedies, to present cases at police disciplinary hearings, as well as abolishing the current system of “managed” and “supervised” investigations, so that all IPCC investigations are as independent of the police as possible.

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<sup>5</sup> Statement by the Home Secretary, the Rt. Hon. Theresa May MP to the House of Commons on Tuesday 12 February 2013 on police integrity. <http://www.publications.parliament.uk/pa/cm201213/cmhansrd/cm130212/debtext/130212-0001.htm#13021255000004>

<sup>6</sup> Ibid.

<sup>7</sup> Home Secretary's speech to House of Commons, Hansard, column 1267, 22 July 2014.

<http://www.publications.parliament.uk/pa/cm201415/cmhansrd/cm140722/debtext/140722-0002.htm#140722620000005>

<sup>8</sup> “An independent review of the police disciplinary system in England and Wales”, Chip Chapman, October 2014.

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/385911/An\\_Independent\\_Review\\_of\\_the\\_Police\\_Disciplinary\\_System\\_-\\_Report\\_-\\_Final...pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/385911/An_Independent_Review_of_the_Police_Disciplinary_System_-_Report_-_Final...pdf)

<sup>9</sup> “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)

<sup>10</sup> “Improving police integrity: reforming the police complaints and disciplinary systems: Summary of consultation responses and next steps”, March 2015. Cm 9031.

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/411970/improving\\_police\\_integrity\\_reforming\\_the\\_police\\_complaints\\_and\\_disciplinary\\_systems.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/411970/improving_police_integrity_reforming_the_police_complaints_and_disciplinary_systems.pdf)



- 1.8. All these proposed changes will have a major impact on the IPCC's future operations and governance. Although these changes remain to be enacted I have had regard to the implications of their possible implementation in making my recommendations.
- 1.9. Further information on recent and proposed legislative changes is provided at Annex E.

## 2. The IPCC: governance and the case for reform

### The IPCC's Statutory Purpose

- 2.1. The IPCC was established by the Police Reform Act 2002<sup>11</sup>. It was set up as an executive non-departmental public body (NDPB)<sup>12</sup> on 1 April 2003 and became operational on 1 April 2004.<sup>13</sup>
- 2.2. The IPCC replaced the Police Complaints Authority (PCA) which was created in 1985 in turn replacing the Police Complaints Board which had been established in 1977. The IPCC was created following both public and political concerns about the shortcomings of the PCA and the lack of an independent system to deal with complaints and conduct matters within the police service.
- 2.3. Particular public concerns in advance of the IPCC's creation were centred on instances of deaths and alleged police brutality within custody and the policing of black and minority ethnic communities. Both Lord Scarman's inquiry into the disorders in Brixton in 1981 and the Stephen Lawrence Inquiry in 1999 called for the establishment of an independent body.<sup>14</sup>
- 2.4. The IPCC's statutory purpose is to secure and maintain public confidence in the police complaints system in England and Wales.<sup>15</sup> The IPCC aims to fulfil its statutory duty through three main functions:
  - oversight of the complaints system, setting and monitoring standards for the police handling of complaints and identifying and disseminating learning, which changes operational practice;
  - carrying out its own investigations into serious and sensitive cases relating to the conduct of the police; and
  - considering appeals from people who are dissatisfied with how a police force has dealt with their complaint.

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<sup>11</sup> See Annex F for further details of the legislative framework.

<sup>12</sup> The term NDPB is not a legal classification but an administrative classification which successive governments have used to identify those public bodies that operate at arm's length from Ministers but for which Ministers are ultimately accountable. "Categories of Public Bodies: A Guide for Departments", Cabinet Office, December 2012.  
[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/80075/Categories\\_of\\_public\\_bodies\\_Dec12.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/80075/Categories_of_public_bodies_Dec12.pdf)

<sup>13</sup> "IPCC Annual Report and Statement of Accounts 2014-15". HC286.  
[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/445762/IPCC\\_annual\\_report\\_2015\\_Web.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/445762/IPCC_annual_report_2015_Web.pdf)

<sup>14</sup> Macpherson report: [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/277111/4262.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/277111/4262.pdf)

Scarman Lord, 1981, Report of the Brixton Disorders, 10<sup>th</sup> to 12<sup>th</sup> April 1981, Cmnd 8247, London, HMSO

<sup>15</sup> Police Reform Act 2002, Part 2, Section 10, (1) The functions of the Commission shall be—

(d) to secure that public confidence is established and maintained in the existence of suitable arrangements with respect to those matters and with the operation of the arrangements that are in fact maintained with respect to those matters.

<http://www.legislation.gov.uk/ukpga/2002/30/section/10>

- 2.5. The relationship between the IPCC and the Home Office is set out in a Framework Document<sup>16</sup> which makes clear that the IPCC “is operationally independent of the police, the government and complainants”. It is worthy of note that none of those I consulted in this review raised any doubt about the operational independence from the Home Office of the decision-making by the IPCC.
- 2.6. Alongside this, in relation to the use of public funding, the IPCC is accountable to the Home Office and through Home Office Ministers to Parliament. From my experience over the years of sponsored bodies in a range of Government departments I would comment that the IPCC has historically operated at very considerable arm’s length from the Home Office in respect of organisational and resource issues. The IPCC is of course not immune from the current downward pressures on resources and has to have regard to economy, efficiency and its overall performance.

## **Growth to 2017**

- 2.7. In light of earlier reforms to the complaints and disciplinary systems introduced since 2010, the IPCC is currently undergoing significant change. The organisation embarked on a three-year change programme in 2013 to meet the commitment made by the Home Secretary in February 2013 to enable the IPCC to investigate all serious and sensitive allegations against the police. It is intended that the change programme should also enable cases to be concluded more quickly.
- 2.8. Reflecting the expanding role of the IPCC, expenditure increased substantially between 2013-14 and 2014-15 from £41million to £54million.<sup>17</sup> The expenditure increases were as a result of additional resources required both for the investigation into the Hillsborough disaster and expanding the IPCC workforce as a step towards taking on all serious and sensitive cases. During 2014-15 over 200 new staff were recruited and across the year the IPCC employed an average of 766 permanent staff. The IPCC aims to deliver a significant increase in independent investigations in 2015-16 building on progress in 2014-15 when the IPCC doubled the number of independent investigations it started compared with 2013-14 (from 120 to 241). The number of independent investigations started by the IPCC in 2015-16 is expected to be in excess of 400. As at September 2015 there were 350 cases opened.
- 2.9. As recent policing reforms have been introduced and taken shape, the respective roles and responsibilities of the IPCC, the College of Policing and HMIC have evolved and will continue to develop. Reflecting these changes, in September 2014 these three national bodies entered into a concordat<sup>18</sup> which sets out a joint commitment to work constructively and effectively together with the shared aim of driving up the standard of service that the police provide to the public. This initiative is as yet in its early days.

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<sup>16</sup> [https://www.ipcc.gov.uk/sites/default/files/Documents/about\\_us/IPCC\\_HO\\_Framework\\_Document.pdf](https://www.ipcc.gov.uk/sites/default/files/Documents/about_us/IPCC_HO_Framework_Document.pdf)

<sup>17</sup> IPCC Annual report and statement of accounts 2014-15 states that “The statement of comprehensive net expenditure shows expenditure of £54 million compared to £41 million in 2013/14.”

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/445762/IPCC\\_annual\\_report\\_2015\\_Web.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/445762/IPCC_annual_report_2015_Web.pdf)

<sup>18</sup> <https://www.justiceinspectores.gov.uk/hmic/wp-content/uploads/Concordat-between-HMIC-College-of-Policing-and-IPCC.pdf>

- 2.10. One message from many of those I interviewed as part of this review is the importance of ensuring that the strengthening of governance and oversight arrangements in the IPCC is done in such a way that it also strengthens the continued close and complementary working arrangements with the College of Policing and HMIC.
- 2.11. As the volume of investigations grows it will also be important for the IPCC to balance successfully the requirement for quality as well as quantity.

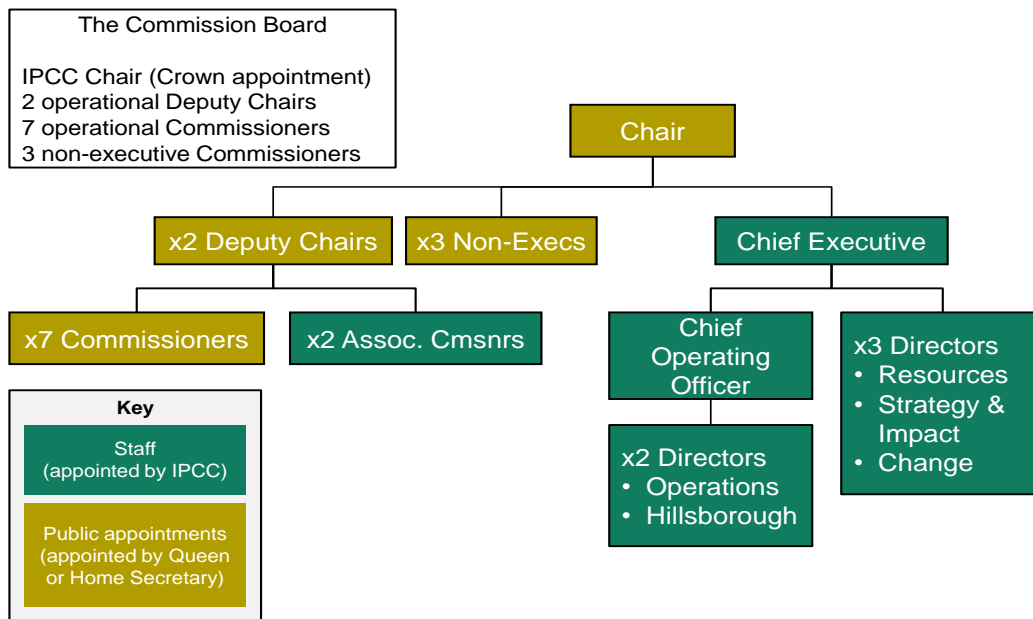
## **Current governance**

- 2.12. The IPCC is overseen by a Board referred to as a Commission that, currently, is made up of a part-time non-executive Chair, nine Commissioners (including two Deputy Chairs) with operational responsibilities and three part-time non-executive Commissioners. In addition, two Associate Commissioners have full delegated Commissioner responsibilities on specific cases; they also carry out some delegated oversight and confidence work but they do not have any governance responsibilities.<sup>19</sup>The IPCC has offices in Wakefield, Sale, Warrington, Birmingham, Cardiff and Croydon as well as central London.
- 2.13. I have included a factual note on the current legal framework for the IPCC's governance at Annex F. Crucially, as things stand, the law requires: at least five Commissioners plus the Chair and a separate Chief Executive Officer (CEO). Regional governance is not required but the IPCC *may*, at its discretion, set up local offices with the approval of the Home Secretary.
- 2.14. The Chair of the IPCC is appointed by the Crown and Commissioners are appointed by the Home Secretary, all within the framework of the Codes of Practice established by the Commissioner for Public Appointments. All Commissioners including the Chair are expressly prevented from having served as police constables in any part of the UK or served in the Serious Organised Crime Agency (SOCA), or its successor body, the National Crime Agency (NCA). The current governance model is shown below.

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<sup>19</sup> See "IPCC Annual Report and Statement of Accounts 2014-15". HC286.  
[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/445762/IPCC\\_annual\\_report\\_2015\\_Web.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/445762/IPCC_annual_report_2015_Web.pdf)

## Current IPCC governance structure



2.15. In common with many other ALBs, Commissioners under the leadership of the Chair share responsibility for setting the strategy and values of the IPCC and holding the Executive to account. Operational Commissioners hold prime responsibility for designated police forces and other local based agencies within the IPCC's remit. The non-executive part-time Commissioners have a more traditional non-executive role in providing challenge and scrutiny, focusing on governance and accountability.

2.16. The Commission is supported by an executive team led by a CEO who in turn is supported by a management Board and is accountable to the Commissioners for the effective running of the organisation. As Accounting Officer for the IPCC, the CEO is responsible for the effective management of grant in aid provided by the Home Office in accordance with the Framework Agreement.

2.17. However, the Deputy Chairs and Commissioners are not only members of the Commission Board but also oversee and take ultimate responsibility for investigations, casework and oversight of the complaints system, and therefore occupy simultaneously both strategic and operational roles. Commissioners are required to "front" decisions but have no managerial responsibility or authority over investigative staff whose independence is enshrined in legislation.

## The need for change

2.18. These tensions and difficulties generated by the duality of the role occupied by Commissioners were key findings of the Triennial Review of the IPCC<sup>20</sup> in early 2015 which commented that the current governance arrangements have the effect of:

*“...resulting in the Commissioners being engaged in both the governance of the organisation and its operational activity. This dual role of most of the Commissioners is not fully compliant with Cabinet Office guidance.....[which] stipulates that there should be a ‘clear division of roles and responsibilities between non-executive and executives’.”<sup>21</sup>*

2.19. The Triennial Review which was published alongside the Government’s response to the police integrity consultation went on to recommend:

*“The IPCC should consider what governance arrangements, consistent with wider reforms to the police integrity landscape, will best secure efficient, effective and accountable operations. This should, in line with Cabinet Office guidance, include a separation of the governance and operational roles. The Commission should take forward this recommendation with some urgency with proposals being presented to the Home Office in June 2015 and the Home Office should consider the IPCC’s proposals in the light of Cabinet Office guidance.”*

2.20. The governance of the IPCC has in fact varied over its decade long existence, with an Executive Chair when it was first established, then experiencing a lengthy period with an Acting Chair, reducing of the number of Commissioners but with the addition of non-executive Commissioners. In 2010-2011 some major changes in governance were considered by the IPCC itself but were not proceeded with and the current arrangements were largely established on the appointment of the current part time non-executive Chair in 2012.

2.21. None of these earlier changes have in my view resolved the fundamental problem of the tension which inevitably arises from the dual accountability of operationally focused Commissioners also being members of a Board with responsibility for scrutiny of the organisation and which has resulted in blurred lines of decision-making on cases as well as excessive delays in concluding cases. Commissioners are required to “front” and defend decisions but have no line management over investigators. Consequently when Commissioners sometimes consider the quality of the end-products is not good enough

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<sup>20</sup> As an arm’s length body the IPCC fell within the remit of the 2010-2015 coalition government’s public bodies reform agenda including Triennial Reviews which have two aims:

- To provide a robust challenge to the continuing need for individual public bodies - both their functions and form (Stage 1).
- Where it is agreed that a particular body should remain as an NDPB: its capacity for delivering more effectively and efficiently, including identifying potential for efficiency savings and its ability to contribute to economic growth; and, to review the control and governance arrangements in place to ensure that the body is complying with recognised principles of good corporate governance. This should also include an assessment of the body’s performance. (Stage 2).

<sup>21</sup> Triennial Review of the Independent Police Complaints Commission (IPCC), Home Office, March 2015.

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/332147/Triennial\\_Reviews\\_Guidance.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/332147/Triennial_Reviews_Guidance.pdf)  
[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/411566/IPCC\\_Triennial\\_Review.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/411566/IPCC_Triennial_Review.pdf)

they do not have “mechanisms for leveraging change” within the organisation and its processes and may feel “they are working in isolation”.

2.22. This tension in responsibilities has been exacerbated to some extent by the sheer number on the Board. The absence of clear lines of accountability has in turn limited the effectiveness of the oversight and scrutiny roles which might be expected from Commissioners in their governance capacity.

2.23. Despite this ‘profound structural flaw’ in the words of one commentator, all members of the Commission have striven to make the flawed system work, but the organisation is also coming under increasing strain as the volume of cases has increased (and is expected to go on rising) accompanied by the ever present threat of a judicial review of decisions reached.

2.24. It has been striking that, in all the interviews I have conducted, there has been no dissent from the view that the IPCC’s current governance arrangements are not sustainable. The lack of clarity and delay has however led to concerns being raised on timeliness of casework, the quality and consistency of decision-making, and ultimately value for money. Several people with whom I consulted commented that such delays and problems can raise concerns over the legitimacy of the IPCC’s decision-making, adding unnecessarily to the anxieties among the affected families and communities, affecting public confidence and potentially undermining essential police confidence in the system. Confidence in the system of complaints and appeals is paramount.

2.25. In my view however while major changes to the governance are necessary, they are not in themselves sufficient to resolve the reported issues of variable quality in decision-making on cases and excessive delays in concluding cases. These inherent structural problems have also been exacerbated by the culture and behaviours of some staff within the organisation. I have however been impressed by the initiatives led by the CEO, who was appointed in September 2014, supported by the Chair in the key areas of performance information, high profile case work oversight and quality assurance (see section 6). My remit has not extended to the current programme of change being implemented by IPCC.

## 3. The IPCC's proposals for change

- 3.1. Following publication of the Triennial Review report in March 2015, the IPCC wrote to the Home Office in June 2015 accepting recommendation 3 of the Review on the need to consider its governance arrangements.

*“We accept this recommendation. As the Home Office is aware, we have been developing proposals for our future governance structure for some months, using our experience from the last 11 years and recognising what works well and less well. In doing so, we have adopted a series of principles to guide our analysis of different options. These principles focus not only on good governance practice, but also on the importance of improving public confidence in the IPCC and the wider complaints system.”<sup>22</sup>*

- 3.2. The principles adopted are set out in full in Annex H.

### Proposed changes

- 3.3. To help develop a new governance model the IPCC held workshops in February, May and June 2015 involving IPCC staff and Commissioners. The IPCC also engaged a number of key stakeholders via the workshops and through other discussions including Julia Mulligan, the PCC for North Yorkshire, and Dr Michael Maguire, Police Ombudsman for Northern Ireland. There was early consensus across the Commission and senior management that a single line of accountability for decision-making was crucial in the future model and that the independent stance of the organisation be maintained. A number of options were developed and considered in detail and considerable work was undertaken to review and evaluate different governance models including models being used in the judicial system and by a number of Ombudsman bodies in the UK and Australia. The IPCC arrived at what it considered to be the optimal model for an organisation tasked with investigating and building public confidence in the complaints system and that it believed addresses the issues raised in the Triennial Review.

- 3.4. In summary, the IPCC proposed:

- Its powers be vested in a single Crown appointee, with final accountability for decision-making and accounting officer responsibilities;
- it be expressed as an “Ombudsman” role analogous to other complaints and investigative bodies in the UK;
- the “Ombudsman” should be a corporation sole but with an Advisory Board and an Audit and Risk Committee and be accountable directly to Parliament, to demonstrate independence;

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<sup>22</sup> IPCC response to Home Office, June 2015.

[https://www.ipcc.gov.uk/sites/default/files/Documents/speeches/IPCC\\_response\\_to\\_the\\_Triennial\\_Review\\_report\\_June\\_2015.pdf](https://www.ipcc.gov.uk/sites/default/files/Documents/speeches/IPCC_response_to_the_Triennial_Review_report_June_2015.pdf)



- he or she would work through a Deputy Ombudsman and through formally designated Regional Ombudsmen and a Wales National Ombudsman; and
  - decision-making accountability would rest with the Ombudsman, and would be delegated to Regional Ombudsmen and the Wales National Ombudsman via a delegation framework that the Ombudsman creates.
- 3.5. These proposals effectively mean that a single line of accountability would be established in the IPCC, it would no longer be sponsored by the Home Office, Commissioners would no longer have a responsibility in relation to the primary governance of the IPCC, and that in effect the posts of Commissioner as currently constituted would be abolished. A number of Regional Ombudsmen would be appointed drawing on elements of the Commissioner role but crucially including operational and staff management and decision-making powers.

## Review of proposed changes

3.6. I now turn to my assessment of the implications of each of the proposed changes to the IPCC and make recommendations accordingly. In assessing the proposals I reviewed the governance and accountability frameworks adopted in a range of ALBs and Ombudsmen. Annex C sets out the organisational attributes of the bodies reviewed. Issues of particular interest to this review included:

- To whom the organisation reports, whether a Government department or directly to Parliament;
- the organisation's corporate status (whether a corporation aggregate or a corporation sole);<sup>23</sup>
- the composition of corporate Boards (should they exist) in terms of the balance of executive directors and non-executive directors (NEDs);
- the makeup of any internal Audit and Risk Committee (ARC) providing oversight; and
- the size of the organisation (resources) and the scale and range of its operations.

3.7. Looking at the features of different bodies enabled some comparisons to be made between the IPCC's proposed governance structures and arrangements in similar types of organisations.

### *1. Single Crown appointee as Head of the organisation*

3.8. The overall approach adopted in the IPCC's proposals of a single line of reporting and decision-making within the organisation has much to recommend it as it removes the current duality of decision-making and governance roles currently within the remit of the Commissioners, and helps to create a single line of accountability in the organisation. The proposal is also strengthened by the intention to have a clear line or 'spine' of decision-making throughout the organisation with accountability flowing from local to

<sup>23</sup> Here, corporations aggregate are understood as those where corporate power is vested in a board, whilst corporations sole are those where corporate power is vested in a single individual.

national level where required, supported by updated and defined delegation and improved quality assurance processes. By having a single team and culture, the integrity of the organisation should be enhanced and having a 'single voice' in communication on decisions should help with the external perception of the body. I agree with this general approach of a focus on a single line of decision-making as a means to resolving the current internal tensions at the IPCC. I do however have very considerable reservations about their closely linked proposal that the Head of the organisation should be that of a 'corporation sole' and I return to this point later in the section.

- 3.9. In effect, the proposal of a single Head to the IPCC will bring two major structural changes. Firstly, the abolition of the role and job description of the Commissioners as currently defined in legislation to be replaced by a devolved structure; secondly, given the scale of responsibility, the role of the Head of the organisation would probably have to revert to being that of a full-time executive, as it was when the IPCC was first established. This has implications for the current legislation in which the post of a Chief Executive is statutorily required and whose appointment has to be agreed by the Home Secretary.
- 3.10. I do also agree with the proposal that the Head of the organisation should continue to be a Crown appointee selected through a public appointment process. In the discussions I held with stakeholders a number of people suggested that the role should also attract the designation of 'Her Majesty's'. This may help in the wider perception of independence and status in a relatively crowded field of local and national level policing related posts but any decision on this lies outside my review.

## 2. Designation as an Ombudsman

- 3.11. There are a wide range of Ombudsman schemes operating in the public and private sectors, some being entirely voluntary, some are statutory and some are 'approved' by departments or regulators for particular purposes. Discussions with the Ombudsman Association, of which the IPCC is a member, and the review of other broadly similar regulatory and investigative bodies revealed that there is no one structural model or governance arrangement among public sector bodies that are described as Ombudsmen either in legislation or in colloquial use by the public. Indeed there is no trademark or copyright over use of the label Ombudsman. Cabinet Office Guidance for Departments also draws attention to the importance of maintaining "*a proper balance between the development of new Ombudsman schemes (where they are needed) and extending the remit of existing schemes where that is appropriate and possible*"<sup>24</sup>
- 3.12. I considered the range of the IPCC's current and future responsibilities and discussed with others whether the proposed changes fundamentally alter the nature and purpose of the IPCC's activities, and whether a change in its designation and name might help in the public understanding of the work of the organisation and thereby increase public

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<sup>24</sup> "Ombudsman schemes - guidance for departments", Cabinet Office, April 2010, p2.  
[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/61197/guide-new-ombudsman-schemes.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/61197/guide-new-ombudsman-schemes.pdf)

confidence. The current statutory purposes of the IPCC were summarised in para 2.4 and forthcoming changes include:

- carrying out a greater number of investigations (mainly arising from direct referrals from police forces including in relation to death or serious injuries);
- extended powers to open cases on the IPCC's own initiative; and
- appeals from complainants where the IPCC will in future be able to determine a case, and where relevant recommend a remedy.

3.13. Each of these changes will undoubtedly result in a strengthening of the IPCC's powers and confirm its centrality to the enhancement of the integrity of the complaints system, but I consider they are extensions of their current purposes and do not cumulatively result in a fundamental change in its remit. As extensions of current powers the reformed IPCC would not be encompassed within the criteria set out in the Cabinet Office Guidance on the creation of an Ombudsman. Certainly some aspects of the IPCC's remit (e.g. appeals work) are indeed 'Ombudsman-like' but the range of its powers and responsibilities as described above, including its quasi-judicial role in investigating issues such as deaths in custody and whether there is evidence of criminal activity, are far more extensive than that of many other Ombudsman schemes which tend in the public mind to be more focused on final-tier arbitration and redress, such as the Financial Ombudsman Service and the various property focused Ombudsmen services.

3.14. Although the Ombudsman name in general might well be recognised by the public there is no certainty or clarity as to whether the role is understood by the public. The use of the name might well be confusing and could create a risk of unreasonable expectations of the available powers. There is also the risk of public confusion over roles as new responsibilities and powers on complaints are developed for PCCs. It is understandable that the Police Ombudsman for Northern Ireland brings an obvious parallel in name but the equivalent functions in Scotland are delivered by the Police Complaints and Review Commissioner. For these reasons and others described elsewhere in this report I do not recommend that the IPCC seek designation as an Ombudsman.

### 3. 'Corporation Sole'

3.15. I commented above on the benefits to the IPCC of establishing a single line of decision-making and accountability. In addition the IPCC's proposals for a revised governance structure include the proposal for the IPCC to be constituted as a corporation sole. Arguably, one attraction of this model is that it helps to ensure a more widespread perception of independence by signalling that decision-making and accountability lies with a single person who ultimately is accountable for all decisions and provides the public face of the organisation.

3.16. However, the majority of those I consulted during the review considered a corporation sole model as not appropriate for the IPCC, with some describing the concept as "old-fashioned". Concern was expressed about expecting one individual to carry the burden

of the totality of the organisation. There was a general view that for one person to take decisions in all cases is a very challenging “ask” in a complex organisation, particularly one which is undergoing considerable growth in the volume of its cases. Whatever accountability arrangements are in place (e.g. reporting to Parliament or a lead Government department), without input from non-executive directors, who can also provide both external perspectives and support, together with regular Board meetings, it is unlikely that ongoing and real-time scrutiny and challenge of the individual will be adequate. Infrequent or ad hoc appearances before a Parliamentary Committee, or a sponsor department, are unlikely to provide effective oversight and challenge.

3.17. While PCCs are a notable example of the corporation sole model, they are unique in that accountability is provided by their direct election to the post by the public. They also have additional accountability arrangements included in the relevant legislation<sup>25</sup> through the establishment of local Police and Crime Panels (PCPs) whose functions include the review or scrutiny of decisions made or action taken by the relevant PCC.

3.18. Whilst a number of the organisations considered in Annex C are structured as a corporation sole, in a number of cases the post-holder has developed governance structures to mitigate the potential weaknesses of a model where control is vested in a single individual and also to provide a source of advice, expertise and experience drawn from other contexts.

3.19. I noted that, for example, the first Information Commissioner appointed a Management Board of non-executive members *‘to assist him discharge his statutory responsibilities on a long term strategic basis’*, and an internal concordat was developed so that their views would be sought on strategy and resource issues and taken into account before significant decisions were made. The concordat also made clear that the Management Board was not responsible for operational decisions, individual casework or enforcement decisions. Similarly, the current Parliamentary and Health Service Ombudsman (PHSO) Dame Julie Mellor has established a Unitary Board which combined and replaced the previous Executive and Advisory Boards. The Board consists of both executive and non-executive members, with non-executive members in the majority and which she chairs. Even though she could in a technical sense through her statutory accountability override the Board, by having the right to disagree with the Board’s decisions, Dame Julie has publicly committed to do so only as a last resort and if so to put her reasons in writing to the Board.<sup>26</sup>

3.20. Relatively few of the organisations considered in this review operate without a Board but some do including the Police Ombudsman for Northern Ireland (PONI), the Children’s Commissioner for England and the Immigration Services Commissioner (ISC).

3.21. Given the scale of the IPCC’s work and its continued expansion I consider it essential that robust support and challenge arrangements are established in line with the

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<sup>25</sup> Police Reform and Social Responsibility Act 2011. <http://www.legislation.gov.uk/ukpga/2011/13/contents/enacted>

<sup>26</sup> <http://www.ombudsman.org.uk/about-us/who-we-are/the-board>. “To reflect her statutory accountability the Ombudsman has the right to disagree with the Board’s decisions but will do so as a last resort and put her reasons in writing to the Board”.

principles of good corporate governance of public bodies.<sup>27</sup> This is best undertaken by a Board comprising executive and non-executive directors. In the case of the IPCC, the role of the Board (and any sub-committees e.g. an ARC) should be focused on the organisation's efficiency and effectiveness and it should not interfere with the independence of the Head of the body's decision-making e.g. the Board should not interfere in individual investigations or appeals cases.

3.22. I conclude that the model of 'corporation sole' brings risks arising both from the lack of external perspectives and expertise and the potential pressures on any one individual in an organisation of the IPCC's scale and scope, not least in a period of considerable change and growth. To some extent these points were recognised in the IPCC's proposal which included an Advisory Board together with a separate ARC but with limited assessment as to how their role was defined, or how they were to be selected and appointed. I accept that their model was driven by their wish to ensure the actual and perceived independent nature of the organisation.

#### **Recommendation 1**

**I agree there should be a single Head of the organisation, reflecting the need to ensure a single line of accountability for decision-making, and be designated the Accounting Officer. That person should continue to be a Crown appointee. However, I recommend that the IPCC's governance arrangements should not be modelled on an Ombudsman scheme nor be based on a corporation sole.**

## **Possible Board structures**

3.23. Given the general recognition of the need for a Board whose members could bring an external perspective, specialist input, as well as a capacity to critique and support, a number of possible Board arrangements are possible and are described below.

### *a. Advisory Boards*

3.24. The IPCC's proposal includes establishing an advisory Board to support the Head of the organisation. One of the problems with a purely advisory Board of non-executive directors, or independent members, is that the Head of the organisation as corporation sole could entirely disregard their advice, although as described above, memoranda of understanding on roles and responsibilities can be developed but they would have no associated statutory powers. There are associated issues with an absence of accountability and who appoints members to an advisory Board. The appointment of the Board could be at the whim of the Head of the organisation, enabling them to populate the Board with members who would provide no real challenge to their authority. In my view the creation of an Advisory Board in the revised governance model brings considerable risks and is not a sufficiently robust model to be adopted by the IPCC at this stage.

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<sup>27</sup> Cabinet Office, "Triennial Reviews: Guidance on reviews of non departmental public bodies", Annex D, Principles of Good Governance in Executive NDPBs.  
[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/332147/Triennial\\_Reviews\\_Guidance.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/332147/Triennial_Reviews_Guidance.pdf)

### *b. ALB Boards*

- 3.25. An alternative model could be based on a “standard” Board model for NDPBs which are generally wholly non-executive in membership and in which the Secretary of State appoints the members via the public appointments process, where the Chair is then responsible for appointing the CEO/Head of the organisation in consultation with the sponsor department. Such boards are responsible for setting strategy, calling the executive to account, setting the culture and values of the organisation, and accounting for and representing the organisation to the public. While this model works well for many ALBs, if it were to be applied to the IPCC it runs the risk of confusion over the respective roles of Chair and CEO, with the risk of trammelling the actual and perceived independence of the Chief decision-maker.
- 3.26. While several of the people whom I consulted thought that the IPCC should be governed along the lines of existing ALBs, comprised almost exclusively of non-executive Directors, I have come to the conclusion that in this case the separation of the roles of chair and Head of the organisation bring very real risks of the perceived loss of the independence of the decision-making. This threat would be detrimental to the public confidence in the IPCC and I reject the conventional ALB approach in the case of the IPCC.

### *c. Unitary Boards*

- 3.27. A Unitary Board is generally comprised of a minority number of the most senior executive directors in the organisation and a majority of NEDs with an independently appointed Chair, who may be executive or non-executive. Non-executives bring external perspective and expertise and as one person reported to me, external Board members “bring fresh air” into the organisation.
- 3.28. The arrangements for a Unitary Board at the ICO and PHSO have already been described. This model is also to be found at the Crown Prosecution Service (CPS) where the Board is chaired by the Director of Public Prosecutions (DPP) and is a balanced mix of executives and NEDs and the DPP has independence on decision-making, operating under the superintendence of the Attorney General.<sup>28</sup> The National Audit Office (NAO) also provides a useful example of governance arrangements involving a mixed Board of executives and a majority of NEDs with an independent Chair providing strategy advice and challenge on efficiency and effectiveness but with the Comptroller and Auditor General retaining all decision-making powers.<sup>29</sup>
- 3.29. The Unitary Board model is also to be found in organisations that make complex and difficult assessments and judgements which need to be seen as independent of Government such as the National Institute for Health and Care Excellence (NICE) and the Care Quality Commission (CQC) where the Chief Inspectors are members of the Board.

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<sup>28</sup> Prosecution of Offences Act 1985, Section 3. <http://www.legislation.gov.uk/ukpga/1985/23>

<sup>29</sup> By statute the Comptroller and Auditor General has "complete discretion in the discharge of his functions", and the Commission does not involve itself in the day-to-day running or administration of the NAO. <http://www.parliament.uk/business/committees/committees-a-z/other-committees/public-accounts-commission/role/>

### **Recommendation 2**

**Having considered the views and experience of those I consulted I recommend that the reformed IPCC governance be based on a Unitary Board model smaller in number than the current Commission, consisting of a number of executives and a majority of non-executive directors. The non-executives should be specifically selected for their experience in relevant fields and would be appointed exclusively via the Public Appointments process. The unified chair and Head of the organisation would retain all operational decision-making powers, with the Board providing vital steers on leadership and culture, challenge and support on issues of efficiency and effectiveness but otherwise having no say on operational decisions.**

3.30. I recognise that the scale of the role of the Head of the organisation would be considerable, comprising the usual range of chair responsibilities but also ultimate case decision-making responsibility together with managing the organisation and being the Accounting Officer. However, given the need to demonstrate the independence of decision-making to enhance public and police confidence and to maintain the single line of decision-making right to the top of the organisation I consider this model brings considerable benefits.

### **Recommendation 3**

**To avoid any danger of the Head of the organisation over-ruling decisions agreed by the majority of the Board, I recommend that the legislation establish respective roles and powers including a requirement that the Head of the organisation record in writing any decision on which he/she ignored advice from the Board. Consideration should be given to making public any such communications.**

### *Audit and Risk Committee*

3.31. The one feature common to all the organisations considered in the desk review was the inclusion of some form of risk and/or audit committee to provide oversight. The complexion of these committees varies, with some comprising exclusively of NEDs (such as the Audit, Risk and Assurance Committee (ARAC) of the Environment Agency (EA)) whilst others have a mix of executive directors and NEDs (such as the Audit and Risk Committee (ARC) of the PONI), with NEDs holding the majority. Another trend observed is the use of independent persons to staff audit and risk committees, as seen in the Local Government Ombudsman (LGO) whose Audit Committee is made up entirely of independent members.

3.32. The IPCC itself currently has an ARC, chaired by a non-executive Commissioner, which provides support to the Commission and the Accounting Officer. The IPCC's proposals include an ARC but its reporting line appears to be only to the Head of the organisation and not linked in an obvious way to the proposed advisory Board.

3.33. ARCs play an important role within an organisation's governance. It is perhaps possible for an ARC to have an expanded role and take a wider perspective - for example it could recruit members with particular expertise as specific issues and topics emerge and are identified within the overall framework of organisational risks. The PONI does not have a corporate Board but its ARC has expanded in its scope to cover some of the issues perhaps more usually addressed by a corporate Board. There is a danger of using ARC as some kind of substitute for a full Board (where strategic issues would be better discussed). The ARC could become overloaded with the risk that the balance of its functions moves away from its core responsibilities.

#### **Recommendation 4**

**While I concur with the proposal by the IPCC that the new structure should and must have an ARC, I recommend that it does not stand alone; it should form part of the overall Board governance arrangements. I further recommend that the members of the ARC are drawn from the non-executive members of the main Board supplemented as necessary by specialist finance/audit experience and that the ARC reports to the main Board.**



# Independence and accountability

## Introduction

- 4.1. In its governance proposal, the IPCC recommended that it should report directly to Parliament rather than to the Home Office as now. As well as considering the merits of that, I have reviewed how external oversight arrangements can best operate alongside independent decision-making.
- 4.2. Like other public bodies, the IPCC should be held properly to account for its efficiency, effectiveness and performance. Robust internal and external scrutiny of the IPCC's operations is not incompatible with independent decision-making. Many ALBs and their sponsoring Government departments can and do successfully manage this duality.

## Reporting and Oversight

- 4.3. In response to recommendation 3 from the 2015 Triennial Review, the IPCC proposed that in future it should be accountable to and report directly to Parliament in place of its current sponsorship relationship with the Home Office. In reaching this conclusion the IPCC particularly highlighted the importance of signalling its independence through such a change in the route for its accountability for net expenditure (£54m in 2014/15). The proposal to report directly to Parliament also flowed from the other aspect of the IPCC's governance proposals i.e. that new governance would best be expressed as an Ombudsman role and the belief that *"it is normal practice for Ombudsmen to be accountable directly to Parliament"*.<sup>30</sup> The proposed change to Ombudsman status is considered separately.
- 4.4. Annex C of this report sets out the high-level governance and oversight arrangements for a sample of public bodies including Ombudsman-led organisations. It is clear that there is a wide variety of oversight arrangements across Ombudsman, regulatory and public bodies but direct reporting to Parliament is a relatively uncommon model. Examples of bodies which do report to, and are directly accountable to, Parliament include the Electoral Commission (EC), the Public and Health Service Ombudsman (PHSO) and the NAO.
- 4.5. The vast majority of ALBs and a number of Ombudsman schemes are already directly accountable to a lead Government department. These include the Housing Ombudsman (reporting to the Department for Communities and Local Government) and the Legal Services Ombudsman (reporting to the Ministry of Justice).

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<sup>30</sup> IPCC response to Home Office, June 2015.

[https://www.ipcc.gov.uk/sites/default/files/Documents/speeches/IPCC\\_response\\_to\\_the\\_Triennial\\_Review\\_report\\_June\\_2015.pdf](https://www.ipcc.gov.uk/sites/default/files/Documents/speeches/IPCC_response_to_the_Triennial_Review_report_June_2015.pdf)

4.6. The Police Ombudsman for Northern Ireland (PONI), on which the IPCC has based much of its governance proposal, has a strong reputation for independence<sup>31</sup> but is actually overseen by the Department for Justice (Northern Ireland). The Police Complaints and Review Commissioner in Scotland is an NDPB and is funded by the Justice Department of the Scottish Government. ALBs that report to a lead Government department can also have a reputation for independence, OFSTED being one example.

4.7. I have considered a number of the implications if the oversight of the IPCC were to be moved from the Home Office to Parliament. These include:

- a) The IPCC is an integral part of the overall policing system. It operates alongside, and in conjunction with, the CoP, HMIC and PCCs to provide a framework of professional standard setting, inspection, investigation and oversight of the police. The effective delivery of the IPCC's core functions (maintaining confidence in the wider complaints system) is best supported by the IPCC remaining within the broad cluster of policing bodies sponsored by the Home Office which includes the CoP.
- b) Remaining within the ambit of the Home Office would also help to ensure stronger alignment and working relationships with PCCs who, going forward, can be expected to play an increasingly important role in the overall system of police integrity and complaints.
- c) Reporting directly to Parliament would not necessarily secure a greater perception of independence. It is almost inevitable that questions may be raised about the independence of any organisation that is publicly funded. Arguably more critical to a body's independence, and the public perception of independence, is how it behaves and delivers its functions – not to whom, in a technical sense, it formally reports.
- d) Effective communication plays a vital part in a body demonstrating its independence. Much emphasis in the IPCC proposals is on the 'independence' of the IPCC but there is a need to be careful to define what this means. It already has a separate legislative status and whatever the governance construct it will remain a public body funded by the Government. As former IPCC NED Jonathan Tross wrote in his recent commentary:

*“What is important is that the IPCC delivers the work in a way that it can demonstrate is objective and evidence based, uninfluenced and un-swayed by stakeholders, be they government, police or other sectional interests..... [Independence] has to be in the soul of the whole organisation”<sup>32</sup>*

- e) ALBs also still have accountability to Parliament. For example, a Select Committee may launch an inquiry into an ALB or require that body to account for itself as part

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<sup>31</sup> According to data drawn from the Northern Ireland Crime Survey, 85.8% of the public are confident that the Police Ombudsman for Northern Ireland is independent of the police. Data published in: "Perceptions of Policing, Justice and Anti-Social Behaviour: Quarterly Update to March 2015", Department of Justice (Northern Ireland), October 2015.  
<https://www.dojni.gov.uk/sites/default/files/publications/doj/perceptions-of-policing-justice-and-anti-social-behaviour-march-2015.pdf>

<sup>32</sup> "The IPCC as the central oversight body for the police complaints system", Jonathan Tross, May 2015

of a wider inquiry. In 2012, for example, the Home Affairs Select Committee held an inquiry into the IPCC<sup>33</sup> and they are within the remit of the NAO and the PAC.

- f) There is no suggestion that current arrangements have led to any interference in the IPCC's operational independence. In the course of this review, and in the interviews I have conducted, no-one has mentioned or even hinted that the Home Office has sought to intervene in the IPCC's decision-making.
  - g) Parliamentary committees deal with a wide range and a high volume of business. A number of those interviewed indicated that it was doubtful whether a Committee would be able to provide the same degree of consistent oversight as the Home Office is able to through a dedicated sponsorship function. Ad hoc or infrequent oversight by a Parliamentary committee is no substitute for regular on-going dialogue. As one interviewee put it, a Parliamentary committee is unlikely to have the time to "get under the skin" of the issues. The current arrangement recognises this difficulty as bodies with no direct overseeing department have HM Treasury oversight for the detail of their "pay and rations" issues and the Scottish Parliament has its own "Corporate Body" for overseeing such detail.
  - h) The IPCC is currently going through a major change programme to support the anticipated growth in case handling and related resources up to the period 2017-18 and beyond with considerable investment by the Home Office in that programme. It would be potentially distracting in management time and inevitably disruptive with associated costs to change the focus of accountability from one organisation to another.
- 4.8. While direct reporting to Parliament may be appropriate for some Ombudsman bodies, and other organisations, I have concluded that it would not be appropriate for the IPCC. For the reasons outlined, I do not envisage any notable gains from such an arrangement.

#### **Recommendation 5**

**I recommend that the IPCC should remain within the sponsorship of the Home Office.**

## **Transparency**

- 4.9. Proper oversight and accountability of public bodies requires effective transparency which is important in helping to improve public confidence. The Institute for Government and the Public Chairs' Forum have produced a best practice guide to transparency in ALBs.<sup>34</sup> It says transparency:

<sup>33</sup> House of Commons Home Affairs Committee, Independent Police Complaints Commission, Eleventh Report of Session 2012-13. HC494, published 1 February 2013. <http://www.publications.parliament.uk/pa/cm201213/cmselect/cmhaff/494/494.pdf>

<sup>34</sup> "Transparency in Arms Length Bodies: A Guide to Best Practice". The Institute for Government and the Public Chairs' Forum. <http://www.instituteforgovernment.org.uk/sites/default/files/publications/Transparency%20in%20Arm's%20Length%20Bodies.pdf>

*“...means looking not just at facts and figures and the release of datasets but also wider issues of what the ALB is there for; how it is governed; how it makes decisions; how well it performs and how to access or complain about its activities. These are the issues that lie at the heart of what we might call “useful” transparency for citizens and are important for improving public confidence in ALBs.”*

4.10. Both the IPCC, under its new CEO, and the Home Office through the introduction of a dedicated sponsorship function have taken steps over the past 12 months or so to strengthen transparency, performance management and oversight. The IPCC accepted recommendations from the Triennial Review to develop a comprehensive transparency policy and for more work to be undertaken to establish robust performance management arrangements with clearly defined performance indicators.<sup>35</sup> As the IPCC continues to grow and its budget increases (to allow it to take on all serious and sensitive cases) robust oversight, performance management and transparency become increasingly pressing.

4.11. A number of Key Performance Indicators have been developed but performance information is currently “buried away” in the “Commission meetings” section of the website as Annex 2 of the CEO’s monthly overview report. Publication of performance information, including timeliness measures covering, for example, the proportion of investigations completed within agreed target dates, should help improve the confidence of those groups who have least confidence in the police complaints system, including those expressing concerns about the IPCC’s efficiency.

#### **Recommendation 6**

**There should be greater visibility of performance information, internally and externally. I recommend that current transparency arrangements are strengthened further, based on the best practice principles set out by the Institute for Government and the Public Chairs’ Forum. Steps to be taken should include, for example, a dedicated and easily accessible “Performance” section on the IPCC’s website providing up-to-date performance data against the IPCC’s strategic objectives. Improving transparency should be taken forward as an integral part of the IPCC’s change programme to ensure it is embedded as the organisation expands. Improved communications and accessibility of performance information should help to enhance public confidence.**

<sup>35</sup> IPCC response to Home Office, June 2015.

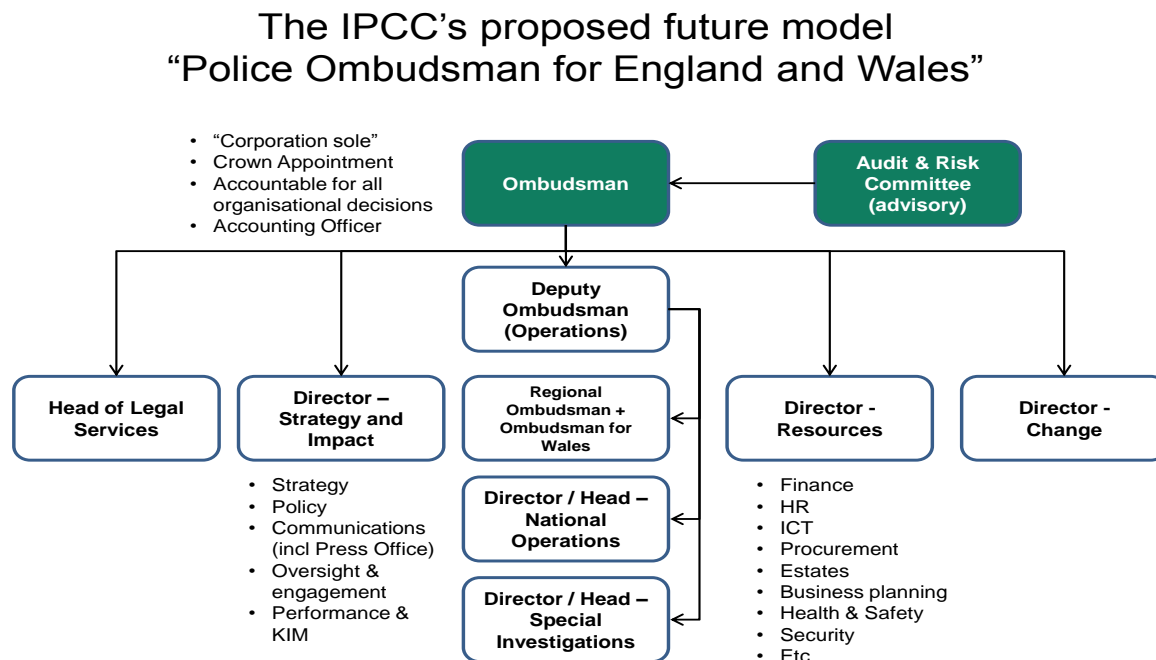
[https://www.ipcc.gov.uk/sites/default/files/Documents/speeches/IPCC\\_response\\_to\\_the\\_Triennial\\_Review\\_report\\_June\\_2015.pdf](https://www.ipcc.gov.uk/sites/default/files/Documents/speeches/IPCC_response_to_the_Triennial_Review_report_June_2015.pdf)

### **Recommendation 7**

**At the same time I recommend the Home Office ensures consistent high quality oversight of the IPCC's performance, building on steps already taken to strengthen its sponsorship role, while maintaining its current complete lack of involvement in IPCC case investigations and decision making. The Home Office should also consider how best to review the economy and efficiency of the IPCC's resource management as its remit grows during a period of general resource constraint.**

## 4. The organisation of the IPCC

5.1. The governance and accountability model proposed by the IPCC is illustrated in their organisational chart below.



5.2. Earlier in this report I recommended that the IPCC should not become an Ombudsman organisation nor a corporation sole but adopt a Unitary Board structure with a single Head for the organisation supported by its senior executive team and non-executive directors. I now turn to their proposals for the senior management team. The internal arrangements of any organisation are generally a matter for determination by its executive leadership within the overall strategy and policy framework set by its Board. The structure of the IPCC however falls within my remit and I review in turn the IPCC's proposals in respect of its proposed senior leadership structure, regional or local presence and the provision of links with its major stakeholders. My comments and suggestions reflect information received from the IPCC and have not been discussed with them.

### Senior Leadership Team

5.3. Further work is required by the IPCC to flesh out the details of its internal structure below the Head of the reformed IPCC and the associated senior leadership team who will play a vital role, not only in shaping the culture of the IPCC but also in ensuring effective team working across the whole organisation in the devolved arrangements. The local staffing arrangements will also need to be determined. I have not examined the senior leadership roles in detail, nor the precise membership of the Senior Executive Team / Management Board but make the following comments:

### **Recommendation 8**

**I recommend that the Head of the reformed organisation should not have previously worked for the police. This would mirror the condition that currently applies to Commissioners. The Home Office should consider further whether such a condition should also apply to the two Deputies and the regional Heads or whether a less restrictive condition is more appropriate for these employee roles, for example that the persons should not have worked for the police within the previous 10 years.**

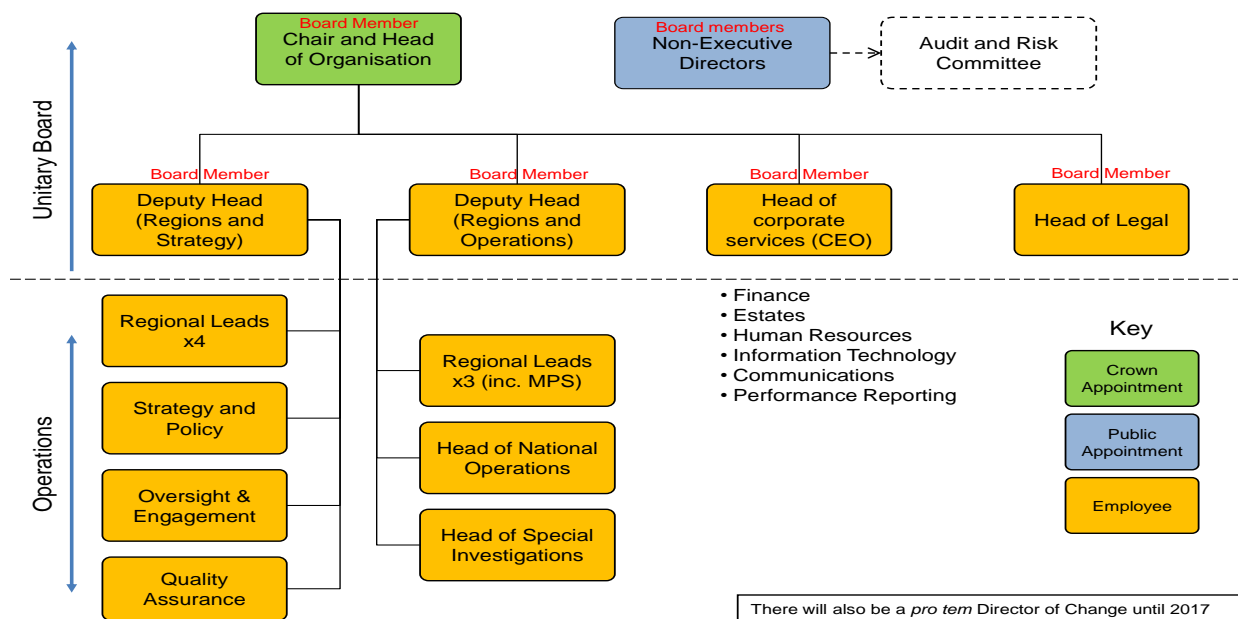
- There is a need for a Director of Resources as described in the IPCC's proposal but I was surprised to see responsibility for functions such as performance reporting, communications and press office located elsewhere, and suggest they be brigaded under what might be better described as the Director of Corporate Services. The role should not be described as the Chief Operating Officer to avoid any confusion with the operational decision-making aspects of the IPCC. This post could be designated as Chief Executive and Additional Accounting Officer, and could continue as at present to be appointed by the reformed Board with the approval of the Home Secretary.
- There will be a continuing need for a Head of Legal Services at senior level, together with the pro tem Director of Change, who would not be a Board member, for the next two to three years.
- Their proposal also suggests that the vitally important aspect of the IPCC's work on oversight and engagement, which together with investigations must be delivered locally, will be part of the role of a separate direct report to the Head of the reformed organisation and not through the Deputy responsible for Operations. Clearly there would be links through their joint membership of a senior management team but in my view there are risks in the separation of accountability for key aspects of the IPCC's locally-based functions and I suggest that these aspects of oversight and engagement should be brought under the Deputy Head of Operations. This would of course add to the already heavy load on the post of the Deputy Head of Operations who would have seven regional reports as currently proposed plus the Head of Operations and Head of Special Investigations. As growth continues in the coming years there are likely to be increased demands particularly on these roles. I consider the implications of this loading further below.
- The IPCC's proposal also suggests that the Head of the reformed organisation be supported one-on-one by the Deputy Head of Operations, with delegation of authority running through that post down the "spine" of the organisation and responsibility and accountability flowing upwards. Given the proposed span of control for that post (seven regions, operations and special investigations) even before the need to incorporate the oversight and engagement aspects I see this one-on-one arrangement as being potentially overloaded and unbalanced with the risk of offering insufficient support to the Head of the reformed organisation.

### Recommendation 9

I therefore recommend at least two Deputy Head roles. Both Deputies should be members of the Board and would have responsibility for a specific allocation of regions with exactly the same delegation and direct lines of decision making and reporting to the Head of the reformed organisation. The post holders should be senior employees of the IPCC rather than public appointments. In addition to their regional responsibilities one of the Deputy Heads would also have a particular focus on strategy, policy development and quality assurance processes which assume greater importance in the new devolved structure, while the other would have responsibility for their regions together with that of the Head of Operations and the Head of Special Investigations. This arrangement would add to the resilience of the organisation.

5.4. A possible reformed governance structure is shown below:

### Alternative IPCC Governance Structure



## Regional or Local Presence

5.5. The IPCC proposed that there would be:

*“Regional Ombudsmen and a Wales national Ombudsman who would have delegated decision making powers and responsibility for oversight and confidence and stakeholder engagement in their areas. They would be the public face of the Ombudsman in their regions as Commissioners are at present for the IPCC.”*



- 5.6. This proposal brings a very significant change to the internal structure of the IPCC, by abolishing the role of Commissioners who are currently appointed at national level but with allocated regional responsibilities and replacing them with locally based Regional Heads, in effect creating local points of contact for the work of the IPCC. It was considered they should be similar in job weight to the current Commissioners, but with suitable amendments to the job description and person specifications, and have responsibility for local operations staff who focus on investigations in their area. The IPCC already has local offices where it is probable these new posts would be located. The need for a strong regional or local presence had very widespread support amongst those I consulted, offering an opportunity for the IPCC to develop improved local knowledge and communication and raising the profile of the organisation amongst those who require its services.
- 5.7. The senior post holder (for simplicity referred to as 'Regional Heads') in any area would occupy a vital and significant role as the main visible point of contact of the IPCC in that area for the community and families, individual police forces, PCCs, the local and other statutory authorities, as well as being public facing and dealing with the media. They must have strong personal credibility as they will have a key role in community engagement and will also be responsible for holding the police to account for acting on case related recommendations in their area together with oversight of high profile cases. Occupants of such a role need to have sufficient seniority and experience as well as being independent. They should be able to build positive links with the police, families and communities and be effective ambassadors for the organisation. Individual Regional Heads may also have a specialist lead role at national level, reflecting their particular knowledge and experience; such appointments would help enhance corporate responsibility across the organisation. At this stage it is uncertain what if any changes would be required among support staff at local level and this will need to be explored further by the IPCC but regional offices may vary in size consistent with effective operation and wherever possible shared services provided by national functions should be used.
- 5.8. A number of those I spoke to acknowledged the risk that any regional model with delegated powers could result in varying quality standards and ways of working leading to variations in decision-making, or a 'post code lottery'. As expressed by one interviewee you could get "*personal fiefdoms or a lone wolf emerging....which would make it make it harder to get consistency in decision-making across the organisation.*" This is a risk that needs to be managed and which requires a strong national Quality Assurance (QA) framework, a new scheme for delegation and national leadership for its implementation to minimise that risk.
- 5.9. Regional Heads, in addition to bringing to the post considerable calibre and senior experience, should be supported by teams of investigators who contain a mix of skills including those with policing knowledge.
- 5.10. I agree with the general principle that the IPCC needs to operate with a strong regional or local presence but that they should not be named or considered as Regional

Ombudsmen as in the IPCC proposal, in line with my earlier recommendations. I shall discuss the 'names' issue in more detail at Chapter 7.

**Recommendation 10**

**Regional Heads should be senior employees, not public appointments. They should have clear delegated decision-making responsibility from the Head of the organisation, and should have direct accountability up to him or her via the respective Deputy. They should operate only within that agreed scheme of delegation and in no way should be considered or regarded as a local decision maker with powers to act outside the national framework. The post holders should not be members of the Board, but should be invited to attend Board meetings for relevant agenda items.**

- 5.11. It is worth noting in respect of recommendations 9 and 10 that, in designating these posts as senior employees rather than public appointments, it is expected that recruitment would be undertaken by the organisation itself rather than via the normal public appointments process.
- 5.12. The definition of the regional allocation of staff was raised by a number of people. The allocation of staff to each area is ultimately a management decision but the allocation should reflect the considerable variation in demands placed on the IPCC by different forces, the size of the police forces, the types of complaints and geographical span and need for emergency cover. There is considerable variation by region in the IPCC's workload, for example, the Metropolitan Police Service currently accounts for 25% of the work load, while the police forces in Wales account for a much lower level of demand relative to the size of the forces. Referral rates from other organisations such as HMRC, NCA and immigration and enforcement staff will also need to be considered.
- 5.13. The IPCC has already considered possible numbers and locations and an initial assessment by them suggests that up to seven regional offices may be required. I have not examined this in detail but note that there are wide variations in the way regions are defined by public bodies. For example the DPP is required in legislation to divide England and Wales into areas but the actual number is discretionary and the CPS has headquarters in London, York and Birmingham operating with 13 areas in England and Wales while HMIC operates with four large regions. The IPCC already has six offices and a London Head Office. The eventual number of regions will have implications for the number of reporting lines to the senior management team and the 'span of control' for senior staff as indicated above.

### **Recommendation 11**

**Currently, IPCC *may* at its discretion have regional offices, with the consent of the Secretary of State. Having regard to some of the evidence I heard on the benefits of a regional or local presence, I recommend that the Government rewrites that “may” as a “must” in forthcoming legislation.**

**I do not consider that the territorial coverage of each area should be defined explicitly in the legislation governing the IPCC. This would not only limit the freedom of movement of the new Head of the organisation to organise it as they see fit, and as befits the operational reality of the reformed IPCC, but would also prove problematic in the event devolutionary boundaries change in the future. In deciding on the geographical split of region no police force should be split between two or more regions.**

## **Stakeholder Board**

- 5.14. The idea of an external stakeholder advisory group at national and regional level was also included in the IPCC proposals but it was intended as a formal part of the governance structure of the reformed IPCC. There was a general consensus amongst those I spoke to that regular formal links with stakeholders would be helpful provided they remained purposeful and focused on relevant topics. The IPCC at present has a national level external stakeholders’ forum. I agree that such consultative arrangements with appropriate levels of representation and clear specification of role can provide a valuable forum for interested parties to share their views and ideas and to act as a useful conduit in the development of policies.

### **Recommendation 12**

**I would strongly recommend that any stakeholder groups (whatever form they take) serve only in an advisory capacity - whether they sit at a local or national level, but the national group might present an annual report on key issues to the reformed board of the IPCC.**

- 5.15. The composition of the stakeholder Boards would be entirely at the discretion of the IPCC, and the practical challenge will be to ensure, as far as possible, that they are representative of the stakeholder interests. Separate stakeholder groups may be required to cover adequately the varied interest of communities, police and other concerned parties.

# 5. Public confidence and Quality Assurance

## Public Confidence

- 6.1. Throughout this report I have indicated where recommended or proposed changes to the governance of the IPCC should make a positive contribution to public confidence both in its decision-making and in its efficiency. Not only is measuring levels of public confidence in public bodies and among professions inherently challenging but public confidence can be highly variable and susceptible to multiple external factors particularly through the impact of the media including social media. The IPCC operates in a world where many people do not trust the police to account for their actions but at the same time survey work undertaken for the Committee on Standards in Public Life shows that the public experience of core policing values is generally positive. The majority of respondents thought that senior police officers could be trusted to tell the truth.<sup>36</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>37</sup> and 63% of adults gave positive ratings of local police.<sup>38</sup>
- 6.2. The IPCC has a statutory obligation to secure and maintain public confidence in the police complaints system in England and Wales. It is crucial that those who come into contact with the police complaints system have confidence that through it they will achieve a fair outcome, lessons will be learned, and the police will be held to account.<sup>39</sup> The IPCC has a difficult role to perform and it is perhaps ‘part of the territory’ that they will always be open to criticism from those affected. As the volume of work rises and the remit extends criticism could also increase.
- 6.3. The need for independent investigation and greater public confidence were two of the drivers behind the creation of the IPCC. In her 2014 report Deborah Glass referred to Lord Scarman’s comments in his report following the disturbances in Brixton in the early 1980s:

*“The Scarman report described “a widespread and dangerous lack of public confidence in the existing police complaints system” and that “if public confidence in the complaints procedure is to be achieved any system falling short of independent investigation...is unlikely to be successful.”<sup>40</sup>*

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<sup>36</sup> Committee for Standards in Public Life, Survey of public attitudes towards conduct in public life 2012 – 2013. [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/415746/Survey\\_of\\_public\\_attitudes\\_towards\\_conduct\\_in\\_public\\_life\\_2014\\_final\\_19\\_march.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/415746/Survey_of_public_attitudes_towards_conduct_in_public_life_2014_final_19_march.pdf)

<sup>37</sup> Ipsos Mori Trust in professions 2013. [https://www.ipsos-mori.com/Assets/Docs/Polls/Feb2013\\_Trust\\_Topline.PDF](https://www.ipsos-mori.com/Assets/Docs/Polls/Feb2013_Trust_Topline.PDF)

<sup>38</sup> ONS 2013-14 Crime Statistics. <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>

<sup>39</sup> IPCC Oversight and confidence strategy, 2014-15 to 2016-17 and 2014-15 action plan, page 3.

[https://www.ipcc.gov.uk/sites/default/files/Documents/guidelines\\_reports/Oversight\\_and\\_confidence\\_strategy.pdf](https://www.ipcc.gov.uk/sites/default/files/Documents/guidelines_reports/Oversight_and_confidence_strategy.pdf)

<sup>40</sup> Deborah Glass “Towards greater public confidence: A personal review of the current police complaints system for England and Wales”, March 2014. <https://www.ipcc.gov.uk/sites/default/files/Documents/speeches/A-review-of-the-complaints-system-by-Deborah-Glass-March-2014.pdf>

6.4. The IPCC's most recent public confidence survey, carried out by Ipsos MORI in 2014 indicates that:

*“Public perceptions of the police complaints system and the IPCC are generally positive and have remained relatively stable over the period 2004 to 2014.”<sup>41</sup>*

6.5. But in a separate report the IPCC notes that :

*“.....there are significant sections of the population, most notably ethnic minority communities and young people, who do not know who we are and who do not trust either the complaints system or the IPCC's independence.”<sup>42</sup>*

## Quality and timeliness

6.6. The IPCC is therefore clearly aware of the need to maintain and enhance public confidence in its organisation and decision-making. In undertaking this review however many of those whom I interviewed commented critically on the inconsistent and from time to time inadequate quality and poor timeliness of IPCC decisions, and these were key themes highlighted by a number of those who submitted evidence to the Home Affairs Select Committee inquiry into the IPCC in 2012.<sup>43</sup> This runs the risk of reducing public confidence both in the overall system and the IPCC in particular.

6.7. More recently, the report of the Misconduct Panel for the Nick Gargan disciplinary hearing said:

*“We would like to impress upon the IPCC that...the serious failures we encountered have had the real potential to bring the proceedings to its knees, at great cost and, no doubt, acute embarrassment to all concerned.”<sup>44</sup>*

6.8. In addition to comments about the quality and timeliness of IPCC decisions, a number of interviewees expressed views about what one called an “accountability deficit” at the IPCC surrounding its decision-making. This falls into three main areas:

- The lack of any effective mechanism to challenge IPCC decisions, except by going to court. That is unusual for a public body and it was described to me as being “beyond necessary” to have a review/challenge mechanism before proceeding to Judicial Review.
- There is no real independent review of the IPCC's service when people complain about it. It is important for an organisation that deals with complaints to be an exemplar of complaints handling. There should be a rigorous process for complaints handling - not only internal but with an independent element.
- There is no inspection regime around the quality of IPCC decisions.

<sup>41</sup> Ipsos MORI, “Public Confidence in the police complaints system”, July 2014, page 1.

[https://www.ipcc.gov.uk/sites/default/files/Documents/guidelines\\_reports/IPCC\\_Public\\_confidence\\_survey\\_2014.pdf](https://www.ipcc.gov.uk/sites/default/files/Documents/guidelines_reports/IPCC_Public_confidence_survey_2014.pdf)

<sup>42</sup> IPCC Oversight and confidence strategy 2014/15 to 2016/17 and 2014/15 action plan, page 4.

[https://www.ipcc.gov.uk/sites/default/files/Documents/guidelines\\_reports/Oversight\\_and\\_confidence\\_strategy.pdf](https://www.ipcc.gov.uk/sites/default/files/Documents/guidelines_reports/Oversight_and_confidence_strategy.pdf)

<sup>43</sup> House of Commons Home Affairs Committee, Independent Police Complaints Commission, Eleventh Report of Session 2012-13. HC494, published 1 February 2013. <http://www.publications.parliament.uk/pa/cm201213/cmselect/cmhaff/494/494.pdf>

<sup>44</sup> <http://www.avonandsomerset-pcc.gov.uk/Document-Library/CCs-Misconduct-Proceedings/150818-Redacted-Panel-Report.pdf>

## Measures to support improved public confidence

6.9. Although not a core part of my Terms of Reference which focus on governance, my view is that while changes in governance arrangements as described earlier should help increase public confidence in the operations of the IPCC, they are not in themselves sufficient. The proposed changes need to be supported by robust lines of accountability, a strong culture of continuous improvement and quality assurance systems which operate throughout the organisation. Such systemic changes can support an organisation's independence (and the perception of independence) which, in turn, should help raise public confidence in their decisions. I therefore comment below on some changes which, in association with governance changes, may help enhance public confidence in the reformed IPCC, namely changes in the arrangements for re-opening investigations, their internal complaints system and the need for external review of the quality of decision-making.

### *a. Re-opening investigations*

6.10. Home Office Ministers have no powers to order the IPCC to reopen or look again at cases (nor should they). There is some legal uncertainty, however, on the extent to which the IPCC itself has any powers to reopen one of its own investigation, once an investigation report has been issued and a final decision taken even if errors or failings in the original investigation come to light later. The Metropolitan Police Service (MPS) challenged the IPCC on this question in relation to the case of Sean Rigg<sup>45</sup> and also in another case (Demetrio) at judicial review in the High Court earlier this year. The MPS argued that the IPCC is "functus officio" - its decisions, once taken cannot be revisited without the original decision first being quashed by the High Court.<sup>46</sup> On the facts of that case, the High Court ruled the IPCC's decision was not irrevocable and could be reopened on the basis of "compelling reasons". However, an appeal to the Court of Appeal is pending and the IPCC itself would in any event like clarification of the circumstances in which it may review and reopen cases put beyond doubt. The Government's forthcoming Policing and Criminal Justice Bill may provide an appropriate legislative vehicle to do so.

### *b. IPCC's own complaints system*

6.11. One further element of accountability and transparency that the IPCC should consider is the introduction of an independent element to its own complaints handling process. The IPCC already operates an internal complaints system and details of how a member of the public may make a complaint about the IPCC are set out on its website.<sup>47</sup> This

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<sup>45</sup> "IPCC reopens investigation into death of Sean Rigg" (9 December 2013 on IPCC's website), The IPCC announced its decision to reopen its investigation into the death of Sean Rigg in police custody. <https://www.ipcc.gov.uk/news/ipcc-reopens-investigation-death-sean-rigg>

<sup>46</sup> R (on the application of Demetrio) v Independent Police Complaints Commission and R. (on the application of Commissioner of Police of the Metropolis) v Independent Police Complaints Commission. Queen's Bench Division (Administrative Court) 06 March 2015. [2015] EWHC 593 (Admin). Appeal lodged, 1 April 2015 and the Court of Appeal judgment is pending as at the time of writing (16 November 2015).

<sup>47</sup> <https://www.ipcc.gov.uk/page/our-service-complaints-and-compliments>

covers making a complaint about a member of staff, or a Commissioner, and also complaints about case related matters.

6.12. Many ALBs have an external input as part of their internal staff related complaints handling processes often as the final stage of a complaints process and the reformed IPCC should be no exception. One example is to be found in the CPS which has an “Independent Assessor of Complaints (IAC)” who reviews complaints in respect of the quality of service provided by the CPS and its adherence to its published complaints procedure. Such complaints relate to the service standards and conduct of CPS staff and examples include being treated rudely or unfairly by staff members, failure to provide the correct information, or unnecessary delays in either the service provided or in responding to complaints. The IAC cannot review complaints that are solely about prosecution decisions and this is an important distinction.

6.13. The aim of such processes is to create a self-improving loop – to identify what works well, and not so well, and to identify, and iron out, any systemic problems using analysis and feedback to agree and implement improvement plans. Developing a more customer-focused approach to service may help to build public confidence in the reformed IPCC. This is essentially a management issue and one that the IPCC should be able to drive forward independently of any forthcoming governance changes.

6.14. As the Public Administration Select Committee noted in its March 2014 report “More Complaints Please!”:

*“Good leadership will appreciate that an increase in the volume of complaints about a particular department or agency may not indicate that the quality of service has diminished. It could indicate an improved public awareness of the right to complain, better complaints handling processes, an increased call on services or success in obtaining more honest feedback on the quality of the service.”<sup>48</sup>*

*c. QA systems - independent/external review of IPCC’s decision-making*

6.15. Given the forthcoming devolved responsibility and with case investigators and analysts based across the country, it is vital that the reformed IPCC has a robust quality assurance system to ensure at least some basic consistency of approach, methods and processes in its case work. Quality assurance arrangements are vital as quality will inevitably come under pressure as the volume of cases and numbers of staff increase in the coming two years. As Jonathan Tross said:

*“The IPCC has to earn respect and trust by the quality of its work and the difference it makes, be it investigations, appeal decisions which hold the police to account, or through public positions..... Poor work is useless however*

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<sup>48</sup> House of Commons, Public Administration Select Committee (PASC), “More Complaints Please!”, Twelfth Report of Session 2013-14, HC229, Published 14 April 2014, paragraph 32. <http://www.publications.parliament.uk/pa/cm201314/cmselect/cmpublicadm/229/229.pdf>

*‘independent’ it is. Indeed, it is worse than useless as it damages the reputation of the IPCC and confidence in the whole system.*<sup>49</sup>

- 6.16. The IPCC already has a wide range of procedures and processes in place to ensure such consistency but, until recently, its processes have not provided for any systematic externally-based post hoc ‘audit’ of its cases to assist with its learning and development. It has however commissioned a barrister to review a sample of cases to help develop its new working arrangements, specifically the delegation of some cases to staff in their entirety.
- 6.17. In addition, as part of its change programme in support of expansion, the IPCC is committed to developing a new QA framework, including some form of external accreditation. A new quality team has recently been recruited and they are currently piloting new quality processes.
- 6.18. Examples of external review provision exist in other organisations. In the case of information disclosed by police forces as part of criminal record checks, the Protection of Freedoms Act (PoFA) 2012 introduced a new role for the “Independent Monitor” in the review of this information.<sup>50</sup> Prior to October 2012, if an individual was dissatisfied with the police information that appeared on their enhanced disclosure certificate, then their only option was to request a Judicial Review of the disclosure decision. The Independent Monitor now acts as an additional layer of review before a person has to resort to Judicial Review.
- 6.19. In the case of the CPS, it is externally inspected by a team led by HM Chief Inspector of the Crown Prosecution Service who is an independent statutory office-holder reporting to the Attorney General as the Minister responsible for superintendence of the CPS. Reviews can cover both efficiency and decision-making, by region and thematically and the CPS can also ask inspectors to undertake a review and the results are anonymised but published. The CPS has, over time, developed its processes for reviewing decisions. It has published standards which it looks to refresh periodically and it also has an internal QA process which includes sampling cases for review by senior staff.
- 6.20. In another example, as well as its existing internal quality assurance systems, the PHSO has recently established a Board sub-committee with a remit to focus on quality.

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<sup>49</sup> Op cit

<sup>50</sup> This followed a review of the criminal records regime in England and Wales by Sunita Mason, the independent adviser for criminality information management, “A common sense approach”.

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/97894/common-sense-approach.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/97894/common-sense-approach.pdf)



### Recommendation 13

I recommend that, drawing on the experience of the CPS and other organisations, the IPCC should review and, as necessary, strengthen its processes for staff related complaints handling by adding an external review element to its procedures with the aim of developing a culture of continuous improvement and learning. In addition to strengthening its current quality assurance arrangements for decision making, I recommend that the reformed IPCC should include a mechanism to allow for an independent/external review or ‘audit’ of its decisions. The review arrangements should be on the lines of an externally based regular but proportionate audit of its decision making and the sample should only include cases that have concluded.

6.21. I do not however recommend any additional inspection system for the economy and efficiency of the reformed IPCC; this properly forms part of the remit of the Home Office’s sponsorship role. The Home Office has relatively recently revised its sponsorship relationship arrangements for all its ALBs. The effectiveness of the current arrangements in respect of the reformed IPCC should be kept under review by the Home Office to ensure it has adequate resource capability to undertake this role.

### Police confidence?

6.22. The issue was also raised in the course of my review on whether the current remit of the IPCC should be amended to enable it to have a specific focus on enhancing police confidence as well as public confidence, similar to the remit of the PONI. As was commented in the recent Committee on Standards in Public Life (CSPL) report ‘Tone from the Top’.<sup>51</sup>

*“The (British) policing system relies on policing by consent and is underpinned by the Peelian Principles set out in the 1829 Metropolitan Police Act, ... which were ‘about: getting out into the community, dealing with the daily issues that concern people and earning their respect and co-operation in preventing crime’. 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’”. Public and police interaction and confidence are inextricably intertwined.”*

6.23. Opinion on a possible change to the IPCC’s remit to refer specifically to both police and public confidence proved to be divided, with some seeing its inclusion as essential to be included in statute, others less certain, arguing that improved governance, transparency and accountability would be sufficient to enhance police confidence in the body and its decision-making, while others regarded the police as being encompassed by the term

<sup>51</sup> Committee on Standards in Public Life: “Tone from the Top: Leadership, ethics and accountability in policing”, June 2015, paragraph 1.20. [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/439208/Tone\\_from\\_the\\_top\\_-\\_CSPL.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/439208/Tone_from_the_top_-_CSPL.pdf)

'public'. Some saw it as an unhelpful change as it might be interpreted as implying additional advocacy for the police while others considered it might help allay the concerns and doubts raised by the police. In particular, concern was raised that the IPCC needs to be, and be seen as, independent and not perceived only as a champion of the 'consumer'.

6.24. My view is that police confidence should be enhanced by the improvements to transparency, quality assurance systems and legislative changes as described above together with improved internal governance at the IPCC. The Peelian principles remain highly relevant almost 200 years later: the police are inextricably part of "the public".

**Recommendation 14**

**The reformed IPCC's statutory objectives should not be extended to refer expressly to police confidence.**

## 6. Towards the future

7.1. In this chapter I consider a possible change to the name, indicate the likely legislative changes required, the associated costs of change, and comment on transition arrangements.

### **Title and terminology**

7.2. Part of the remit of this review is “to consider the IPCC’s proposal for the IPCC to become an ‘Ombudsman’ and the impact of this (and other titles/terminology) on public confidence and the fit of the term ‘Ombudsman’ with the IPCC’s functions.”

7.3. Earlier in the report I assessed the current and foreseeable functions of the reformed IPCC and reached the conclusion that while it undeniably had Ombudsman like features (and indeed might wish to remain a member of the Ombudsman Association) its role, functions, statutory purposes and ‘reach’ are such that the name of ‘Ombudsman’ is an inadequate and insufficient description of its responsibilities and that it should not be applied to the reformed IPCC.

7.4. I also commented earlier that the name ‘Ombudsman’ is not legally protected and moreover can be applied colloquially to organisations which are not demonstrably independent. There is some evidence from a survey commissioned on behalf of Ombudsman Services in early 2015 on stakeholder awareness of Ombudsmen schemes that, apart from the Financial Ombudsman Service (which carried out a significant awareness raising campaign in 2014) and the PHSO to a lesser extent, *understanding* of the Ombudsman landscape was limited even among well informed stakeholders.

7.5. It is important that the name of the organisation is broadly understood by the public (‘it does what it says on the tin’) and it would not be helpful to the standing of this vitally important organisation if it was confused with other bodies by stakeholders and the public.

7.6. Whichever governance model of the IPCC is finally determined, its governance will change and the legal prescription of its constitution, Board membership and senior executive posts will be amended accordingly. Alongside these changes it is perfectly possible for the IPCC to retain its current well recognised name. This might be accompanied by the retention of the commissioner name for the most senior operational staff with the designation of the regional leads as ‘Regional Commissioners’ but I do not think this specific designation of the regional role needs to be necessarily contained in the legislation. While there are advantages in minimising the need for legislative changes and in limiting unnecessary changes to the national ‘brand’ I think, however, there are risks in not signalling clearly the changed nature of the Commissioner role particularly at the local level which is a major driver of the proposed change. It also risks confusion with the name of the PCCs.

- 7.7. I think there has to be formal acknowledgement of the Commissioners' withdrawal from the governance role and the move to their heightened public facing regionally based role. I also appreciate the need for the senior nature of their role to be recognised and understood by their stakeholders and determining a name has to reflect this need. I do not know whether the current name influences their stakeholders' perception of the seniority of the role; the regional focus certainly needs to be highlighted but the risks of retaining the current name for the most senior operational staff need to be considered.

#### **Recommendation 15**

**I believe it is time to consider an alternative to the current name of the organisation. This might usefully reflect more accurately its functions beyond “complaints” and may also help to minimise confusion in the public mind with the names of other organisations in the policing landscape, particularly the Police and Crime Commissioners who will in the proposed legislation also have a role in the complaints process in the future. One option would be the ‘Independent Police Conduct Authority’ which would retain the emphasis on independence, reflect the organisation’s remit to investigate police conduct, and recognise that the current Commission as currently constituted would no longer exist (as it would be replaced by a new Board structure).**

- 7.8. The Head of the organisation could then be designated as the Director of the Independent Police Conduct Authority with the Heads of the local offices becoming the Regional Directors of the IPCA (not Regional Ombudsmen). Understandably there may be a wish to maintain implied continuity with the present structure and hence a reluctance to amend the designation of the Heads of the Regional offices from ‘Commissioner’ to ‘Director’ or similar. I consider however that its retention runs the greater risk of implying no change in the role of Commissioner in the reformed IPCC, underplaying the redefined roles of the public facing senior post holder in the region as well as the possible confusion of names in the public mind with the local PCC. This may not be helpful in establishing the required presence and essential status which this role needs in order to play an effective part among its regional counterparts and stakeholders.

## **Legislation**

- 7.9. The IPCC’s fundamental governance framework, including the provisions for its Chair, appointed by the Crown, a separate CEO, and at least five Commissioners, is set out in the 2002 Act. Further details of the legislation covering the IPCC are contained in Annex F.
- 7.10. I have described earlier in this report the pressures faced by the rapidly expanding IPCC, with its increasing caseload, and the challenges the current governance regime causes. More can be done by the IPCC to mitigate these challenges within its existing framework but, fundamentally, the IPCC needs a governance structure fit for purpose as

soon as possible. Many of those I talked to also stressed the challenges to confidence in the organisation that the current difficulties and uncertainties cause.

7.11. It is important therefore that the Government seeks to amend the legislation as soon as possible. The forthcoming Policing and Criminal Justice Bill, flagged in this year's Queen's Speech,<sup>52</sup> may provide a possible vehicle, given that it will already include reforms to IPCC powers and modes of investigation.

7.12. I shall leave how the detail of how my recommendations might best be implemented to lawyers and Parliamentary Counsel, but have looked briefly at other models of governance, methods of appointment, and other concurrent developments to which they may have regard. These include:

- The governance arrangements for Unitary Board structures at CQC, NICE and CPS;
- The 2011 legislation<sup>53</sup> that reorganised the NAO sets out arrangements for a Board membership of nine, five of which are non-executives and a process of Crown appointment for the Chair;
- The Public Services Ombudsman (Wales) Act 2005, although a corporation sole model, includes powers to delegate functions to staff;
- The Director of Public Prosecutions (DPP) is for example, *required* by law to divide England and Wales into areas and for each of those areas, designate a Crown prosecutor". The number of areas is at the DPP's discretion.<sup>54</sup>
- forthcoming legislation for the new UK Public Service Ombudsman, which the last Government consulted on with a view to merging the functions of the PHSO and the LGO and others<sup>55</sup>. The Government, led by the Cabinet Office, expects to publish a draft Bill later in the current Parliamentary session.

7.13. The Government's wider programme of public sector reform aims "to ensure that it is simple and straightforward for citizens to complain about public services, and that public sector organisations respond quickly and effectively to complaints."<sup>56</sup> The new legislative framework for the reformed IPCC needs this at its heart.

7.14. It is worth noting that the IPCC is not part of the plans for the new public service Ombudsman, although some I spoke to as part of this review argued that a public service Ombudsman should have the police within its remit, particularly given the trend towards greater cross-agency working involving the police, local authorities and others, for example, in tackling issues such as anti-social behaviour. By contrast others point to

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<sup>52</sup> Queen's Speech, 27 May 2015 and published background briefing notes published by the government at <https://www.gov.uk/government/publications/queens-speech-2015-background-briefing-notes>

<sup>53</sup> Budget Responsibility and National Audit Act 2011. <http://www.legislation.gov.uk/ukpga/2011/4/contents>

<sup>54</sup> Prosecution of Offences Act 1985, Schedule 1. <http://www.legislation.gov.uk/ukpga/1985/23/contents>

<sup>55</sup> Public consultation on a new "public service ombudsman" which ran from 25 March 2015 to 17 June 2015. A government response is pending at the time of writing (16 November 2015)

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/417111/Ombudsman\\_Service\\_Consultation.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/417111/Ombudsman_Service_Consultation.pdf)

<sup>56</sup> Cabinet Office webpages on gov.uk <https://www.gov.uk/government/consultations/public-service-ombudsman>

the fact that the IPCC's "hybrid" and primary role as a "first tier" investigator particularly of serious and sensitive cases does not fit the Ombudsman model/core principles.

7.15. As set out in Annex F, the current legal framework enshrines the dual reporting line within the IPCC structure to the extent that it stipulates requirements for the Commission (its chair and members) as well as a separate Chief Executive Officer, whose appointment must be approved by the Secretary of State. On the face of it, these provisions and the constitution of the Commission will need to be repealed and replaced by an alternative framework, if my recommendations for a Unitary Board structure are accepted.

## **Costs and impact**

7.16. The IPCC's proposed, and my recommended revised, governance changes directly affect only a relatively small number of the most senior executive and non-executive roles. The IPCC's proposals were based on a Chief Ombudsman, one Deputy, seven Regional Ombudsmen, two further operational Directors (National Operations and Special Investigations) plus four corporate Directors and an unspecified number of members of an Advisory Board, covering in total around 20 positions. This compares with the broadly equivalent current numbers which include the Chair, the Commissioners (including two Deputies), and the non-executive Commissioners together with a small number of senior posts which would be unaltered.

7.17. My proposed governance model is based on a Board comprising the Head of Organisation, two Deputies, a Director of Corporate Services/CEO, up to seven Regional Heads and a similar number of other senior corporate posts together with part time non-executive members. There would be limited change in the costs of the sponsorship relationship which remains with the Home Office. There could be a very small increment arising from the recommendation in respect of strengthened quality assurance processes which may be already accommodated in the current change programme and which are therefore not possible to quantify at this stage.

7.18. Turning to the costs associated with my recommendation for a Unitary Board and the associated senior management structure, I believe that it would be broadly cost-neutral given the small number of posts involved and the different mix of public appointments and employee roles. What is difficult to quantify is the expected benefits of more streamlined decision-making, clearer communication, and improved public confidence that should result from the reformed governance arrangements.

7.19. The table below shows that, compared with the current model, the number of Board posts would be reduced by 2 (from 13 to 11).

Structure	Commission/ Board members
Current Commissioner model	13*
IPCC's proposed future model (Ombudsman)	None
Alternative governance structure	11**

\* chair and commissioners (executive and non-executive)

\*\* includes Head of Legal and Head of Corporate Services/CEO

7.20. The combined number of Board and senior executive positions would be similar in total across all three models. All include: Head of Legal, Directors for National Operations and Special Investigations, a Director of Change, and 7 Commissioners/Regional Ombudsmen/Regional Heads. A Director of Strategy and Impact post is included in the current and the IPCC's proposed model, whereas in my alternative governance structure this role is incorporated within the senior operational management chain. The current model, and my alternative structure, include a CEO role whereas in the IPCC's proposed model the Director of Resources appears to be a broadly equivalent post. A Chief Operating Officer post forms part of the current model but is not part of the IPCC's proposed or my alternative model. Finally, the current model and my model include two deputy posts whereas the IPCC's proposed model has one.

7.21. The 'job weight' of certain roles may differ but the current Commissioners and Regional Heads would be broadly similar. I would also encourage the use of remote working and new technologies to minimise any additional costs which may be associated with the Regional Heads and their support staff. A full impact assessment of the finally agreed changes will of course be required.

## Transition

7.22. There will be a transitional period during which the IPCC will move from its existing arrangements to its new governance and operational structure. This will come at a time when the IPCC is already expanding to investigate a greater number of cases and will be facing challenges in establishing and embedding the organisational change required to achieve this. The IPCC will need to ensure that the changing governance structure strengthens and underpins the expected improvements in performance and monitoring arrangements they are developing under their current change programme.

7.23. Similarly the senior management team and Board will have a vital role to play in developing effective corporate team working across the organisation, ensuring the public-facing role of the regional structure is effectively put in place and that the concept of the single line of accountability for decision-making is embedded in culture and behaviours.

7.24. Scrutiny will need to be maintained by the IPCC as they move from the current arrangements to a new model to ensure they operate within the scope of the current and changing legislation at all times and to think creatively while putting in place appropriate temporary arrangements. This is of particular importance given the IPCC

already holds a vacancy on their Commission and four further Commissioner's terms are due to end during 2016. They will need to work closely with the Home Office sponsor team throughout this period.

#### **Recommendation 16**

**I recommend the IPCC and Home Office establish a joint working party with a dedicated project manager to ensure both parties have a clear understanding of what is entailed in the changes including identification of all necessary legislative changes, the timing of such changes and other arrangements such as staff recruitment to the new posts and locations. Operational responsibility for changes other than legislation should remain with the IPCC.**



# Annexes

## Annex A – Terms of Reference

### Aim

1. To review and provide an independent, expert assessment of proposals by the IPCC to reform its governance and organisational structure and to recommend a future structure to the Home Secretary.

### Scope

2. The review will include a consideration and full analysis of the proposals for structural reform from the IPCC submitted to the Home Secretary.
3. Specifically, the review should assess the fitness for purpose of the IPCC's proposals, which are intended to design out problems identified with the existing governance model and to improve the organisation's ability to deliver:-
  - oversight of the (reformed) police complaints system, and
  - the Government's commitment to ensure IPCC investigations into all serious and sensitive matters involving the police;
  - public confidence in the IPCC.
4. The review will provide an assessment of the IPCC's proposed model and, where necessary, provide recommendations for further or alternative reforms to the IPCC's governance and structure to enable to best deliver its core objectives (taking account of the proposed additional powers for the IPCC and wider reforms to the police complaints system).

### Objectives of the review

5. Within the framework outlined above, the objectives of the review are to consider the following areas:
  - a) **Governance model** – to consider the IPCC's proposal for all legal powers to be vested in one individual as a 'corporation sole' and the implications of the reforms for the IPCC's status as an NDPB.
  - b) **Title/terminology** – to consider the IPCC's proposal for the IPCC to become an 'Ombudsman' and the impact of this (and other titles/terminology) on public confidence and the fit of the term 'Ombudsman' with the IPCC's functions.
  - c) **Structure and statutory footing**– to consider the IPCC's proposed high-level structure for both corporate and operational functions and whether there is a need for any elements of this structure to be set out in legislation.
  - d) **Accountability and reporting** – to consider the proposal for the IPCC to report directly to Parliament and the appropriateness and effectiveness of both internal and external arrangements to ensure that the new body is accountable to the public.
  - e) **Public confidence** – to consider the issue of how proposed or possible governance structures for the IPCC can directly or indirectly increase and ensure the confidence of the public and key stakeholders, such as the police, in such a body.

- f) **Implementation** – to consider the implications of implementing the high level changes proposed by the IPCC (or alternative model, as appropriate) (including transitional arrangements) and to develop a greater understanding of the cost implications of the reforms.

#### Approach and 'ownership'

6. The reviewer will independently undertake the review, with support from a small secretariat provided by Home Office officials.
7. The reviewer will make recommendations to the Home Secretary who will 'own' the report and consider upon receipt of the report whether she wishes to share the report with others or publish the findings and at what stage.

#### Timing

8. The reviewer will provide a final report to the Home Secretary in Autumn 2015. Details of timescales and any interim reporting will be agreed between the reviewer and the review secretariat.

#### Outputs

9. The reviewer's final report will include the following:
- a full analysis of the IPCC's proposals, covering the objectives at paragraph 5;
  - recommendations as to (a) whether IPCC's proposals should be implemented; (b) any details, additions or modifications to those proposals that should be made; and (c) alternative proposals, if appropriate.

Police Integrity and Powers Unit  
The Home Office  
7 August 2015

## Annex B – List of persons consulted during the review

Name	Role	Organisation
Dame Anne Owers	Chair	Independent Police Complaints Commission
Rachel Cerfontyne	Deputy Chair	
Lesley Longstone	Chief Executive Officer (CEO)	
Nick Hawkins	Former Chief Operating Officer (COO)	
Tim Robinson	Non-Executive Commissioner	
Jonathan Tross	Non-Executive Commissioner to May 2015	
Tim Bianek	Director, Change	
Mary Calam	Director General, Crime and Policing Group (CPG)	Home Office
David Lamberti	Director, Policing Directorate	
Ziggy MacDonald	Director, Strategy, Skills and Planning Unit (SSPU)	
Jo Cliff	Ombudsman Reform Programme	Cabinet Office
Dr Michael Maguire	Ombudsman	Police Ombudsman for Northern Ireland (PONI)
Richard Thomas	Former Information Commissioner	Information Commissioner's Office (ICO)
Steve White	Chair	Police Federation for England and Wales (PFEW)
Alex Duncan	Professional Standards Lead	
Dr Hannah White	Programme Director	Institute for Government
Jonathan Pearson	Researcher	
Lewis Shand Smith	Chair	Ombudsman Association
Donal Galligan	Secretary	
Baroness O'Loan	Chair	Daniel Morgan Independent Panel (DMIP)
Dame Shirley Pearce	Chair	College of Policing
Julia Mulligan	Commissioner	North Yorkshire Police and Crime Commissioner
Dame Julie Mellor	Ombudsman	Parliamentary and Health Service Ombudsman (PHSO)
Peter Lewis	CEO	Crown Prosecution Service (CPS)
Sir Thomas Winsor	Her Majesty's Chief Inspector of Constabulary	Her Majesty's Inspectorate of Constabulary (HMIC)
Carol Oxborough	Clerk	Home Affairs Select Committee (HASC)
Paul Evans	Principal Clerk	Table Office, House of Commons
Timothy Jackson	National Lead	Police Superintendents' Association of England and Wales (PSAEW)
Victor Marshall	Professional Standards Lead	
Mark Polin	Chair	Chief Police Officers' Staff Association (CPOSA)
Deborah Coles	Co-Director	INQUEST
Daniel Machover	Partner	Hickman and Rose Solicitors

Michael Oswald	Solicitor	Bhatt Murphy Solicitors
Peter Makeham	Consultant	
Andy Champness	Chief Executive	Office of the Police and Crime Commissioner for West Mercia
Jane Tinkler	Social Sciences Adviser	Parliamentary Office of Science and Technology
Patrick Dunleavy	Professor of Political Science and Public Policy	London School of Economics
Lord Bichard	Chair	National Audit Office
Jacqui Cheer	Chief Constable	Cleveland Police and NPCC National Lead for Professional Standards and Policing Ethics
Christina Barnes	Deputy Director for Inquiries and Investigations	Equality and Human Rights Commission

I also attended a meeting of the IPCC's external stakeholder forum.

## Annex C – Table summarising the governance arrangements for Ombudsmen, investigatory and other regulatory bodies in the UK

Organisation	Reports to	Function	Governance structure	Board			Oversight arrangements	Staff	Legislative framework
				Type	Exec	NED			
Housing Ombudsman Service (HOS) <sup>i</sup>	Department for Communities and Local Government (DCLG)	Appellate (mediation between tenants or leaseholders and private landlords or letting agents)	Corporation sole	N/A	N/A	N/A	Audit and Risk Assurance 1 independent, 3 NED	51	Localism Act 2011
Local Government Ombudsman (LGO) <sup>ii</sup>	DCLG	Appellate (investigates final tier complaints against Local Government Authorities)	Commission	Executive	2	N/A	Audit 3 independent	165	Local Government Act 1974 Regulatory Reform Order 2007
Independent Police Complaints Commission (IPCC) <sup>iii</sup>	Home Office (HO)	Investigation Appellate Oversight (oversees the police complaints system in England and Wales and investigates sensitive and serious complaints)	Commission	Mixed	10	4	Audit and Risk 4 NED, 3 exec	804	Police Reform Act 2002
Her Majesty's Inspectorate of Constabulary (HMIC) <sup>iv</sup>	HO	Investigation Oversight (inspects the performance of police forces and other law enforcement bodies)	Corporation sole	Executive	9	N/A	Business Coordination and Tasking Group	261	Police Act 1996
Legal Ombudsman <sup>v</sup>	Ministry of Justice (MOJ) Legal Services Board (LSB)	Appellate (arbiter for complaints against legal service providers)	Corporation aggregate	Mixed	2	6	Audit and Risk 3 NED	241	Legal Services Act 2007
Disclosure and Barring Service (DBS) <sup>vi</sup>	HO	Investigation (processes requests for criminal records checks and maintains barred list)	Corporation aggregate	Mixed	4	6	Audit and Risk 4 NED	816	Rehabilitation of Offenders Act 1974 Protection of Freedoms Act 2012
Financial Ombudsman Service (FOS) <sup>vii</sup>	Financial Conduct Authority (FCA) Her Majesty's Treasury (HMT)	Appellate (investigates final tier complaints regarding financial products and	Corporation aggregate	Mixed	1	6	Audit 3 NED	3,511	Financial Services and Markets Act 2000

Organisation	Reports to	Function	Governance structure	Board			Oversight arrangements	Staff	Legislative framework
				Type	Exec	NED			
		services)							
Information Commissioner's Office (ICO) <sup>viii</sup>	MOJ	Appellate Investigation (complaints relating to freedom of information requests and enforcing data protection)	Corporation sole	Mixed	4	4	Audit 2 NED, 1 independent	383	Freedom of Information Act 2000
Immigration Services Commissioner (ISC) <sup>ix</sup>	HO	Oversight (oversees immigration advisers)	Corporation sole	N/A	N/A	N/A	Audit and Risk 4 NED	62	Immigration and Asylum Act 1999
Parliamentary and Health Service Ombudsman (PHSO) <sup>x</sup>	Parliament, via Public Administration Select Committee (PASC)	Appellate (investigates final tier complaints regarding health and Government services)	Corporation sole	Mixed	4	5	Audit 4 NED	427	Health Service Commissioners Act 1993
Office of Rail and Road (ORR) <sup>xi</sup>	Parliament, via the Transport Committee (TC)	Regulator (economic and safety regulator of rail industry and Highways England)	Combined CEO/AO	Statutory	3	9	Audit and Risk 2 NED, 1 independent	280	Railways Act 2005 <i>et al</i>
Ofwat <sup>xii</sup>	Department for the Environment, Food and Rural Affairs (DEFRA)	Regulator (economic regulator for water and sewerage services in England and Wales)	Corporation aggregate	Mixed	5	6	Audit and Risk 2 NED, 1 independent	136	Water Act 2014 <i>et al</i>
Ofgem <sup>xiii</sup>	Department for Trade and Industry (DTI)	Regulator (economic regulator for energy services)	Corporation aggregate	Mixed	6	5	Executive Risk 6 exec Audit and Risk Assurance 3 NED	1,032	Energy Act 2010 <i>et al</i>
Ofsted <sup>xiv</sup>	Department for Education (DfE)	Investigation (inspects children and young people's services)	Corporation aggregate	Mixed	2	5	Audit >4 Exec, >1 independent	1,213	Education (Schools) Act 1992 Education and Inspections Act 2006

Organisation	Reports to	Function	Governance structure	Board			Oversight arrangements	Staff	Legislative framework
				Type	Exec	NED			
Environment Agency (EA) <sup>xv</sup>	DEFRA	Investigation Regulator (regulates environmental, waste and water issues in England and Wales)	Corporation aggregate	Mixed	3	8	Audit, Risk and Assurance 5 NED	9,760	Environment Act 1995
Police Ombudsman for Northern Ireland (PONI) <sup>xvi</sup>	Department of Justice (Northern Ireland) (DOJ(NI))	Investigation (investigates complaints against police in Northern Ireland)	Corporation sole	N/A	N/A	N/A	Audit and Risk 3 Exec, 2 NED, 3 independent	147	Police (Northern Ireland) Act 1998
Children's Commissioner for England <sup>xvii</sup>	DfE	Oversight (promotion of the welfare of young people)	Corporation sole	Advisory	N/A	8	Audit and Risk 4 members (not specified)	33	Children Act 2004
National Audit Office (NAO) <sup>xviii</sup>	Parliament, via Public Accounts Committee (PAC)	Investigation Oversight Audit (oversees public spending in England and Wales)	Corporation sole	Mixed	5	4	Audit and Risk 4 NED	810	Budget Responsibility and National Audit Act 2011
Electoral Commission (EC) <sup>xix</sup>	Parliament, via Speaker's Committee for the Electoral Commission	Investigation Oversight Regulator (regulates political finances and elections)	Commission	Executive	9	N/A	Audit 3 Commissioners, 1 independent	131	Political Parties, Elections and Referendums Act 2000
Crown Prosecution Service (CPS) <sup>xx</sup>	Attorney General (AG) Parliament, via Justice Committee	Investigation (conducts criminal prosecutions in England and Wales)	Corporation Aggregate	Mixed	4	4	Audit and Risk 2 independent, 2 NED	6,135	Prosecution of Offences Act 1985
The Property Ombudsman (TPO) <sup>xxi</sup>	N/A (voluntary scheme)	Appellate (investigates complaints against property agents)	Corporation Aggregate	Mixed	2	10	Council 6 independent, 3 industry reps	65	N/A
Prisons and Probation Ombudsman (PPO) <sup>xxii</sup>	MOJ	Investigation (investigates complaints and deaths relating to prisons and probation schemes)	Corporation sole	Executive	4	N/A	N/A	111	Established in response to Lord Woolf's report (Cm 1456) on prison disturbances, February 1991
Police Investigations and	Crown Office and Procurator Fiscal	Investigation Oversight	Corporation sole	N/A	N/A	N/A	Audit and Accountability	48	Police, Public Order and Criminal

Organisation	Reports to	Function	Governance structure	Board			Oversight arrangements	Staff	Legislative framework
				Type	Exec	NED			
Review Commissioner (PIRC)(Scotland) xxiii	Service (Scotland)	(investigates complaints against police in Scotland and oversees complaints system)					5 NED		Justice (Scotland) Act 2006

- i Annual Report and Financial Statements 2014-15. The Housing Ombudsman. July 2015. ISBN: 978-1-47412-293-1.
- ii Quality Counts: Local Government Ombudsman Annual Report & Accounts 2014-15. Commission for Local Administration in England. July 2015.
- iii IPCC Annual Report and Accounts 2014/15. IPCC. July 2015. ISBN 978-1-47411-761-6.
- iv Beavis, I, 2015. RE: HMIC corporate structure. [E-mail] Message to N A Roberts. Sent 23 November 2015 1200. [online] [Accessed 23 November 2015].
- v Legal Ombudsman Annual Report and Accounts 2013-14. The Office for Legal Complaints. January 2015. ISBN: 978-1-47411-387-8.
- vi Annual Report and Accounts 2014-15. DBS. July 2015. ISBN: 9781474123150
- vii Annual report and accounts 2014-15. Financial Ombudsman Service. July 2015. ISBN: 978-1-47411-743-2.
- viii Information Commissioner's Annual Report and Financial Statements 2014-15. June 2015. ISBN: 978-1-47412-117-0.
- ix Annual Report and Accounts 2014-15. Office of the Immigration Services Commissioner. July 2015. ISBN: 978-1-47412-045-6.
- x A voice for change: The Ombudsman's Annual Report and Accounts 2013-14. PHSO. July 2014. ISBN: 978-1-47410-897-3.
- xi Annual Report and Accounts 2014-15. ORR. June 2015. ISBN: 978-1-47411-847-7.
- xii Annual Report and Accounts 2014-15. Ofwat. July 2015. ISBN: 978-1-47411-771-5.
- xiii Annual Report and Accounts 2014-15. Ofgem. June 2015. ISBN: 978-1-47412-067-8.
- xiv Annual Report and Accounts 2014-15. Ofsted. June 2015. ISBN: 978-1-47411-633-6.
- xv Annual Reports and Accounts 2014-15. EA. July 2015. ISBN: 978-1-47411-889-7.
- xvi Annual Reports and Accounts 2014-15. PONI. June 2015.
- xvii Annual Reports and Accounts 2014-15. Children's Commissioner for England. July 2015. ISBN: 978-1-47412-131-6.
- xviii Annual Reports and Accounts 2014-15. NAO. June 2015. ISBN: 978-1-904219-88-0.
- xix Annual Reports and Accounts 2014-15. EC. July 2015. ISBN: 978-1-47412-185-9.
- xx Annual Report and Accounts 2014-15. CPS. June 2015. ISBN: 978-1-47412-141-5.
- xxi <https://www.tpos.co.uk/>. Accessed 04 November 2015.
- xxii Crockford, Daniel. Telephone conversation. 14 December 2015 1000.
- xxiii Governance and Accountability Framework. PIRC. October 2013.



## Annex D – Bibliography

### Reports and Publications

1. Gordon CB, R. Better to serve the public: Proposals to restructure, reform, renew and reinvigorate public services ombudsmen. The Cabinet Office. October 2014. [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/416656/Robert\\_Gordon\\_Review.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/416656/Robert_Gordon_Review.pdf)
2. Heard, D. Corporate governance in central Government departments: code of good practice. The Cabinet Office. July 2011. ISBN 978-1-84532-897-9. [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/220645/corporate\\_governance\\_good\\_practice\\_july2011.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/220645/corporate_governance_good_practice_july2011.pdf)
3. Gill, C *et al.* The future of ombudsman schemes: drivers for change and strategic responses. Queen Margaret University. July 2013. <http://www.legalombudsman.org.uk/downloads/documents/publications/QMU-the-future-of-ombudsman-schemes-final-130722.pdf>
4. Improving police integrity: reforming the police complaints and disciplinary systems – Summary of consultation responses and next steps. The Home Office. March 2015. ISBN 978-1-47411-641-1. [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/411970/improving\\_police\\_integrity\\_reforming\\_the\\_police\\_complaints\\_and\\_disciplinary\\_systems.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/411970/improving_police_integrity_reforming_the_police_complaints_and_disciplinary_systems.pdf)
5. Triennial review of the Independent Police Complaints Commission (IPCC). The Home Office. March 2015. ISBN 978-1-78246-786-1. [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/411566/IPCC\\_Triennial\\_Review.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/411566/IPCC_Triennial_Review.pdf)
6. IPCC Annual Report and Accounts 2014/15. IPCC. July 2015. ISBN 978-1-47411-761-6. [https://www.ipcc.gov.uk/sites/default/files/Documents/publications/annual\\_report\\_IPCC\\_2015.pdf](https://www.ipcc.gov.uk/sites/default/files/Documents/publications/annual_report_IPCC_2015.pdf)
7. IPCC Business plan 2015/16. IPCC. June 2015. [https://www.ipcc.gov.uk/sites/default/files/Documents/publications/Business\\_plan\\_2015-16.pdf](https://www.ipcc.gov.uk/sites/default/files/Documents/publications/Business_plan_2015-16.pdf)
8. IPCC Corporate Plan 2015/18. IPCC. June 2015. [https://www.ipcc.gov.uk/sites/default/files/Documents/publications/Corporate\\_plan\\_2015-18.pdf](https://www.ipcc.gov.uk/sites/default/files/Documents/publications/Corporate_plan_2015-18.pdf)
9. Dr. Maguire, M. Quis custodiet ipsos custodies? – Independence and the Police Ombudsman in Northern Ireland. NACOLE review, Summer 2015. April 2015. <https://nacole.org/wp-content/uploads/NACOLE-2015-SUMMER.pdf>
10. Dr. Maguire, M. An inspection into the independence of the Office of the Police Ombudsman for Northern Ireland. Criminal Justice Inspection Northern Ireland (CJINI). September 2011. <http://www.cjini.org/CJINI/files/fe/fee7c8c8-4e16-4492-ba70-fefbaf39427f.pdf>

11. Burr, T. The Independent Police Complaints Commission. The National Audit Office. November 2008. ISBN 978-0-10295-437-1.  
<http://www.nao.org.uk/wp-content/uploads/2008/11/07081035.pdf>
12. McGuigan, B. The independence of the Office of the Police Ombudsman for Northern Ireland - A follow-up review of inspection recommendations. CJINI. January 2013.  
<http://www.cjini.org/CMSPages/GetFile.aspx?guid=511cbd9d-363e-4064-a474-d6ff93bb127e>
13. Dr. Maguire, M. Management statement/Financial memorandum for the Office of the Police Ombudsman for Northern Ireland (PONI). October 2012.  
<https://www.policeombudsman.org/PONI/files/38/38c5fbd6-54fb-4a4a-bd11-e249f2f79839.PDF>
14. Lord Bew, P. Tone from the top: Leadership, ethics and accountability in policing. The Committee on Standards in Public Life. June 2015. ISBN 978-1-47411-981-8.  
[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/439208/Tone\\_from\\_the\\_top\\_-\\_CSPL.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/439208/Tone_from_the_top_-_CSPL.pdf)
15. Prenzler, T *et al.* Reconciling stakeholder interests in police complaints and discipline systems. *Police Practice and Research: Volume 14, Issue 2*, p155-168. March 2013. DOI 10.1080/15614263.2013.767095.
16. Savage, S. Seeking 'Civilianness'. *British Journal of Criminology: Volume 53, Issue 5*, p886-904. June 2013. DOI 10.1016/j.ijlcrj.2012.03.001.
17. Rutter, J *et al.* Read Before Burning. The Institute for Government. July 2010.  
<http://www.instituteforgovernment.org.uk/sites/default/files/publications/Read%20before%20burning.pdf>
18. Pearson, J *et al.* Out of the Ashes. The Institute for Government. March 2015.  
<http://www.instituteforgovernment.org.uk/sites/default/files/publications/Out%20of%20the%20ashes.pdf>
19. Independent Police Complaints Commission: Report, together with formal minutes, oral and written evidence. Home Affairs Select Committee. January 2013. ISBN 978-0-215-05329-9.  
<http://www.publications.parliament.uk/pa/cm201213/cmselect/cmhaff/494/494.pdf>
20. Creutzfeld, N *et al.* The impact and legitimacy of ombudsman and ADR schemes in the UK. The Foundation for Law, Justice and Society. June 2014.  
<http://www.fljs.org/sites/www.fljs.org/files/publications/The%20Impact%20and%20Legitimacy%20of%20Ombudsman%20and%20ADR%20Schemes%20in%20the%20UK.pdf>
21. The governance of regulators. The Organisation for Economic Cooperation and Development (OECD). July 2014. ISBN 978-9-26420-900-8.  
[http://www.oecd-ilibrary.org/governance/the-governance-of-regulators\\_9789264209015-en](http://www.oecd-ilibrary.org/governance/the-governance-of-regulators_9789264209015-en)

22. Lovell-Pank, D *et al.* Chief Constable Nicholas Gargan GPM and the Police and Crime Commissioner for Avon and Somerset and the IPCC: Report of a misconduct panel (redacted version). Avon and Somerset PCC. August 2015.  
<http://www.avonandsomerset-pcc.gov.uk/Document-Library/CCs-Misconduct-Proceedings/150818-Redacted-Panel-Report.pdf>
23. Glass, D. Towards greater public confidence: A personal review of the current police complaints system for England and Wales. IPCC. March 2014.  
<https://www.ipcc.gov.uk/sites/default/files/Documents/speeches/A-review-of-the-complaints-system-by-Deborah-Glass-March-2014.pdf>
24. Policing in the 21<sup>st</sup> Century: Reconnecting Police and the People. The Home Office. July 2010. ISBN 978-0-10179-252-3.  
<https://www.gov.uk/government/publications/policing-in-the-21st-century-reconnecting-police-and-the-people-consultation>
25. Review of the IPCC's role in investigating deaths: final report. IPCC. March 2014.  
[https://www.ipcc.gov.uk/sites/default/files/Documents/deaths\\_review/Review\\_of\\_the\\_IPCCs\\_work\\_in\\_investigating\\_deaths\\_2014.pdf](https://www.ipcc.gov.uk/sites/default/files/Documents/deaths_review/Review_of_the_IPCCs_work_in_investigating_deaths_2014.pdf)
26. Oversight and confidence strategy 2014/15 – 2016/17 and 2014/15 action plan. IPCC.  
[https://www.ipcc.gov.uk/sites/default/files/Documents/guidelines\\_reports/Oversight\\_and\\_confidence\\_strategy.pdf](https://www.ipcc.gov.uk/sites/default/files/Documents/guidelines_reports/Oversight_and_confidence_strategy.pdf)
27. Report of the oversight & confidence committee: closing report and progress on strategies. IPCC. IPCC 04/15/17(b). March 2015.  
[https://www.ipcc.gov.uk/sites/default/files/Commission%20documents/April2015/Item%2017\\_B\\_%20Report%20of%20the%20Oversight%20and%20Confidence%20Committee.pdf](https://www.ipcc.gov.uk/sites/default/files/Commission%20documents/April2015/Item%2017_B_%20Report%20of%20the%20Oversight%20and%20Confidence%20Committee.pdf)

#### Underlying Legislation

1. Police Reform Act 2002. 2002 Chapter 30. UK Parliament. July 2002.  
<http://www.legislation.gov.uk/ukpga/2002/30/contents>
2. Police (Northern Ireland) Act 1998. 1998 Chapter 32. UK Parliament. July 1998.  
<http://www.legislation.gov.uk/ukpga/1998/32/contents>
3. Police Reform and Social Responsibility Act 2011. 2011 Chapter 13. September 2011.  
<http://www.legislation.gov.uk/ukpga/2011/13/contents/enacted>

## Annex E – Policing reforms since 2010

Reforms introduced during the 2010-2015 Parliament included the following:

- The introduction under the Police Reform and Social Responsibility Act 2011 (PRSR Act) of directly-elected Police and Crime Commissioners (PCCs) aimed at bringing greater accountability and transparency compared with the Police Authorities that they replaced;
- Establishing the College of Policing (CoP) with the aim of driving up standards and ensuring that policing is informed by best practice;
- Reinforcing Her Majesty’s Inspectorate of Constabulary (HMIC) - for example through funding for a new annual programme of all-force “PEEL” inspections;
- The introduction of the National Crime Agency (NCA) to tackle organised crime;
- The introduction of schemes such as Direct Entry and Police Now with the objective of opening up policing to people with new perspectives and expertise;
- Reformed pay and conditions following the Winsor review;<sup>1</sup>
- Replacing the Association of Chief Police Officers (ACPO) with a new coordinating body, the National Police Chiefs’ Council; and
- Improved police transparency, for example through the launch of publicly accessible crime maps and performance data on *Police.uk*;

As part of its overall programme of policing reforms, the coalition Government also introduced a number of measures on police integrity including:

- A Code of Ethics for policing, laid in Parliament in July 2014 as a statutory code of practice;
- Introducing legislation to hold police disciplinary hearings in public (from 1 May 2015), led by an independent legally qualified chair (these arrangements to take effect from 1 January 2016);
- Introducing legislation to prevent officers from escaping dismissal by retiring or resigning;
- Creating a new offence of police corruption through the Criminal Justice and Courts Act 2015;
- Introducing legislation to protect police whistleblowers from disciplinary action (March 2015);
- Requiring forces to publish more information on the number of conduct issues raised by officers and the action taken as a result;

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<sup>1</sup> Home Office, Independent Review of Police Officer and Staff Remuneration and Conditions - Part 1 Report, March 2011, Cm 8024. [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/229006/8024.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/229006/8024.pdf)

- Producing a stronger and more consistent vetting code that will be laid as a code of practice, which chief constables and PCCs will have to consider when making decisions about recruitment and promotion;
- The College of Policing managing a national register of officers struck-off from the police since 2013. The register is available for use by vetting and anti-corruption officers in forces; and
- HMIC's new programme of annual inspections of all police forces (the PEEL inspections) which look not only at a force's Performance, Effectiveness and Efficiency, but also at its Legitimacy in the eyes of the public through an examination of whether each force's officers and staff act with integrity.

Future integrity reforms announced in March 2015 include:

- Making changes to the police complaints system to strengthen the role of PCCs, make the system easier to understand and more independent, and strengthen and streamline the appeals process.
- Role of HMIC - Wherever the complaints function sits, whether in a police force, with a PCC or elsewhere, HMIC will continue to retain the ability to inspect the efficiency and effectiveness of that function;
- Making the police disciplinary system clearer and more robust by implementing the recommendations from the Chapman Review;
- Introducing further measures to strengthen the protection for police whistleblowers; and,
- Bringing in a system of super-complaints - to allow complaints to be made about systemic issues within policing that might be harming the interests of the public.

# Annex F – Existing legislative framework

## Introduction

1. This note outlines the legislation governing the IPCC and, in particular, the current statutory provisions for its governance structure.

## Legislation governing the IPCC

### Background

2. The IPCC is governed by the Police Reform Act 2002 (“the 2002 Act”) and regulations made under it. Additionally, the Secretary of State (Home Secretary) has approved guidance issued by the IPCC under section 22 of the 2002 Act on handling investigations and complaints.
3. The 2002 Act<sup>1</sup> set up the IPCC and abolished its predecessor, the Police Complaints Authority (PCA). Part 2 of the 2002 Act (in particular, sections 12 and 13 and Schedule 3) sets out the way in which the IPCC should investigate complaints against the police, deaths and serious injury (DSI) matters and police conduct matters.
4. The IPCC’s remit covers all 43 police forces in England and Wales as well as the National Crime Agency (NCA) and its work in England and Wales. The IPCC’s remit also includes some functions of HM Revenue and Customs and the Home Office Border Force. The law (section 26 of the 2002 Act) gives the IPCC the ability to enter into an agreement with other bodies that contain police constables to provide its functions to them. So, for example, the Ministry of Defence police (a civilian force that guards military installations in the UK) and the British Transport Police are covered by the IPCC under such an agreement.<sup>2</sup>
5. The 2002 Act defines ‘complaint’ as “*any complaint about the conduct of a person serving with the police*” made by a member of the public falling within one of three specified categories (or a person acting on such a person’s behalf). The three categories are: (i) a person who claims to be the person in relation to whom the conduct took place, (ii) a person who claims to have been adversely affected by the conduct, and (iii) a person who claims to have witnessed the conduct.<sup>3</sup>
6. The 2002 Act also establishes the definition of a conduct matter – “any matter which is not and has not been the subject of a complaint but in which case there is an indication that a person serving with the police may have committed a criminal offence or behaved in a manner that would justify disciplinary proceedings” – and the definition of a death or serious injury matter.
7. A person serving with the ‘police’ is defined<sup>4</sup> as: (i) a member of a police force<sup>5</sup>, (ii) a civilian employee of a police force, (iii) an employee of the Common Council of the

<sup>1</sup> Section 9 of the Police Reform Act 2002 (PRA 2002). Commenced 1 April 2003.

<sup>2</sup> Section 26(3) of the PRA 2002 requires the Sec of State to deal with these bodies by order. (SI 2013/1779).

<sup>3</sup> Subsections (3) to (6) provide more detail.

<sup>4</sup> Section 12(7) of the Police Reform Act 2002. Subsections (8) to (10) are also relevant. They deal with contractors, sub-contractors and employees of such people.

<sup>5</sup> Schedule 1 to the Interpretation Act 1978 sets out that “‘*police area*’ ... and other expressions relating to the police have the meaning or effect described ... in relation to England and Wales, by section 101(1) of the Police Act 1996”. That section defines ‘police force’ as “a force maintained by a local policing body”. In turn ‘local policing body’ is defined by that section as: (i) a police and crime

City of London who is under the direction and control of a chief officer<sup>6</sup>, and (iv) a special constable who is under the direction and control of a chief officer.

## Functions of the IPCC

8. The general functions of the IPCC are set out at Section 10 of the 2002 Act. These include “to secure the maintenance by the [IPCC] itself, and by local policing bodies and chief officers, of suitable arrangements with respect to ... the handling of complaints made about the conduct of persons serving with the police [and] the manner in which any such complaints ... are investigated or otherwise handled and dealt with”.
9. These functions include handling complaints made about the conduct of persons serving with the police and “recording of matters relating to the commission of criminal offences or behaviour justifying disciplinary proceedings; or matters from which it appears that a person has died or suffered serious injury during or following contact with a person serving with the police.”<sup>7</sup>
10. It is an express statutory function of the IPCC “to secure that public confidence is established and maintained in the existence of suitable arrangements with respect to [its investigations and the police complaints system]”.<sup>8</sup> As noted by some of the interviewees to this review, the Police Ombudsman for Northern Ireland (PONI) has a wider statutory objective to secure as well as public confidence, the confidence of the police.<sup>9</sup>

## IPCC investigations

11. Where a complaint is referred to the IPCC (and the IPCC determines that it should be investigated), the current law requires the IPCC to determine the **form** the investigation should take, bearing in mind the seriousness of the case and the public interest. There are four possible forms:
  - a. referral back for an investigation by the force (i.e. usually Chief Constable as “appropriate authority” (AA));
  - b. an investigation by the AA under the supervision of the IPCC;
  - c. an investigation by the AA under the management of the IPCC;
  - d. an investigation by the IPCC itself.
12. The Government has announced plans to end managed and supervised investigations to increase the independence of the IPCC as part of the forthcoming Policing and Crime Bill (Queen’s Speech, May 2015).

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commissioner, in relation to a police area listed in Schedule 1 (these are the 41 geographical areas which together cover all of England and Wales, except Greater London), (ii) the Mayor’s Office for Policing and Crime, in relation to the metropolitan police district, and (iii) the Common Council of the City of London, in relation to the City of London police area. ‘Police and crime commissioner’ and ‘the Mayor’s Office for Policing and Crime’ are defined as a body / the body established under section 1 and 3 respectively of the Police Reform and Social Responsibility Act 2011.

<sup>6</sup> ‘Chief officer’ is defined by section 29 as “*the chief officer of police of any police force*”. In turn, section 101(1) of the Police Act 1996 defines ‘chief officer of police’ as: (i) the chief constable, in relation to the 41 forces responsible for the police areas listed in Schedule 1, (ii) the Commissioner of Police of the Metropolis, in relation to the metropolitan police force, and (iii) the Commissioner of Police for the City of London, in relation to the City of London police force.

<sup>7</sup> PRA 2002, Section 10(2).

<sup>8</sup> PRA 2002, Section 10(1)(d).

<sup>9</sup> The Police (Northern Ireland) Act 1998 Section 51 (4). The Ombudsman shall exercise his powers under this Part in such manner and to such extent as appears to him to be best calculated to secure: (a) the efficiency, effectiveness and independence of the police complaints system; and (b) the confidence of the public and of members of the police force in that system.

13. Where the IPCC (i.e. “the Commission”) investigates complaints, it must designate a member of its staff to “take charge of the investigation on behalf of the Commission”<sup>10</sup>. The Commission’s designated investigative staff have all the powers and privileges available to serving police constables.<sup>11</sup>

### **IPCC governance structures: existing legal provisions**

14. The statutory provisions for the IPCC’s governance arrangements are set out in primary legislation.<sup>12</sup> The IPCC’s key existing governance requirements are as follows.

a. Composition of the IPCC

- Chair (Crown appointment) – serves in accordance with terms of appointment.
- Not less than **five**<sup>13</sup> ordinary members (Secretary of State appointments).
- The Secretary of State may appoint not more than two deputy chairs from amongst the IPCC’s members.

b. Members: terms, qualification requirements, pay

- Chair and ordinary members may be appointed for a maximum of 5 years, but at the end of term are eligible for reappointment.<sup>14</sup>
- All members, including the Chair, are expressly prevented from having served as constables in any part of the UK or served in the Serious Organised Crime Agency (SOCA) or the NCA. Broadly, nor can they have been contracted by the police.<sup>15</sup>
- Secretary of State determines pay/remuneration of members.

c. Members; removal from office

- Chair – removal is by the Crown, on advice of the Secretary of State; on recommendation of: “ordinary” Commissioners; or at his/her own request. Grounds for removal include failure to carry out functions for a continuous period of three months without reasonable excuse; criminal offences, bankruptcy etc.<sup>16</sup>

d. Other IPCC officers/staff

- Chief Executive. The IPCC is required to have a Chief Executive appointed by its members, approved by the Secretary of State.

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<sup>10</sup> PRA 2002, Schedule 3, Paragraph 19(2).

<sup>11</sup> PRA 2002, Schedule 3, Paragraph 19.

<sup>12</sup> Primarily at Part 2 of the Police Reform Act 2002 (in particular, section 9) and Schedule 2 to that Act.

<sup>13</sup> The minimum was 10 originally in the 2002 Act. Amended by the Police Reform and Social Responsibility Act 2011 Schedule 14, paragraph 2.

<sup>14</sup> PRA 2002, Schedule 2, Paragraphs 1(3) ; 2(4); and (5).

<sup>15</sup> PRA 2002, Section 9 (3). Other provisions – Schedule 2, Paragraph 1 (2) bar persons who have served a prison sentence of more than 3 months within the past 5 years from serving as IPCC Chair.

<sup>16</sup> PRA 2002, Schedule 2, Para 1(5).



- Other staff, appointed as the IPCC thinks fit, including police secondees.<sup>17</sup>

(Note. The IPCC’s “associate commissioners” (of which there were two as at March 2015) are Commission staff. There is no provision in law for Associate Commissioners.)

e. Regional presence/structure

- The IPCC has *discretion* to set up regional offices in England and Wales *with approval from the Secretary of State*.<sup>18</sup> There is no requirement to have regional offices or a regional structure.

f. Reporting and financial reporting requirements

- The IPCC is required to send annual reports on the general carrying out of its functions to the Secretary of State and to report to her on such general matters, as she may require.<sup>19</sup>
- Requirements on the IPCC to keep proper accounts and statement of accounts to Secretary of State at each financial year. Accounts must be certified by Auditor General and Auditor General’s statement and the report laid before Parliament annually.<sup>20</sup>

g. Meetings and proceedings

- Arrangements for proceedings – quorums and establishment of committees are for the discretion of the IPCC.<sup>21</sup>
- The validity of the IPCC’s proceedings is not affected by vacancies among members.<sup>22</sup>

<sup>17</sup> PRA 2002, Schedule 6, paragraph 1(4).

<sup>18</sup> PRA 2002, Schedule 2, paragraph 9 “If it appears to the Commission that it is necessary to do so in order to carry out its functions efficiently, the Commission may, with the consent of the Secretary of State, set up regional offices in places in England and Wales.

<sup>19</sup> PRA 2002, Section 11

<sup>20</sup> PRA 2002, Schedule 2, Paragraph 17.

<sup>21</sup> PRA 2002, Schedule 2, Paragraph 10.

<sup>22</sup> PRA 2002, Schedule 2, Paragraph 11.

## Annex G – Glossary

ADR	Alternative Dispute Resolution
AG	Attorney General
ALB	Arm's Length Body
AO	Accounting Officer
ARAC	Audit, Risk and Assurance Committee
ARC	Audit and Risk Committee
C&AG	Comptroller and Auditor General
CAB	Citizen's Advice Bureaux
CC	Chief Constable
CEO	Chief Executive Officer
CJINI	Criminal Justice Inspection (Northern Ireland)
CO	Cabinet Office
COO	Chief Operating Officer
CoP	College of Policing
CPG	Crime and Policing Group
CPOSA	Chief Police Officers Staff Association
CPS	Crown Prosecution Service
CQC	Care Quality Commission
CSPL	Committee on Standards in Public Life
DAO	Dear Accounting Officer
DBS	Disclosure and Barring Service
DCLG	Department for Communities and Local Government
DEFRA	Department for Environment, Food and Rural Affairs
DfE	Department for Education
DMIP	Daniel Morgan Independent Panel
DOI	Digital Object Identifier
DOJ	Department of Justice (Northern Ireland)
DPP	Director of Public Prosecutions
DTI	Department for Trade and Industry
EA	Environment Agency
EC	Electoral Commission
EHRC	Equality and Human Rights Commission
FCA	Financial Conduct Authority
FMNI	First Minister for Northern Ireland
FOS	Financial Ombudsman Service
HASC	Home Affairs Select Committee
HM	Her Majesty's
HMIC	Her Majesty's Inspectorate of Constabulary
HMRC	Her Majesty's Revenue and Customs
HMT	Her Majesty's Treasury
HO	Home Office
HOS	Housing Ombudsman Service
IAC	Independent Assessor of Complaints
ICO	Information Commissioner's Office
IPCC	Independent Police Complaints Commission
ISBN	International Standard Book Number
ISC	Immigration Services Commissioner
LGO	Local Government Ombudsman
LSB	Legal Services Board

MOJ	Ministry of Justice
MORI	Market and Opinion Research International
NACOLE	National Association for the Civilian Oversight of Law Enforcement
NAO	National Audit Office
NCA	National Crime Agency
NDPB	Non-Departmental Public Body
NED	Non-Executive Director
NI	Northern Ireland
NIAO	Northern Ireland Audit Office
NPCC	National Police Chiefs' Council
NICE	National Institute for Health and Care Excellence
OECD	Organisation for Economic Co-operation and Development
OFSTED	Office for Standards in Education, Children's Services and Skills
ORR	Office of Rail and Road
PAC	Public Administration Committee
PASC	Public Affairs Select Committee
PCA	Police Complaints Authority
PCAC	Public and Constitutional Affairs Committee
PCC	Police and Crime Commissioners
PCJ	Policing and Criminal Justice Bill
PCP	Police and Crime Panels
PFEW	Police Federation of England and Wales
PHSO	Parliamentary and Health Services Ombudsman
PoFA	Protection of Freedoms Act 2012
PONI	Police Ombudsman for Northern Ireland
PPO	Prisons and Probation Ombudsman
PQ	Parliamentary Questions
PRSR	Police Reform and Social Responsibility Act 2011
PSAEW	Police Superintendents' Association for England and Wales
QA	Quality Assurance
QMU	Queen Margaret University
SSPU	Strategy, Skills and Planning Unit
TOR	Terms of Reference
TPO	The Property Ombudsman

## Annex H – IPCC’s principles for developing its governance model

In order to ensure that the IPCC can fulfil its role in overseeing and improving public confidence in the police complaints system, it needs to create a governance model that:

- Ensures **organisational effectiveness**. This will be demonstrated by:
  - Single points of accountability, responsibility and authority for decision-making
  - Robust performance scrutiny and internal challenge ensuring, consistently high quality work
  - Ability to operate in a timely fashion and effectively at scale
- Demonstrates **visible and strong independence** for both decision-making and policy-making. This will be achieved by:
  - A culture of integrity, independence and impartiality
  - Being led by a Crown appointee; neither they nor top tier decision-makers should have worked for the police,
  - Ability to make clear determinations, recommend remedies and contribute to enhanced police performance
  - Visible diversity within the leadership, top tier decision making and governance mechanisms
- Ensures **effective engagement with all stakeholders**. This will be demonstrated by:
  - A clear and current understanding of stakeholder perspectives throughout the IPCC
  - Regularly engaging with stakeholders, especially those who have least confidence in the police complaints system
  - Demonstrating effective oversight and influencing improvements in the police complaints system
- Is **strong and robust**. This will be achieved by:
  - Clear governance and operations accountability
  - Roles and responsibilities understood by all
  - Appropriate external mechanisms to provide challenge and accountability
- Is appropriate for **England and Wales**
  - Organised regionally and nationally, under leaders with delegated decision-making powers
  - Strong central leadership team to ensure consistency

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