

Andy Champness
Chief Executive
West Mercia Police and Crime Commissioner's Office
Telephone: 01905 331912 Mobile: 07964 405279
E-mail: andrew.champness@westmercia.pnn.police.uk
APACE E-mail: apacecoordinator@gmail.com



5th October 2015

Dear Sir

Committee for Standards in Public Life – ‘Tone from the Top’ Report

I write to you as the Chair of the Association of Policing and Crime Chief Executives (APAC²E). Chief executives of PCCs would have appreciated being included in the circulation of the Committee's letter accompanying the report. Chief executives also hold the Monitoring Officer role and we therefore respond to the recommendations made in the report 'Tone from the Top' with some comments and suggestions below.

One general observation we would like to make is that the report does not treat PCCs in a comparable manner to similar elected officials. For example, the report recommends a more intrusive level of scrutiny of PCCs when compared to treatment of MPs or Councillors. There should be equal treatment and transparency required of all elected persons.

Recommendation 1 – to develop a nationally agreed minimum code of conduct by the end of 2015.

APACE produced an agreed model code of conduct built around the Nolan principles back in 2012. Most areas adopted a code of conduct based on this model, with some local nuances. This approach is consistent with the Government's localism agenda and is consistent with the approach for councillors. The code of conduct is in addition to the PCC oath which covers the public confidence aspect.

Recommendation 2 - PCCs and their Deputies should receive an ethical component as an essential part of their induction.

We are surprised at this recommendation given that MPs do not receive ethical training. This is another example where PCCs would be subjected to a higher level of scrutiny than comparable roles.

Recommendation 3 – Deputy code of conduct

Please see the response for recommendation 1. In those areas with a Deputy Police and Crime Commissioner and an adopted code of conduct the Deputy also signs up to it.

Recommendation 4 - Memorandum of Understanding between the PCC and Chief Constable

APACE produced an agreed model memorandum of understanding in 2012. The Local Policing Bodies (Specified Information) Order 2011 as amended requires each PCC to publish information as to any arrangements for use by the Police and Crime

Commissioner of the staff of the Chief Constable or local authority (para 2A of the Schedule to that Order). We do not consider that the LGA has a role here.

Recommendation 5 – Joint Audit Committees should publish an Annual Report

This recommendation is already contained in CIPFA guidance and to our knowledge many if not all Audit Committees comply with this guidance.

Recommendation 6 & 7 – embedding the College of Policing’s Code of Ethics in police and crime plans & candidates for the post of PCC should be required to publish their responses to the Committee’s Ethical Checklist

We have noted these recommendations but this is a matter for parliament to decide. We believe that prescribing these recommendations as mandatory will be seen as policy prescription. It must be up to individual PCCs to decide what goes into their police and crime plans just in the same way that it is up to local authorities what to put in their strategic plans.

Recommendation 8 – national guidance on the meaning of a decision of ‘significant public interest’

We have noted this recommendation but this is a matter for parliament to decide. Parliament has previously decided to leave the phrase ‘significant public interest’ undefined and it is therefore given its plain meaning.

Recommendation 9 – Police and Crime Panels should review the PCC’s Annual Report in public session attended by the PCC

This is already a statutory responsibility (s28(4) of the Police and Social Responsibility Act 2011).

Recommendation 10 – PCCs should publish a forward plan of decisions & Police and Crime Panels should produce a forward plan of work

This is only practical in a very small number of decisions (Police and Crime Plan, Annual Report, Precept and budget setting). Again, in our experience these ones are part of many if not all PCPs’ forward plans. Other decisions cannot be predicted and therefore cannot be set out in a forward plan.

Recommendation 11 – Home Secretary should conduct an urgent review of whether there are sufficient powers available to take action against a PCC whose conduct falls below the standards expected of public office holders

This is a matter for the Home Secretary to respond to. If the powers to take action against Police and Crime Commissioners are reviewed, so should other public office holders including MPs, mayors and councillors.

Recommendation 12 & 13 –make publicly available a list of PCCs’ pay and rewards, gifts and hospitality and outside business interests, including notifiable memberships, in an easily accessible format & to keep under review

The Local Policing Bodies (Specified Information) Order 2011 as amended requires each PCC to publish this information (paragraphs 1 and 2 of the Schedule to that Order. Several external audits and reviews, including by the Home Office, have confirmed that PCCs are already doing this.

Recommendation 14 – an explicit policy and appropriate controls where a Joint Chief Financial Officer is appointed

This is already covered by existing CIPFA guidance.

Recommendation 15 & 16 – Where a Joint Press/Media Officer is appointed, an explicit policy and appropriate controls should be put in place to manage any potential conflicts of interest, be made publicly available, and regularly monitored by the Joint Audit Committee and the committee should scrutinise the basis of the assurances provided as to the integrity of crime data, including the related performance management systems

We believe that an Audit Committee may not be the appropriate place to undertake these functions as it is unlikely to have the appropriate skills to do so. The recommendation should simply be that these functions should be undertaken by an independent body, whether that be an Audit Committee, Ethics Committee, or even the PCP.

Recommendation 17 – PCCs and their Deputies should publish a register of meetings with external stakeholders

This is not realistic, given the hectic schedules that PCCs work to. If applied to PCCs it should also be applied to other public office holders including MPs and Ministers.

Recommendation 18 – responsibility for complaints and changes to the complaints system

The complaints system is currently under review by the Home Office and we await the outcome of their deliberations.

Recommendation 19 – recommendations to the Home Office

These are matters for the Home Office to respond to and we make no comment here.

Recommendation 20 - PCCs' appointment procedures should comply with open and transparent appointment processes

This is already set out in the College of Policing guidance and the requirements are already fulfilled by the statutory confirmation hearing processes under schedules 1 and 8 of the Police Reform and Social Responsibility Act 2011.

You will see from these responses that we consider many of them to be already in hand. If we had been approached by the Committee I am sure we could have usefully informed their deliberations before they published their recommendations. I hope you will find these comments and suggestions constructive and useful.

Yours sincerely,



Andy Champness
Chief Executive
Chair of APAC²E



Lord Bew
Chair
Committee on Standards in Public Life
Room GC.05
1 Horse Guards Road
London SW1A 2HQ

3 December 2015

Dear Lord Bew

Tone From the Top – APCC Response

We are responding to your letter to Nick Alston, the then Chair of the APCC, dated 27 July 2015, in our capacity as the current APCC Chair and Chair of the APCC Transparency and Integrity Standing Group respectively.

We read your report ‘Tone from the Top: Leadership, Ethics and Accountability in Policing’ with great interest and were impressed by the research undertaken to underpin what was generally a measured and well considered report.

The APCC is responding separately to the general recommendations made in the report, through a response which aims to summarise the range of views which our members have expressed in their replies and thoughts on the report.

This letter deals only with the four recommendations which were made direct to the APCC as part of the report and which were the subject of your letter to Nick Alston on 27 July 2015.

Before setting out our response to the individual recommendations, we would firstly say that as PCCs we are strongly committed to high standards of integrity and see it as absolutely fundamental to our local democratic legitimacy. We know how important this is to gaining the trust and confidence of communities in our own position as PCCs, but also in our role of oversight of the police force, and how damaging a lack of trust in policing can be to community cohesion and trust both in the police and in wider public services beyond policing.

That said, however, we do have some issues with the recommendations made to the APCC. This is particularly so of the recommendations which suggest some level of national mandation, partly because PCCs feel that national requirements do not reflect their local accountability and partly because APCC has no powers to bind its members. However, we would be very happy to discuss these matters and see if some other approach could work better. You will also see that one of the key points we raise below (although this also applies to some of the other wider recommendations in the report) is that further consideration is now needed in light of the devolution proposals to city mayors, as some mayors will also be given PCC powers, which needs aligning to local government integrity mechanisms.

APCC
Lower Ground, 5-8 The Sanctuary,
Westminster, London, SW1P 3JS
T 020 7222 4296
E enquiries@apccs.pnn.police.uk
T @AssocPCCs

www.apccs.police.uk

The APCC provides support to all
Police and Crime Commissioners
and policing governance bodies in
England and Wales

Recommendation 1: The Association of Police and Crime Commissioners, working with the Association of Policing and Crime Chief Executives should develop a nationally agreed minimum code of conduct by the end of 2015, which all current PCCs should publicly sign up to by then, and all future PCCs on taking up office

I am afraid we must reject this recommendation, primarily because the APCC has no power to impose such a code on its members and therefore no power to guarantee this would be a minimum code observed by all. You will see in the more general response summarising the views of PCCs, that there are mixed views on the principle of a minimum code of conduct, with some supporting the idea and others concerned that this is already an overcrowded landscape, (with Nolan Principles, the Oath of Office, the Policing Protocol, Governance Frameworks, Annual Governance Statements, the requirements of the Information Order, and the structured complaints regime through Police and Crime Panels).

A voluntary code may be an option, but we do think this needs further thought in light of PCC mayors and how this recommendation would align with the standards and ethics regimes of local government.

Recommendation 4 - The Association of Police and Crime Commissioners, Association of Policing and Crime Chief Executives, the National Police Chiefs' Council and Local Government Association should work collaboratively to produce a model Memorandum of Understanding between the PCC and Chief Constable to include working arrangements, recognition of the role of statutory officers and a supporting statutory officer protocol.

I am afraid we must reject this recommendation as well, as we do not believe a document which is primarily designed to set out effective working relationships at local level can be meaningfully developed at national level, beyond the framework documents already available. These include the statutory Policing Protocol Order, and the model Memorandum of Understanding between PCCs and Chiefs developed by the Association of Police and Crime Chief Executives in 2012. There is a danger that anything beyond these would be too prescriptive, interfere with local negotiations about the limits of operational independence, and unravel local MOUs which many PCCs already have with their force. We are unclear here whether the primary concern of the Committee is about the position of statutory officers, or whether it is about improving public understanding of the separate roles of the PCC and chief officer – particularly the concept of operational independence – but either way, we are not convinced that another MOU is the best way forward here. It might be more productive to consider mechanisms for promoting good practice in this context.

Recommendation 8 - Drawing on existing good practice and experience, the Association of Police and Crime Commissioners, Association of Policing and Crime Chief Executives and the Local Government Association should work together to develop national guidance on the meaning of a decision of 'significant public interest', so that it is better understood when PCCs should publish records of such decisions.

We note that this was previously discussed by Parliament during the passage of the Police Reform and Social Responsibility Act, who decided not to define the phrase to allow local flexibility. We are therefore concerned that national guidance would conflict with the local flexibility that Parliament thought desirable, and believe that this should be a matter for local agreement. We are also concerned that this recommendation could back-fire and have unintended consequences in

impinging on local agreement about what areas are or are not a matter of the chief's operational responsibility i.e. by implying that a big decision which is not on the defined list must be 'owned' by the chief. Therefore, we must also reject this recommendation.

However, we do think that there is a wider point that Police and Crime Panels do not always understand how PCC decisions are made. Although in some areas some PCC decisions will be made at various Board or Committee meetings, or at other types of public meetings, for which papers will be available in advance, in general the PCC model is not a collective or corporate set up, and most PCCs do not make most of their decisions in meetings of this type. It is a more dynamic and flexible model, which allows PCCs to make decisions in any setting, at any time. PCCs must, however, publish decisions which are of significant public interest once these have been made, and many also publish background papers to evidence the rationale for their decision. However, it would be a mistake to think that all PCC decisions are planned some weeks in advance in the same way that meeting agendas and paper are, as this would detract from the responsiveness of the decision-making model.

Recommendation 12 - To demonstrate an equivalent level of transparency and accountability to the Chief Constables that they oversee, the Association of Police and Crime Commissioners and Association of Policing and Crime Chief Executives should work together to host and make publicly available a list of PCCs' pay and rewards, gifts and hospitality and outside business interests, including notifiable memberships, in an easily accessible format.

You will be aware that a similar recommendation was previously made by the Home Affairs Select Committee. Although some individual PCCs have softened their stance on this matter since that time, the corporate view of the APCC has not changed, and we must therefore reject this recommendation for the following reasons:

- The Information Order is clear that this sort of information should be published locally as part of the accountability of PCCs to their local communities. Recent audits conducted by the Home Office and others show that PCCs are complying with these obligations;
- However, a national register would change the nature of that local accountability, would duplicate what is available locally, potentially cause additional difficulties through different ways of presenting the information, be unable to reflect different local contents and therefore risk comparing 'apples and pears'. This endeavour would take additional resources which APCC does not currently have.
- Finally, as per the response to Recommendation 1, the APCC cannot mandate its members, which would inevitably mean that any national register was partial, since it is clear that not all PCCs would voluntarily contribute relevant information.

We would wish to reiterate that we consider the Committee's Report to be thorough, and well balanced, and we are not wholly opposed to the wider suggestions and ideas it advocates. Many of the risks are accurately highlighted, but we are not always so convinced about the remedies prescribed.



However, we would welcome a continuing dialogue on these matters, to see if there are other ways of addressing some of the problems and issues identified in the Committee's Report.

Kind Regards

A handwritten signature in black ink that reads "Winston Roddick". The signature is written in a cursive style.

Winston Roddick
APCC Chair

Julia Mulligan
Chair of the APCC Transparency and
Integrity Standing Group

Committee on Standards in Public Life Report Recommendations – ‘Tone from the Top’

1. Introduction

The Association of Police and Crime Commissioners (APCC) is the national body put in place to support Police and Crime Commissioners (‘PCCs’) and a number of other policing governance bodies, such as the British Transport Police Authority. We have circulated to PCCs and other police governance bodies the Report of the Committee on Standards in Public Life, ‘Tone from the Top: Leadership, Ethics and Accountability in Policing’, and asked for their views on the recommendations which the Report makes.

This paper summarises the points that police and crime commissioners have sent or copied to us on those recommendations. The majority of these responses have also been sent to you direct by the PCCs involved, but are attached to this response as **Annex A** for ease of reference. 15 Police and Crime Commissioners have provided us with their written views, but our response also utilises other information provided through conversations and meetings with PCCs. The main body of our response highlights key issues, themes and commonalities emerging from these separate responses, but does not seek to repeat the detailed answers to the consultation questions already provided in the individual responses.

2. General

- ▶ One issue raised by the consultation is that further consideration is now needed in light of the devolution proposals to city mayors, as some mayors will also be given PCC powers, which would need aligning to local government integrity mechanisms.
- ▶ PCCs see an ethical culture, both personally and in respect of the organisations which they oversee, as critical to their accountability and to maintaining public confidence. They do, however, see accountability as a local issue – so they are held to account by the people that elected them in relation to issues that matter locally. Many have developed local Codes of Conduct, or local MOUs with both chief constables and police and crime panels, or put in place other local structures and approaches, such as Ethics Committees, and feel that national standards or approaches are not always the best solution. There is some feeling that the totality of all the recommendations risk over-regulating PCCs, in comparison with other elected office holders, such as MPs or councillors, taking into account the large range of other mechanisms and standards to which PCCs are held to account – from the requirements of the Information Order to CIPFA governance/auditing requirements.

- ▶ There is also some concern that PCC decision making practices may not be well understood, and may have resulted in recommendations that are hard to achieve in practice, and could have unintended consequences. Unlike councils, the decision making framework of PCCs is not necessarily based around a cycle of meetings at which decisions can be made by a committee or board of people who have been given advance papers. Some PCCs still make some decisions about some matters in this way – for instance if they have topic-specific committees or boards – but generally the legislation assumes they will make decisions more like Ministers do. That is, they will make a decision as an individual, after receiving advice from relevant people. It is a more dynamic and flexible model, which allows PCCs to make decisions in any setting, at any time, but does mean, for instance, that giving advance notice of decisions will often not be possible, and some would argue that it is not desirable either (pointing out that Ministers are not expected to give advance notice of their decisions). This could also impact on the balance of decision making responsibilities between PCCs and chiefs, and on the recommendation about keeping lists of people the PCC has met, many of whom will be local residents, where the PCC will quite properly listen to their views before making decisions.

3. Cumulative Responses to Recommendations

The following outlines a cumulative and integrated response utilising the range of opinions expressed by individual PCC in response to the consultation. Please note that PCCs provided a wide range of opinion on these recommendations and the following should be read in such context.

Recommendation 1 – The Association of Police and Crime Commissioners, working with the Association of Policing and Crime Chief Executives should develop a nationally agreed minimum code of conduct by the end of 2015, which all current PCCs should publicly sign up to by then, and all future PCCs on taking up office to develop a nationally agreed minimum code of conduct by the end of 2015.

PCCs have indicated a range of opinions on this recommendation. While some agree with the principle, others have highlighted the localism aspect of representation in that they are held to account at the ballot box and many have already developed a local Code of Conduct. This is in addition to the Nolan Principles, the Oath of Office, the Policing Protocol, joint Corporate Governance Frameworks with their force, the requirements of the Information Order, which includes a requirement to produce a statement about PCC conduct, and a structured complaints regime through Police and Crime Panels. In addition, some raised the timing of the next PCC elections and indicated that any new code of conduct should only be applicable after the PCC elections in May 2016, while others considered that such a recommendation should be to the same standard as other elected officials, including Members of Parliament and Councillors.

Recommendation 2 - PCCs and their Deputies should receive an ethical component as an essential part of their induction. While this should be locally tailored and delivered it should

cover the Seven Principles of Public Life, the Association of Police and Crime Commissioners Ethical Framework and the College of Policing's Code of Ethics. This is to provide an understanding of ethics in practice and the role of PCCs as ethical leaders, promoting and modelling the high standards of conduct for which they hold others to account.

A majority of PCCs indicated agreement with this recommendation, and many had existing plans to administer an ethical component in the induction following the 2016 election.

Recommendation 3 – A Deputy PCC should be subject to the same mandatory national minimum code of conduct as PCCs and publicly available protocols should be in place for their relationships with other employees of the PCC.

PCCs were overwhelmingly in favour of the recommendation that Deputies should be subject to the same standards of conduct as PCCs – where there is a Deputy – although this is already a statutory obligation by virtue of S31 of the Police Reform and Social Responsibility Act. Many areas already have protocols about the relationship between the Deputy and other OPCC employees.

Recommendation 4 - The Association of Police and Crime Commissioners, Association of Policing and Crime Chief Executives, the National Police Chiefs' Council and Local Government Association should work collaboratively to produce a model Memorandum of Understanding between the PCC and Chief Constable to include working arrangements, recognition of the role of statutory officers and a supporting statutory officer protocol.

PCCs expressed a range of opinions on this recommendation. While some accepted the recommendation, others stated that the statutory Policing Protocol Order already outlines the roles and responsibilities of the various bodies in the police accountability landscape and how they should work together. Many already had local MOUs in place with chief constables, some of which are based on the APACE model MOU. A number of PCCs thought that the LGA should not be included in such a memorandum.

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

Most PCCs were in agreement with this recommendation, but pointed out that it is already provided for in the CIPFA Guidance for Local Authorities and Police Audit Committees (2013), which requires the publication of a Joint Audit Committee Annual Report.

Recommendation 6 – PCCs' responsibility for holding Chief Constables to account on behalf of the public should explicitly include holding the Chief Constable to account for promoting ethical behaviour and embedding the College of Policing's Code of Ethics. Each PCC's Police and Crime Plan should set out how they intend to do this, and their Annual Report should show delivery against the objectives set out in the plan.

Most PCCs support this recommendation, indicating that they either already make reference to embedding a Code of Ethics or have plans to do so in their Police and Crime Plan. However, one stated doing so would make the Police and Crime Plan too lengthy and inaccessible to the public, whilst there is also an argument that, to be truly explicit, this would need to be included in legislation amongst the range of functions for which PCCs hold Chiefs to account.

Recommendation 7 – The Police and Crime Commissioner Elections Order should be amended so that all candidates for the post of PCC should be required to publish their responses to the Committee’s Ethical Checklist. For the May 2016 elections all candidates should be asked to consider and answer the Checklist and the Committee will be encouraging relevant media outlets to play their part in seeking out and publicising their responses.

While some PCCs did not respond to this recommendation, others indicated that this is a matter for the Government in amending electoral law. A couple did not support the recommendation because there are already a number of checks and balances in place for those who can apply to stand for election and this recommendation would require a level of response from candidates that is not required for any other public office.

Recommendation 8 – Drawing on existing good practice and experience, the Association of Police and Crime Commissioners, Association of Policing and Crime Chief Executives and the Local Government Association should work together to develop national guidance on the meaning of a decision of ‘significant public interest’, so that it is better understood when PCCs should publish records of such decisions.

PCCs were in general supportive of this recommendation. However, one PCC supported the recommendation but did not support the inclusion of the LGA in delivering it, while another stated that the PCC and Police and Crime Panel are capable of taking responsibility for suitable arrangements being made locally, taking into account local needs, without central prescription being required. Discussions also revealed some concerns about unintended consequences of the recommendation, particularly in relation to the local understanding of areas that were or were not operational areas.

Recommendation 9 – Police and Crime Panels should review the PCC’s Annual Report in public session attended by the PCC as part of their annual scrutiny programme and make any recommendations as appropriate.

As indicated by many PCCs in their response, this is already a statutory requirement (s28(4) of the Police and Social Responsibility Act 2011), and is already implemented locally.

Recommendation 10 – PCCs should publish a forward plan of decisions, and Police and Crime Panels should produce a forward plan of work

This point reflects a general theme picked up earlier in this response, about possible misunderstandings on how PCC decision making processes work. PCCs were split on this

recommendation, some welcoming it and pointing out that they already make as many decisions as possible in public meetings, which would involve the circulation of papers in advance of the meeting, with the decisions then being published. However, several observed that PCCs were not intended to act like local government committees, and were concerned that this recommendation does not reflect the intention of the Police Reform and Social Responsibility Act. The Act envisaged that PCCs would make decisions more like Ministers do, by making a decision as an individual, based on advice from staff and others, not necessarily as part of a committee. It should be noted that Ministers do not generally give advance notice of their decisions, even to Parliament, whose Select Committees scrutinise government departments in much the same way that police and crime panels scrutinise PCCs.

Recommendation 11 – Home Secretary should conduct an urgent review of whether there are sufficient powers available to take action against a PCC whose conduct falls below the standards expected of public office holders

Most PCCs either did not respond to this recommendation or replied that this is a matter for Home Secretary to respond to. However, one indicated that they support the Home Secretary conducting a review.

Recommendation 12 – To demonstrate an equivalent level of transparency and accountability to the Chief Constables that they oversee, the Association of Police and Crime Commissioners and Association of Policing and Crime Chief Executives should work together to host and make publicly available a list of PCCs’ pay and rewards, gifts and hospitality and outside business interests, including notifiable memberships, in an easily accessible format.

Many PCCs pointed out that the Local Policing Bodies (Specified Information) Order 2011 as amended requires each PCC to publish this information (paragraphs 1 and 2 of the Schedule to that Order). Several external audits and reviews, including by the Home Office, confirm that PCCs are already doing this. While some PCCs support this recommendation, others questioned what value would be added by creating a duplicate responsibility at a national as well as local level. Further, some PCCs raised concern that that publication of this information in a national format would not necessarily be directly comparable, depending on format and context, and could lead to ‘league tables’ which would only confuse, because they may be using different ways of collating data and could not reflect local circumstances.

Recommendation 13 – Chief Constables and PCCs should keep the arrangements for gifts, gratuities and hospitality registers and business interests, including notifiable memberships, and other employment under regular review as part of ensuring and evidencing that the Code of Ethics remains embedded in everyday practice.

Most PCCs pointed out that this is already provided for through the Elected Local Policing Bodies (Specified Information) Order, and that the information which they publish is kept under regular review.

Recommendation 14 – Where a Joint Chief Financial Officer is appointed, an explicit policy and appropriate controls should be put in place to manage any potential conflicts of interest; be made publicly available; and regularly monitored by the Joint Audit Committee.

Many PCCs pointed out that this recommendation is not applicable to the vast majority of PCCs, who do not share a Chief Finance Officer with the force. For the very few that do, it was felt that existing CIPFA Guidance already covers this concern.

Recommendation 15 – Where a Joint Press/Media Officer is appointed, an explicit policy and appropriate controls should be put in place to manage any potential conflicts of interest, be made publicly available, and regularly monitored by the Joint Audit Committee.

We understand that the few PCCs that share communication and engagement services with their police forces, already have an agreement in place, setting out the required standards of service and arrangements for resolving conflicts.

Recommendation 16 – The Joint Audit Committee should scrutinise the basis of the assurances provided as to the integrity of crime data, including the related performance management systems.

Crime recording is inspected by HMIC and scrutinised by Internal Audit. Generally Joint Audit Committees will see and comment on the findings of both types of investigation. However, PCCs were split on giving a wider role to JAC here – some believe it has a significant role to play in scrutinising and assuring performance related matters, but others are worried that this might undermine the role of HMIC and lead to confusion about where the authority on this lies and therefore potentially to conflicting messages.

Recommendation 17 – PCCs and their Deputies should publish a register of meetings with external stakeholders and routinely publish information about all significant meetings involving external attempts to influence a public policy decision. The published information should include dates of meetings, details of attendances and meaningful descriptors of subject matter. It should normally be published within one month on their website in an easily accessible format.

While many PCCs expressed their existing commitment to transparency, and regularly publicise meetings and events which the public and others can attend, many were concerned about the scale of resource that this would require, and others were concerned about the principle underlying the recommendation. Again, there is some concern that the ways in which PCCs make decisions may not be well understood, and the extremely high volume of meetings and events which PCCs undertake may be underestimated. In addition, some believe this would subject PCCs to a more intrusive level of scrutiny than other public office holders – for instance, Ministers who are also executive officeholders, are not expected to publish information of this nature. There were also some concerns about confidentiality and data protection, particularly in relation to the surgery or other similar meetings which many PCCs run for local constituents or

meetings in relation to working with vulnerable people, whose views PCCs will quite rightly take into account, but who are unlikely to have confidence in these meetings if their names risk being published. There is also a risk that this would introduce a level of resource-intensive activity and bureaucracy that would not be commensurate with the benefit achieved or the position of other public office holders.

Recommendation 18 – responsibility for complaints and changes to the complaints system

PCCs pointed out that the complaints system is currently under review by the Home Office and so are awaiting the outcome of their deliberations and legislation to be introduced next year.

Recommendation 19 – recommendations to the Home Office about the suspension/removal of chief officers

Most PCCs either did not make comment or responded that these are all matters for either the Home Office or the Police and Crime Panel to consider.

Recommendation 20 - PCCs' appointment procedures should comply with open and transparent appointment processes

Most PCCs supported this recommendation, but pointed out that appointments are already conducted openly and transparently, and cited the specific procedures and guidance which already apply in relation to chief constable appointments (see Schedules 1 & 8 of the PRSRA and the College of Policing Guidance on chief constable appointments). One PCC was concerned that the recommendation failed to acknowledge that PCCs' appointment procedures for chief constables and other senior staff are, by legislation, subject to a higher level of independent scrutiny than executive positions elsewhere in the public service. This is due to the statutory requirement for a confirmation hearing before the Police and Crime Panel to take place in public, prior to any appointment being made, and for the Panel to make a report and recommendation as to whether the candidate should be appointed.

6. Conclusions

A collated response on behalf of police and crime commissioners cannot do justice to the wide range of views and local contexts that apply to different PCCs. However, their individual responses are attached, which will provide more detail on the specific points that each has raised.

Nevertheless, we hope the summary of key themes and issues which emerge from the individual responses and are set out in this collated response are a helpful overview.

If you have any queries on the document, please get in touch with Cat McIntyre (cat.mcintyre@apccs.pnn.police.uk) 07714 399754.



**APCC Secretariat
December 2015**

Annex A – Individual PCC submissions

1. Avon & Somerset

Sue Mountstevens, PCC for Avon and Somerset has asked me to respond to the consultation as follows:

Sue broadly welcomes the recommendations and for most of the recommendations we are already compliant and publish the required information. The OPCC have self-assessed and we are doing what we can locally and have a watching brief with APACE, APCC and the Home Office and will act and adopt whatever guidance or legislation is produced/passed. We have noted to include some recommendations in dialogue with the PCC after the election with reference to future Police & Crime Plans and PCC Annual Reports.

Sue also wanted to comment that Recommendation 7 is an action for PCC candidates and not OPCC business although we will share the Ethical Checklist with PCC candidates.

2. Cambridgeshire

Lord Paul Bew
Chairman
Committee on Standards in Public Life
Room GC.05
1 Horse Guards Road
London
SW1A 2HQ

By email: public@public-standards.gov.uk

November 2015

I refer to your letters of the 27th July 2015 regarding the Committee on Standards in Public Life report 'Tone from top – leadership, ethics and accountability in policing'.

I would like to thank the Committee for the opportunity to comment. I note that there are a series of recommendations in both letters aimed at both Police and Crime Commissioners and Chief Constables. I have chosen to address a number of overarching principles and themes as opposed to responding to each recommendation. I hope you find this acceptable.

Firstly, I do wish to assure the Committee that I fully recognise and fully support the principles of ethics, accountability, transparency and governance in policing across the board, whether this is myself as Commissioner, my appointed Chief Constable, and those in the police force and my office who serve the public.

Tel No: 01768 217734

Email: commissioner@cumbria-pcc.gov.uk

I note that there are a number of recommendations in the Committee's report which are already enshrined in existing legislation, guidance, and policy. The Police Reform and Social Responsibility Act 2011, The Policing Protocol, The Declaration of Acceptance of Office, the Elected Local Policing Bodies Information Order 2011, and the Code of Ethics, already provide compliance requirements, controls, checks and balances, in a clear framework in which Commissioners, Chief Constables and officers have to operate within.

The breadth of the existing framework is well thought out in setting the highest standards, as opposed to a minimum standard. These bring vital clarity of roles, responsibilities and lines of accountability across the policing landscape. As such, there needs to be recognition that these requirements, as set down by Parliament, are already being exercised in respect of some of the recommendations set out by the Committee. Anything beyond those requirements which seek to codify additional detail would increase bureaucracy, limit innovation and place additional demands on resources.

By way of example, details of my pay, gifts and hospitality and business interests are already published, in line with existing requirements. The Declaration of Acceptance of Office which all Commissioners have to make on taking up the role commits Commissioners to acting with integrity and diligence, as well as ensuring the transparency of their decisions.

The legislative requirements for appointment processes are clear and proportionate, and do work. This framework enabled me to undertake a transparent and robust recruitment process for the role of Chief Constable, one which enshrines the role of a fully Independent Panel Member. However, I believe the costs of engaging an Independent Member for other recruitment processes, in addition to the existing independent confirmation, would be difficult to justify in terms of value for money.

Applying and demonstrating strong governance is a key component in any leadership role. Controls assurance, whether this is delivered through the Joint Audit Committee that acts for both the Chief Constable and myself, or the Chief Constable's independent scrutiny groups on Out of Court Disposals or Stop Search, are key to scrutinising and supporting leadership, ethics and accountability.

In terms of defining a decision of 'significant public interest', my Decision Making Policy sets out the approach to decision making, including the range of decisions that are taken and the way they are recorded. However, consideration of 'public interest' cannot be a binary test; a number of considerations, such as those in legislation and guidance, need to be weighed up. On publishing forward decisions, it should be noted that Police and Crime Commissioners are not subject to the same requirements as local authorities. This was a considered decision rather than an omission. It is important to note the Police and Crime Panel's role is one of retrospective scrutiny of decisions taken by Commissioners, except in respect of specific decisions defined in the legislation including setting the precept and senior appointments.

I note that some of the recommendations in the Committee's report are policy matters for the Home Office, such as the proposed reforms on complaint handling, and future induction arrangements for Commissioners. Any appropriate and proportionate measures that will

continue to instil public confidence in policing, should be welcomed, and I await further opportunity to consider and comment on such matters.

However, I do believe that a Commissioner's Police and Crime Plan could be helpful in displaying and codifying the importance of promoting ethical behaviour and embedding the College of Policing's Code of Ethics.

To conclude, I strongly believe that all those in policing should uphold and embed the highest standards of ethical behaviour, personal conduct, and at the same time be transparent and accountable for their actions.

Yours sincerely,

Sir Graham Bright
Cambridgeshire Police and Crime Commissioner

3. Cheshire

No	Committee on Standards in Public Life's recommendations	Commissioner's Response
1	The Association of Police and Crime Commissioners, working with the Association of Policing and Crime Chief Executives should develop a nationally agreed minimum code of conduct by the end of 2015, which all current PCCs should publicly sign up to by then, and all future PCCs on taking up office.	This recommendation would require Commissioners to be subject to a more intrusive level of scrutiny than other parts of the public sector. For instance, the requirement for local Councils to adopt a national code of conduct was removed several years ago. I voluntarily signed up to a local Code of Conduct on my first day in office in 2012 and this Code is available on my website.
2	PCCs and their Deputies should receive an ethical component as an essential part of their induction. While this should be locally tailored and delivered it should cover the Seven Principles of Public Life, the Association of Police and Crime Commissioners Ethical Framework and the College of Policing's Code of Ethics. This is to provide an understanding of ethics in practice and the role of PCCs as ethical leaders, promoting and modelling the high standards of conduct for which they hold others to account.	Upon being elected in 2012, I received an ethical component as a part of the induction process provided by my Office and the Constabulary. The OPCC and Constabulary will provide a similar induction for the successful candidate following the PCC elections in 2016.
3	A Deputy PCC should be subject to the same mandatory national minimum code of conduct as PCCs and publicly available protocols should be in place for their relationships with other employees of the PCC.	My Deputy Commissioner has adopted the local Code of Conduct referred to at 1 above. A protocol on the relationship between the Commissioner/Deputy Commissioner and Officers has been adopted in Cheshire.
4	The Association of Police and Crime Commissioners, Association of Policing and Crime Chief Executives, the National Police Chiefs' Council and Local Government Association should	The statutory Policing Protocol Order already outlines the roles and responsibilities of the various bodies in the police accountability landscape and how they should work together.

Tel No: 01768 217734

Email: commissioner@cumbria-pcc.gov.uk

	work collaboratively to produce a model Memorandum of Understanding between the PCC and Chief Constable to include working arrangements, recognition of the role of statutory officers and a supporting statutory officer protocol.	In Cheshire, a MoU has been adopted which includes working arrangements and setting out the services the Chief Constable will provide to my Office. In respect of a statutory officer protocol, a Monitoring Officer Protocol was approved in Cheshire in September 2014 which explains the role of Statutory Officers in maintaining good governance and lawful decision making.
5	Joint Audit Committees should publish an Annual Report in a form that is easily accessible to the public.	This requirement is already outlined in CIPFA guidance. The 2014/15 Annual Report of the independent Audit & Ethics Committee is available on my website.
6	PCCs' responsibility for holding Chief Constables to account on behalf of the public should explicitly include holding the Chief Constable to account for promoting ethical behaviour and embedding the College of Policing's Code of Ethics. Each PCC's Police and Crime Plan should set out how they intend to do this, and their Annual Report should show delivery against the objectives set out in the plan.	My Police & Crime Plan makes explicit reference to embedding the Code of Ethics and I have expanded the role of the Audit Committee to an Independent Audit & Ethics Committee to support me overseeing the ethical and integrity agenda. The DPCC regularly meets the Head of Professional Standards and scrutinises the work of the Department which includes the ethical agenda. I consider details at Scrutiny Board meetings which are held in public.
7	The Police and Crime Commissioner Elections Order should be amended so that all candidates for the post of PCC should be required to publish their responses to the Committee's Ethical Checklist. For the May 2016 elections all candidates should be asked to consider and answer the Checklist and the Committee will be encouraging relevant media outlets to play their part in seeking out and publicising their responses.	Amending the Elections Order is a matter for Government, but in the interests of transparency I would be happy to publish a response to the Committee's ethical checklist.
8	Drawing on existing good practice and experience, the Association of Police and Crime Commissioners, Association of Policing and Crime Chief Executives and the Local Government Association should work together to develop national guidance on the meaning of a decision of 'significant public interest', so that it is better understood when PCCs should publish records of such decisions.	I would support the development of national guidance on the meaning of a decision of 'significant public interest' to achieve a greater degree of consistency across the country. In Cheshire, I have sought to take as many decisions as possible in public. I hold monthly Management Boards - agenda papers are published on my website and it is open to the public to attend these meetings
9	Police and Crime Panels should review the PCC's Annual Report in public session attended by the PCC as part of their annual scrutiny programme and make any recommendations as appropriate.	The requirement for the Panel to consider my Annual Report at a public meeting is already enshrined in the Police Reform and Social Responsibility Act 2011. I can confirm that this takes place in Cheshire.
10	PCCs should publish a forward plan of decisions identifying the subject matter of the decision, why it is key, the meeting at which the decision is due to be taken, who will be consulted before the decision is taken and what reports/papers will be available for inspection; and	I hold monthly Management Board meetings where I take as many decisions as possible in public. The public can attend these meetings and all agenda papers are published on my website, alongside a register of decisions. This is a matter for Police and Crime Panels.

	Police and Crime Panels should produce a forward plan of work specifying, as appropriate, the information required from PCCs in order for them to carry out that work.	
11	The Home Secretary should conduct an urgent review of whether there are sufficient powers available to take action against a PCC whose conduct falls below the standards expected of public office holders	This is a matter for the Home Secretary to consider.
12	To demonstrate an equivalent level of transparency and accountability to the Chief Constables that they oversee, the Association of Police and Crime Commissioners and Association of Policing and Crime Chief Executives should work together to host and make publicly available a list of PCCs' pay and rewards, gifts and hospitality and outside business interests, including notifiable memberships, in an easily accessible format.	The Specified Information Order already requires me to publish certain information, including pay and allowances, a register of interests and a register of gifts and hospitality. This information is available on my website and the Home Office has previously confirmed that my Office is fully compliant with the Order.
13	Chief Constables and PCCs should keep the arrangements for gifts, gratuities and hospitality registers and business interests, including notifiable memberships, and other employment under regular review as part of ensuring and evidencing that the Code of Ethics remains embedded in everyday practice.	The Specified Information Order already requires information to be published at prescribed intervals and I am committed to keeping this information as up to date as possible.
14	Where a Joint Chief Financial Officer is appointed, an explicit policy and appropriate controls should be put in place to manage any potential conflicts of interest; be made publicly available; and regularly monitored by the Joint Audit Committee.	There is already detailed CIPFA guidance on the controls which should be put in place where a joint Chief Officer is appointed. In Cheshire, the Chief Constable and I have two separate Chief Finance Officers and their roles are clearly set out in the Scheme of Corporate Governance.
15	Where a Joint Press/Media Officer is appointed, an explicit policy and appropriate controls should be put in place to manage any potential conflicts of interest, be made publicly available, and regularly monitored by the Joint Audit Committee.	I am provided with communication and engagement services from the Constabulary's Engagement Department. A memorandum of understanding is in place setting out the required standards of service and arrangements for resolving conflicts.
16	The Joint Audit Committee should scrutinise the basis of the assurances provided as to the integrity of crime data, including the related performance management systems.	I commissioned Internal Audit to review the Constabulary's response to HMIC's Crime Data Integrity report. The Auditor's findings were presented to the Audit & Ethics Committee and significant assurance was provided on the measures implemented by the Constabulary.
17	PCCs and their Deputies should publish a register of meetings with external stakeholders and routinely publish information about all significant meetings involving external attempts to influence a	This recommendation would subject Commissioner to a more intrusive level of scrutiny than others within the public sector. There is no such requirement placed on Ministers who are also executive officeholders.

	<p>public policy decision. The published information should include dates of meetings, details of attendances and meaningful descriptors of subject matter. It should normally be published within one month on their website in an easily accessible format.</p>	<p>I am committed to openness and regularly publicise key meetings and events which I have attended via social media. I do not believe that Commissioners should be required to publish a register of meetings with external stakeholders as this goes beyond the requirements placed on other elected officials and would place an additional bureaucratic burden on my office.</p>
18	<p>All parties with responsibility for complaints should make clear and actively publicise where their responsibilities – especially in relation to actual investigations and their outcomes – begin and end.</p> <p>The implementation of the proposed changes to the police complaints and disciplinary systems should be monitored locally by PCCs and nationally by the Home Office, IPCC and HMIC.</p> <p>Responsibility for handling police complaints through local resolution should not sit with those with appellate responsibility in relation to the same complaints.</p> <p>The Home Office should consider whether or not complaints about PCCs should continue to be handled by the IPCC.</p>	<p>I have published clear details of where complaints in relation to myself and various other office holders should be directed on my website.</p> <p>I currently await a Bill being placed before Parliament on the Government's proposed changes to the police complaints and discipline systems and will actively monitor its passage through Parliament.</p> <p>As above.</p> <p>This is a matter for the Home Office to consider.</p>
19	<p>The Committee endorses the Home Affairs Committee's recommendations that:</p> <p>the Home Office bring forward proposals to amend the powers of commissioners to suspend or remove chief constables under Section 38(2) and 38(3) of the Police Reform and Social Responsibility Act 2011 by stipulating the grounds on which they may do so.</p> <p>the Home Office should also provide guidance to commissioners on the use of their powers in both respects. In the case of a suspension there should also be a clear system of safeguards similar to those which guide suspension in respect of conduct.</p> <p>Police and Crime Panels inquire and report into the</p>	<p>These are all matters for either the Home Office or the Police and Crime Panel to consider.</p>

	<p>circumstances whenever a chief constable's service is brought to an end irrespective of whether the Schedule 8 scrutiny process is formally engaged.</p> <p>the Home Office bring forward proposals to extend the Schedule 8 process to include scrutiny by the police and crime panel where a commissioner chooses not to agree to an extension of the chief constables' contract to bring it in line with the process for the removal of a chief constable.</p>	
20	<p>PCCs' appointment procedures should comply with open and transparent appointment processes including:</p> <p>a requirement for there to be an independent member on the appointment panel set up to oversee the appointments process for Chief Constables and senior Office of PCC staff; and</p> <p>a requirement that a criterion for selection be that the panel is satisfied that the candidates can meet the standards of the Seven Principles of Public Life.</p> <p>details of the independent panel member should be published.</p> <p>Where a PCC intends to appoint a deputy PCC the PCC should disclose that fact and the intended Deputy (if known) at the time of the election.</p> <p>A decision to suspend or accept a resignation of a Chief Constable or to appoint a Deputy PCC should be regarded as a decision of 'significant public interest'.</p>	<p>My approved procedure for the recruitment appointment of Chief Constable contains provision for an Independent Member to serve on the Appointment Panel. The Independent Member will be drawn from an established list maintained by the College of Policing or the Office of the Commissioner for Public Appointments.</p> <p>Applicants' commitment to the seven principles of public life will be considered as part of any senior officer appointment process undertaken by the Commissioner.</p> <p>Agreed - when the Chief Constable appointment process was undertaken in 2014, the Independent Member provided a full report to Confirmation Hearing held by the Police and Crime Panel on the fairness and openness of the appointment process.</p> <p>It is a matter for the Home Office to decide whether this requirement should be introduced.</p> <p>This would need to be considered as part of the development of guidance on the definition of a decision of significant public interest.</p>

4. Cumbria

Dear Sir

Tone from the Top – Leadership, Ethics and Accountability in Policing

Tel No: 01768 217734

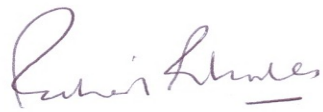
Email: commissioner@cumbria-pcc.gov.uk

I refer to the Tone from the Top report which was provided to the Police and Crime Commissioner.

We welcome the opportunity to respond to the report, the ethical checklist and the 20 recommendations contained therein. Appended to this letter is a table detailing the ethical checklist, the recommendations and our response to each of them.

Earlier this year the Chief Constable and I appointed an independent Ethics and Integrity Panel. Part of their role is to oversee areas of business such as code of conduct and arrangements for gifts and hospitality.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'Richard Rhodes', with a horizontal line underneath the name.

Richard Rhodes
Police and Crime Commissioner

Ethical Checklist	
CSPL Recommendation	Monitoring Officer Response
1. Will your Police and Crime Plan for 2016-7 include a commitment to hold the Chief Constable explicitly to account for promoting ethical behaviour and embedding the College of Policing’s Code of Ethics?	This recommendation, like all five of the recommendations in the CSPL Checklist, apply are decisions for the Police and Crime Commissioner elected in May 2016. From a Monitoring Officer’s perspective it would appear to be a reasonable recommendation.
2. Will you publicly commit to abide by a code of conduct once that has been adopted by the Association of Police and Crime Commissioners?	On election all Commissioners swear an Oath of Office. In Cumbria the Commissioner has signed up to an Ethical Framework for Police and Crime Commissioners developed by the Association of Police and Crime Commissioners (APCC), a local Code of Conduct (which includes a commitment to adhere to “The Seven Principles of Public Life”), an Anti-Discrimination Code of Conduct and a Commissioner-Officer Protocol. Any monitoring officer would expect a Commissioner to commit to abide by a code of conduct developed by the APCC.
3. Will you require the same of any Deputy you appoint?	There is no Deputy Commissioner in Cumbria. If there were the same, high standards of behavior would be expected as of a Commissioner and is catered for within the current protocols.
4. When making appointments of Chief Constable, Deputy PCC or senior staff to your office will you ensure open and transparent appointment processes and include an independent external member on the appointing panel?	When a new Chief Constable was appointed in 2014 the appointment panel included an external independent member drawn from a list held by the College of Policing. The external independent member produced a report for consideration by the Police and Crime Panel (PCP). The other members of the Panel were drawn from different sectors, geographical areas and political groups. The same approach would be taken to the appointment of senior staff within the Commissioner’s Office (OPCC).
5. Will you publish, in an easily accessible format, details of your pay and rewards, gifts and hospitality	This information is already made available via the Commissioner’s website, as required by the Elected Local Policing Bodies (Specified Information) Order

received, your business interests and notifiable memberships?	2012.
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2.4. The Committee's Recommendations:

	C.S.P.I Recommendation	Response
1	The Association of Police and Crime Commissioners, working with the Association of Policing and Crime Chief Executives should develop a nationally agreed minimum code of conduct by the end of 2015, which all current PCC's should publically sign up to by then; and all future PCC's on taking up office.	This recommendation would be welcomed. At the present time we have a locally developed Code of Conduct, supported by an Anti-Discrimination Code of Conduct and a Commissioner-Officer Protocol. The Commissioner, like all Commissioners, has signed an Oath of Office. He has also committed to the Ethical Framework developed by the APCC.
2	PCC's and their deputies should receive an ethical component as an essential part of their induction. While this should be locally tailored and delivered it should cover the Seven Principles of Public Life, the Association of Police and Crime Commissioners Ethical Framework and the College of Policing's Code of Ethics. This is to provide an understanding of ethics in practice and the role of PC's as ethical leaders, promoting and modelling the high standards of conduct for which they hold others to account.	All of these things will be included in the induction programme following the PCC election in 2016.
3	A Deputy PCC should be subject to the same mandatory national minimum code of conduct as PCC's and publically available protocols should be in place for their relationships with other employees of the PCC.	The development of a new Code of Conduct refers back to Recommendation 1, but would be adopted in Cumbria. A Deputy Commissioner would be subject to the same codes and protocols as the Commissioner they supported.
4	The Association of Police and Crime	This recommendation is welcomed.

Tel No: 01768 217734

Email: commissioner@cumbria-pcc.gov.uk

	Commissioners, Association of Policing and Crime Chief Executives, the National Police Chiefs' Council and Local Government Association should work collaboratively to produce a model Memorandum of Understanding between the PC and Chief Constable to include working arrangements, recognition of the role of statutory officers and a supporting statutory officer protocol.	
5	Joint Audit Committees should publish an Annual Report in a form that is easily accessible to the public.	Locally the Joint Audit and Standards Committee already produce an annual report which is available on the Commissioner's website (via the Committee's page). It is also presented to the PCP for their consideration.
6	PCC's responsibility for holding Chief Constables to account on behalf of the public should explicitly include holding the Chief Constable to account for promoting ethical behavior and embedding the College of Policing's Code of Ethics. Each PCC's Police and Crime Plan should set out how they intend to do this, and their Annual Report should show delivery against the objectives set out in the plan.	Locally the Commissioner has been updated by the Chief Constable on implementation of the Code of Ethics and external assurance has been received from Her Majesty's Inspectorate of Constabulary (HMIC) through positive comments on implantation of the Code by the Constabulary. Inclusion of the Code of Ethics in the Police and Crime Plan refers back the first recommendation in the Ethical Checklist, which would be supported. The Commissioner has appointed an Ethics and Integrity Panel who as part of their remit monitor the implementation and compliance with the Code of Ethics.
7	The Police and Crime Commissioner Elections Order should be amended so that all candidates for the post of PCC should be required to publish their responses to the Committee's Ethical Checklist. For the May 2016 elections all candidates should be asked to consider and answer the Checklist and the Committee will be encouraging relevant media outlets to play their part in seeking out and	The CSPL has indicated that it will write to all candidates for the Police and Crime Commissioner elections scheduled for May 2016 asking them to respond to the recommendations in the CSPL Ethical Checklist.

	publicising their responses.	
8	Drawing on existing good practice and experience, the Association of Police and Crime Commissioners, Association of Policing and Crime Chief Executives and the Local Government Association should work together to develop national guidance on the meaning of a decision of “significant public interest”, so that it is better understood when PPCs should publish records of such decisions.	This recommendation is welcomed.
9	Police and Crime Panels should review the PCC’s Annual Report in public session attended by the PCC as part of their annual scrutiny programme and make recommendations as appropriate.	This already happens in Cumbria.
10	As a matter of good practice: <ul style="list-style-type: none"> • PCCs should publish a forward plan of decisions identifying the subject matter of the decision, why it is key, the meeting at which the decision is due to be taken, who will be consulted before the decision is taken and what reports/papers will be available for inspection; and • Police and Crime Panels should produce a forward plan of work specifying, as appropriate, the information required from PCCs in order for them to carry out that work. 	<p>The Commissioner already produces a forward plan and this is published on the Commissioner’s website. At the present time consultees and background papers are listed in reports and it would in some instances to accurately predict what they might be in advance. All significant decisions are made at the Commissioner’s Executive Board, which meets in public. Papers are made available five clear working days before meetings.</p> <p>The requirement for PCPs to develop a forward plan by would be welcomed.</p>
11	The Home Secretary should conduct an urgent review of whether there are sufficient	This is a matter for the Home Secretary. Proposals have been considered by the APCC.

	powers available to take action against a PCC whose conduct falls below the standards expected of public office holders.	
12	To demonstrate an equivalent level of transparency and accountability to the Chief Constables that they oversee, the Association of Police and Crime Commissioners and Association of Policing and Crime Chief Executives should work together to host and make publicly available a list of PCC's pay and rewards, gifts and hospitality and outside business interests, including notifiable memberships, in an easily accessible format.	The information listed is all available locally, as required under the Elected Local Policing Bodies (Specified Information) Order 2012. The Home Affairs Committee have previously recommended that the Home Office establish and publish a national register, but this suggestion was not taken forward.
13	Chief Constables and PCCs should keep the arrangements for gifts, gratuities and hospitality registers and business interests, including notifiable memberships, and other employment under regular review as part of ensuring and evidencing that the Code of Ethics remains embedded in every day practice.	The OPCC registers are reviewed monthly. The OPCC CE/Monitoring Officer reviews the PCC's and the Chief Constable's declarations of gifts, gratuities and hospitality monthly.
14	Where a joint Chief Financial Officer is appointed, an explicit policy and appropriate controls should be put in place to manage any potential conflicts of interest; be made publicly available; and regularly monitored by the Joint Audit Committee.	This is not applicable in Cumbria. If it were it is acknowledged that appropriate safeguards would be required. There would also be professional expectations on the office holder.
15	Where a Joint Press/Media Officer is appointed, an explicit policy and appropriate controls should be put in place to manage any potential conflicts of interest; be made publicly available; and regularly monitored by the Joint Audit Committee.	This is not applicable in Cumbria. If it were it is acknowledged that appropriate safeguards would be required. There would also be professional expectations on the office holder.
16	The Joint Audit Committee should	Crime recording is inspected by both HMIC and Internal Audit.

	scrutinize the basis of the assurances provided as to the integrity of crime data, including the related performance management systems.	Both report their findings to the Joint Audit and Standards Committee.
17	PCCs and their Deputies should publish a register of meetings involving external stakeholders and routinely publish information about significant meetings involving external attempts to influence a public policy decision. The published information should include dates of meetings, details of attendances and meaningful descriptors of subject matter. It should normally be published within one month on their website in an easily accessible format.	The Commissioner and the OPCC maintain a Contact with Suppliers register, which is updated monthly. Meetings attended by the Commissioner are published on the website.
18	<p>All parties with responsibility for complaints should make clear and actively publicise where their responsibilities – especially in relation to actual investigations and their outcomes – begin and end.</p> <p>The implementation of the proposed changes to the police complaints and disciplinary systems should be monitored locally by PCCs and nationally by the Home Office, IPCC and HMIC.</p> <p>Responsibility for handling police complaints through local resolution should not sit with those with appellate responsibility in relation to the same complaints.</p> <p>The Home Office should consider whether or not complaints about PCCs should continue to be handled by the IPCC.</p>	<p>This recommendation is welcomed. Information in relation is published on the Commissioner’s website. In addition members of the public who telephone the OPCC are provided with appropriate advice on the process</p> <p>This recommendation is welcomed.</p> <p>This recommendation is welcomed, particularly as it reflects the position taken by the Commissioner.</p> <p>Currently only complaints involving the potential commissioning of a criminal offence are referred to the IPCC. Most complaints are dealt with by the PCP.</p>
19	<p>The Committee endorses the Home Affairs Committee’s recommendations that:</p> <ul style="list-style-type: none"> The Home Office bring forward proposals to amend the powers of commissioners to suspend or remove Chief Constable’s under Section 38(2) and 38(3) of the 	These recommendations are matters for the Home Secretary. The arguments regarding them have been well rehearsed over the last few years.

	<p>Police Reform and Social Responsibility Act 2011 by stipulating the grounds on which they may do so.</p> <ul style="list-style-type: none"> • The Home Office should also provide guidance to Commissioners on the use of their powers in both respects. In the case of a suspension there should also be a clear system of safeguards similar to those which guide suspension in respect of conduct. • Police and Crime Panels inquire and report into the circumstances whenever a Chief Constable's service is brought to an end irrespective of whether the Schedule 8 scrutiny process is formally engaged. • The Home Office bring forward proposals to extend the Schedule 8 process to include a scrutiny by the Police and Crime Panel where a Commissioner chooses not to agree to an extension of the Chief Constable's contract to bring it in line with the process for the removal of a Chief Constable. 	
20	<p>PCC's appointment procedures should comply with open and transparent appointment processes including:</p> <ul style="list-style-type: none"> • A requirement for there to be an independent member on the appointment panel set up to oversee the appointment process for Chief Constable's and senior Officer of PCC staff; and • A requirement that a criterion for selection be that the panel is satisfied that the candidates can meet the standards of the Seven Principles of Public life; • Details of the independent panel member should be published; • Where a PCC intends to appoint a deputy PCC the PCC should disclose that fact and the intended Deputy (if known) at the time of the election; • A decision to suspend or accept a 	<p>All of these recommendations are welcomed.</p> <p>It should be noted that there has been some discussion about whether legislation should be considered requiring all Commissioner's to have a deputy Commissioner and for them to stand jointly for election. It is understood that there will be no requirement for this to be the case in May 2016; although it would probably be considered good practice candidates for election in May 2016 to name their Deputy (if any) in advance of the election.</p>

	resignation of a Chief Constable or to appoint a Deputy PCC should be regarded as a decision of 'significant public interest'.	
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5. Northumbria

Dear Lord Bew

Tone from the top Leadership, ethics and accountability in policing

I welcomed your report in the summer and as a PCC value improvements that can ensure and evidence transparency in accountability, particularly for local communities. Thank you for the opportunity to comment on the recommendations in relation to Police and Crime Commissioners and find below my thoughts on the recommendations that impact on PCCs and Chief Constables and also included some local examples of how I have put these principles into action already to strengthen local confidence in accountability.

In addition as a member of the Association of Police and Crime Commissioners I have some thoughts on the recommendations that have been made for national implementation which I have included in this response, although I am aware that a comprehensive response will be made by the APCC direct to your selves.

Recommendation 1 – APCC

Although the development of a national minimum code of conduct could in theory be done quite easily but there is concern that this could be perceived as an overkill, PCCs are already subject to Nolan Principles, the Oath of Office, the Policing Protocol, joint Corporate Governance Frameworks with their force, the requirements of the Information Order, which includes a requirement to produce a statement about PCC conduct, and a structured complaints regime through Police and Crime Panels. The APCC has no powers to bind its members, so a nationally applicable minimum code would require the agreement of all members, and could not be imposed by the APCC.

Recommendation 2 – PCCs only

I would agree that all newly elected police and crime commissioners should receive an 'ethical' component in their induction awareness or training on taking up the role.

This will be of particular value to PCCs who are not from a political background where there is a clear understanding already of the principles of public life. Briefings should as you say include the seven principles of public life, the APCC Ethical Framework and the College of Policing Code of Ethics.

Following my election in 2012 I signed, along with my deputy at the time, a 'Code of Conduct' which is available on my website.

Tel No: 01768 217734

Email: commissioner@cumbria-pcc.gov.uk

www.cumbria-pcc.gov.uk

<https://www.northumbria-pcc.gov.uk/v2/wp-content/uploads/2013/10/PCC-DPCC-Code-of-Conduct.pdf>

This Code of Conduct and the commitments within it are founded on and endorse the Policing Protocol 2012 which provides that all parties will abide by the seven principles of public life, known as the Nolan Principles, as set out in the First Report of the Committee on Standards in Public Life. The code of conduct includes commitment to the seven principles and also appropriate conduct in relation to disclosure and registration of interests, conflicts of interest, disclosure of information, transparency and decision making.

Recommendation 3 - PCCs only

I would fully support and endorse that a Deputy PCC should be subject a code of conduct in the same manner of as a PCC. I also support that along with this there should be a clear understanding of the relationship that the Deputy has with other employees of the PCC and that this should be made publically available where there is a Deputy.

Recommendation 4 – APCC

Developing a memorandum of understanding between Chief constables and PCCs, has some merit, although many PCCs already have local agreements, a single agreement would struggle to encompass the different ways of working across 43 PCCs and Chief Constables. I am unsure what the LGA would add to this other than a link to the role of statutory officers which would potentially change depending on the Home Office proposed legislation with regard to the complaints process. If the recommendation is made to eliminate conflicts of interest then most areas have already made suitable arrangements to deal with this. .

Recommendation 5 - PCCs only

I am supportive of the recommendation that Joint Independent Audit Committees should publish an Annual Report in a publically accessible format setting out the external and internal audit work that they have carried out that provides assurance to the PCC, the Chief constable and the public that the committee is indeed undertaking its responsibilities and enable them to. The Joint Independent Audit committee for Northumbria has published it's Annual Report and this I available on my website.

Recommendation 6 - PCCs only

Whilst the role of the PCC in ensuring and efficient and effective police force I do work to ensure that the Chief Constable promotes ethical behaviour in Northumbria police. I would support the inclusion of this explicit requirement and my commitment to carrying out this accountability in my Police and Crime Plan, and will include in any future iteration of the document, and subsequent reporting in the Annual Report. My Plan has a commitment to community confidence and I consider this issue to be a key element of community confidence for local people.

Recommendation 8 –APCC

The narrative that supports this recommendation that there is a definition of key decision causes concern, if this is linked to recommendation 10 and the publication of a forward plan that this

Tel No: 01768 217734

Email: commissioner@cumbria-pcc.gov.uk

could change the nature of the panel's role from that of scrutiny to one which might inappropriately influence PCC decisions.

I understand that this was previously discussed by Parliament, who decided not to define the phrase to allow local flexibility.

Recommendation 10 - PCCs only

As a matter of good practice I would support that PCCS should publish a forward plan of decisions identifying the subject matter of the decision, why it is key, the meeting at which the decision should be taken, who will be consulted before the decision is taken and what reports or papers will be available for inspection. Obviously we need to undertake to carry out this recommendation with the proviso that in some cases a key decision will be subject to exemption from publication under Schedule 12A of the local government Local Government Act 1972. In addition, whilst every effort can be made to adhere to the published forward plan at any point in the year key decisions may need to be added/removed at short notice. In addition as outlined in recommendation 8, the Panel must be clear that they have a scrutiny role only and have no role in influencing a decision to be made by a PCC in advance of the decision.

It will also assist PCCS with forward planning if Police and Crime Panels provided PCCS with a forward plan specifying information that they require in order for them to carry out their work.

In Northumbria we have a forward plan for the Panel and reports are submitted to the panel in accordance with this plan whilst also responding to changes in local and national issues that may require additional information for the Panel.

Recommendation 12 – APCC

Whilst in principle the publication of a national list of PCCs pay and rewards, gifts and hospitality and register of interests this would appear to be a simple process, previously there has been concern that publication of this information in a national format would lead to a 'league table' mentality and not allow for local accountability and circumstances. In addition I am unsure that it is an appropriate use of APCC resources to collate data that is easily available and published as a result of the Specified Information Order on every PCC website across 43 forces.

Recommendation 13 PCCs & Chief Constables

This level of transparency is a key component of public confidence and I welcome the recommendation that arrangements for gifts gratuities and hospitality register together with notifiable interests are regularly reviewed and embedded in everyday practice. As a PCC I comply with the Elected Local Policing Bodies (Specified Information) Order 2011 and publish on my website information pertaining to my salary, allowances received, a register of gifts and hospitality and a register of personal interests. In addition Northumbria Police website contains information about expenses paid to the Command Team and a register of business interests across the whole force.

Recommendation 14 & 15 - PCCs & Chief Constables

In the interests of efficiency I have adopted a model where the Chief Finance Officer and a number of other key functions such as Communications are provided to my office under a

Tel No: 01768 217734

Email: commissioner@cumbria-pcc.gov.uk

service level agreement with Northumbria Police. This agreement includes a clause on conflict of interest and states that it is recognised that on occasion certain elements of service delivery may necessitate a degree of confidentiality and/or could place an individual in a position of a conflict of interests between the PCC and the Chief Constable. It is anticipated these circumstances would be rare, if at all, and would more likely involve senior personnel, typically the service lead. In such circumstances the individual must identify any concerns and bring these to the attention of the Chief Executive of the OPCC and the Assistant Chief Office within Northumbria Police. In the interests of transparency officers can if necessary also direct concerns directly with the PCC and Chief Constable who will provide direction on the matter. In rare instances, it may be necessary for the CC or the PCC to obtain independent advice. This is available on my website.

The recommendation to develop an explicit policy and appropriate controls seems to provide a 'belt and braces' solution to this business model and my office are currently developing such a policy for the relevant services to support and strengthen the Service Level Agreement. We will use the National Audit Office, Cross Government Conflicts of Interest Report published in January 2015 to help us to shape these policies.

Recommendation 16 - PCCs & Chief Constables

I would agree that there is a role for the Joint Independent Audit Committee to scrutinise crime data integrity and would expect their scrutiny of such to be a key component in their Annual report (Ref recommendation 5) as local communities need to be reassured that crime data used local police is high-quality data that allows them to establish where, when, and how often crime and anti-social behaviour (ASB) is happening. To enable the joint Independent Audit Committee to be reassured about the crime data integrity in Northumbria reports are presented to the committee on a regular basis that provide and update on progress against delivery of the action plan developed by Northumbria Police following the latest HMCI inspection of Crime Data Integrity in August 2014 and details of current compliance levels.

Recommendation 17 - PCCs only

I support his recommendation and would be happy to commit to publish information about any significant public meetings where there may be external attempts to influence a public policy decision. It may however be useful for the committee to identify what it considers to be such a decision.

Recommendation 18 - PCCs & Chief Constables

I agree that transparency in respect of complaints is vital and my website includes a clear complaints policy that outlines who and where complaints should be directed to and rights of appeal. I have been at the forefront of discussions between the Hoem Office and the IPCC to demonstrate the effectiveness of local triage in addressing complaints against police forces. As A police and Crime Commissioner I have always felt the investigation of police by police to be an anomaly which needs to be addressed by the Home Secretary if this is achieved then we will have a much clearer system for local communities to understand and have trust in. From the perspective of a PCC I do not believe that PCCs should be responsible for monitoring local complaints and disciplinary, I believe that this comes under the remit of the chief Constable who

Tel No: 01768 217734

Email: commissioner@cumbria-pcc.gov.uk

is responsible for their own officers, scrutiny by the PCC should focus on how effectively the Chief Constable carries out these duties. Complaints about the PCC are currently monitored by the Police and Crime Panel and this should continue to be the case.

Recommendation 20 - PCCs only

I support recommendation 20 and can confirm that when appointing a new Chief Constable earlier this year I met these requirements and can confirm that this did indeed provide a wholly transparent and inclusive recruitment process. As an addition I included stakeholder engagement with meeting with members of local community groups, as detailed below, I found this invaluable and would propose that the committee consider including this in any future recommendation.

The appointment process is provided on my website for public information and as you can see mirrored the recommendation.

www.northumbria-pcc.gov.uk/transparency/key-decisions/chief-constable-recruitment-process.

Following receipt of formal applications a shortlisting process took place that include a Chief Constable from a neighbouring force and an independent panel member, Chief Executive of our Community Rehabilitation Company.

To reflect that the role of Chief Constable has a wider impact beyond direct delivery of policing services I felt that it was important that local authority leaders and key stakeholders from the business, health, community and voluntary sectors were given the opportunity to meet shortlisted candidates and provide a valuable input to assist in the deliberations on the appointment of a candidate. Following these stakeholders sessions they fed back their thoughts to me in person.

The formal interview, at which the panel consisted of the members who shortlisted the candidates and the appointment was made. The Police and Crime Panel then held their confirmation hearing and were provided with a letter from the independent member outlining that the process complied with the principles of merit, fairness and openness. The letter is also available on the website.

I trust that the comments made on your recommendations will support the work of your committee in their endeavours to enhance transparency and the examples of some of the work in Northumbria may help to further shape your recommendations in the final stages of this work. If you require any further information do not hesitate to contact me.

Yours sincerely



Tel No: 01768 217734

Email: commissioner@cumbria-pcc.gov.uk

Vera Baird QC
Police and crime Commissioner for Northumbria

6. Essex

Consultation response: from Carly Fry, Assistant Director of Performance and Scrutiny on behalf of the Police and Crime Commissioner for Essex
On the matter of: *Tone from the top – leadership, ethics and accountability in policing (a report by the Committee on Standards in Public Life)*
Date: 18 November 2015

The PCC for Essex is grateful for the opportunity to respond to the proposals set out in *Tone from the top – leadership, ethics and accountability in policing*, a report by the Committee on Standards in Public Life. We have responded to the relevant proposals below.

Recommendation 1: The Association of Police and Crime Commissioners, working with the Association of Policing and Crime Chief Executives should develop a nationally agreed minimum code of conduct by the end of 2015, which all current PCCs should publicly sign up to by then, and all future PCCs on taking up office.

The PCC supports this recommendation but believes that it should incorporate the Seven Principles of Public Life. For information, the PCC has included these principles within his own ethics framework which applies to the PCC and DPCC¹.

Recommendation 2: PCCs and their Deputies should receive an ethical component as an essential part of their induction. While this should be locally tailored and delivered it should cover the Seven Principles of Public Life, the Association of Police and Crime Commissioners Ethical Framework and the College of Policing's Code of Ethics. This is to provide an understanding of ethics in practice and the role of PCCs as ethical leaders, promoting and modelling the high standards of conduct for which they hold others to account.

The PCC and DPCC support this recommendation.

¹ <http://www.essex.pcc.police.uk/ethics-and-integrity-framework/>

Recommendation 3: A Deputy PCC should be subject to the same mandatory national minimum code of conduct as PCCs and publicly available protocols should be in place for their relationships with other employees of the PCC.

The PCC and DPCC support this recommendation. In order to ensure openness and transparency, and to assure the public, both roles were included under the PCC's ethics framework.

Recommendation 4: The Association of Police and Crime Commissioners, Association of Policing and Crime Chief Executives, the National Police Chiefs' Council and Local Government Association should work collaboratively to produce a model Memorandum of Understanding between the PCC and Chief Constable to include working arrangements, recognition of the role of statutory officers and a supporting statutory officer protocol.

The PCC supports this but does not support the inclusion of the LGA in delivering this recommendation, as there is no clear requirement for them to be involved. Further, the APCC and NPCC are not routinely involved in local government affairs.

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

The PCC supports this recommendation. In Essex, the JAC is presently making plans for the production of such a report.

Recommendation 6: PCCs' responsibility for holding Chief Constables to account on behalf of the public should explicitly include holding the Chief Constable to account for promoting ethical behaviour and embedding the College of Policing's Code of Ethics. Each PCC's Police and Crime Plan should set out how they intend to do this, and their Annual Report should show delivery against the objectives set out in the plan.

For reasons of practicality and accessibility, the PCC does not support this recommendation. It would give rise to the question of setting out detailed other methods of holding the Chief Constable to account across the entire range of matters contained within the Police and Crime Plan and Annual Report, which would render both documents especially lengthy and inaccessible to the public.

Recommendation 7: The Police and Crime Commissioner Elections Order should be amended so that all candidates for the post of PCC should be required to publish their responses to the Committee’s Ethical Checklist. For the May 2016 elections all candidates should be asked to consider and answer the Checklist and the Committee will be encouraging relevant media outlets to play their part in seeking out and publicising their responses.

The PCC does not support this recommendation because there are already a number of checks and balances in place for those who can apply to stand for election. These include: not being permitted to stand if the person has ever been convicted of an imprisonable offence (even where that person was not imprisoned); if the person is the subject of a bankruptcy restrictions order or interim order; and if the person has been disqualified under the Representation of the People Act 1983, if the person has been convicted or has been reported guilty of a corrupt or illegal electoral practice or of an offence relating to donations, or under the Audit Commission Act 1998.

Recommendation 8: Drawing on existing good practice and experience, the Association of Police and Crime Commissioners, Association of Policing and Crime Chief Executives and the Local Government Association should work together to develop national guidance on the meaning of a decision of ‘significant public interest’, so that it is better understood when PCCs should publish records of such decisions.

The PCC supports this but does not support the inclusion of the LGA in delivering this recommendation, as there is no clear requirement for them to be involved. Most importantly, the involvement of the LGA in matters which they properly have no interest in, such as what a PCC determines a decision of significant public interest to be, interferes in the democratic accountability of that PCC. Local authorities have a wide range of such interpretations (for example, what senior officers and councillors can spend without recourse to a committee such as cabinet) because they determine their local priorities and councillors are accountable at the ballot box. PCCs should be no different and should not be subject to outside and improper interference.

Recommendation 9: Police and Crime Panels should review the PCC’s Annual Report in public session attended by the PCC as part of their annual scrutiny programme and make any recommendations as appropriate.

The PCC supports this recommendation and this currently does happen in Essex.

Recommendation 10: As a matter of good practice:

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

In Essex, decisions made by the PCC are published. The PCC understands the reasoning behind this recommendation. However, this would mark a significant shift for PCCs and for forces. This would, in effect, require PCCs to function in the same way as local government. While there is some attraction to this proposal, it should also be noted that such requirements on local government can cause delays in decision making. Decision making in policing-related matters, by their very nature, are often subject to changes, and would also often necessarily be 'Part B' decisions that cannot be made public for reasons related to the sensitivity of the decision in hand. Therefore, the PCC for Essex does not support this recommendation.

We do not propose to comment on the recommendation for Police and Crime Panels as this is for those panels to respond to. However, we note that this does happen in Essex.

Recommendation 11: The Home Secretary should conduct an urgent review of whether there are sufficient powers available to take action against a PCC whose conduct falls below the standards expected of public office holders.

We do not propose to comment on this recommendation as this is for the Home Secretary to respond to.

Recommendation 12: To demonstrate an equivalent level of transparency and accountability to the Chief Constables that they oversee, the Association of Police and Crime Commissioners and Association of Policing and Crime Chief Executives should work together to host and make publicly available a list of PCCs' pay and rewards, gifts and hospitality and outside business interests, including notifiable memberships, in an easily accessible format.

Tel No: 01768 217734

Email: commissioner@cumbria-pcc.gov.uk

The PCC for Essex already publishes this information on his website; however, it is unclear if the CSPL view would be that such information should not then be published on individual PCC websites. The PCC is required by law to publish a set of information under the Specified Information Order, which covers much of the recommendation. The PCC's view is that the Specified Information Order would need to be amended, and that this would be as part of a Home Office-led consultation on that order.

Recommendation 13: Chief Constables and PCCs should keep the arrangements for gifts, gratuities and hospitality registers and business interests, including notifiable memberships, and other employment under regular review as part of ensuring and evidencing that the Code of Ethics remains embedded in everyday practice.

The PCC's information as published is kept under regular review.

Recommendation 14: Where a Joint Chief Financial Officer is appointed, an explicit policy and appropriate controls should be put in place to manage any potential conflicts of interest; be made publicly available; and regularly monitored by the Joint Audit Committee.

The PCC for Essex does not have a joint CFO and so does not propose to comment on this proposal.

Recommendation 15: Where a Joint Press/Media Officer is appointed, an explicit policy and appropriate controls should be put in place to manage any potential conflicts of interest, be made publicly available, and regularly monitored by the Joint Audit Committee.

The PCC for Essex does not have a joint press or media officer with Essex Police. The PCC for Essex recognises that Essex Police and the OPCC Communications function should be independent, and thus has his own communications team who maintain open channels with Essex Police.

Recommendation 16: The Joint Audit Committee should scrutinise the basis of the assurances provided as to the integrity of crime data, including the related performance management systems.

While this is a recommendation for the JAC, the PCC notes that this could undermine the role of HMIC in this area, which the PCC for Essex made a priority on taking up office. It is not clear that the JAC has, or would be able to draw upon, the expertise necessary to gain such assurance. HMIC is, in the view of the PCC, the correct body to provide both the PCC and the JAC with such information for their scrutiny in their respective roles.

Recommendation 17: PCCs and their Deputies should publish a register of meetings with external stakeholders and routinely publish information about all significant meetings involving external attempts to influence a public policy decision. The published information should include dates of meetings, details of attendances and meaningful descriptors of subject matter. It should normally be published within one month on their website in an easily accessible format.

The PCC is required by law to publish a set of information under the Specified Information Order, which covers much of the recommendation. The PCC's view is that the Specified Information Order would need to be amended, and that this would be as part of a Home Office-led consultation on that order.

Recommendation 18: All parties with responsibility for complaints should make clear and actively publicise where their responsibilities – especially in relation to actual investigations and their outcomes – begin and end. The implementation of the proposed changes to the police complaints and disciplinary systems should be monitored locally by PCCs and nationally by the Home Office, IPCC and HMIC.

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

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

The PCC does publicise information on his responsibilities in relation to complaints. Where individuals try to make complaints that ought properly to be made to Essex Police, or are subject to appeal (as the proper route) to the IPCC, we advise complainants of this.

We understand that any changes (which are still under discussion) would be monitored locally by PCCs and nationally by the Home Office, IPCC and HMIC.

The PCC for Essex did not support having responsibility for handling police complaints through local resolution in addition to having responsibility for holding the appellate responsibility in relation to the same complaints. This was because it would be difficult to show openness and transparency.

It is not clear if: '*The Home Office should consider whether or not complaints about PCCs should continue to be handled by the IPCC*' refers to complaints about criminal matters which is the current way of working, or if it refers to all complaints, which would remove responsibility for complaints from Police and Crime Panels.

Finally, this recommendation would be helpfully expanded by including the need for a national set of guidelines for Police and Crime Panels on their role and remit within the complaints system, to be drawn up by the Home Office.

Recommendation 19: The Committee endorses the Home Affairs Committee's recommendations that:

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

This is an endorsement by the Committee on Standards in Public Life of the recommendations of another Committee, as such the PCC has no particular recommendation to make.

Conclusion

We are grateful for the opportunity to respond to this consultation. Any queries about this response should be directed, in the first instance, to:

carly.fry@essex.pnn.police.uk

7. Hampshire

Tel No: 01768 217734

Email: commissioner@cumbria-pcc.gov.uk

Consultation Response:

Tone from the top -

Leadership, ethics and accountability in policing

Response of the Police and Crime Commissioner for Hampshire and the Isle of Wight

Recommendation 1

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

Response

A move to a centrally prescribed national minimum code of conduct would be contrary to the direction elsewhere in the public service e.g. in local government, where the Localism Act 2011 abolished a national code for elected members, recognising that the content of a code should be a matter for local determination, founded on the Seven Principles of Public Life. This promotes greater ownership and accountability locally for standards of ethical conduct, and enables standards to be set that address any particular local needs.

As is indicated in the Committee's report, PCCs have similarly adopted their own local codes of conduct, appropriate to local needs, based on the Seven Principles and other ethical frameworks of particular relevance to policing. This is the case in Hampshire, where both PCC and Deputy PCC have signed an undertaking to comply with a code of conduct that is published on the PCC's website. In this context it is difficult to see what value would be added by removing such responsibility from local control and prescribing this centrally.

Recommendation 2

PCCs and their Deputies should receive an ethical component as an essential part of their induction. While this should be locally tailored and delivered it should cover the Seven Principles of Public Life, the Association of Police and Crime Commissioners Ethical Framework and the College of Policing's

Code of Ethics. This is to provide an understanding of ethics in practice and the role of PCCs as ethical leaders, promoting and modelling the high standards of conduct for which they hold others to account.

Response

Induction arrangements should include the requirements of the code of conduct to which the PCC and their Deputy PCC are subject. Induction for a PCC and their Deputy should therefore be organised locally, while encompassing the ethical elements listed.

Recommendation 3

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

Response

See Response to Recommendation 1.

Recommendation 4

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

Response

The roles of and relationship between the PCC and Chief Constable are set out in the Policing Protocol Order 2011. Should further clarification be required, including as to the role of statutory officers, this could be provided for by further amendment to the Protocol.

Recommendation 5

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

Response

Tel No: 01768 217734

Email: commissioner@cumbria-pcc.gov.uk

The publication of a Joint Audit Committee Annual Report is provided for in the CIPFA Practical Guidance for Local Authorities and Police Audit Committees (2013), generally regarded as best practice.

Recommendation 6

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

Response

As the College of Policing's Code of Ethics is a statutory code of practice, the PCC is already responsible by law for holding the Chief Constable to account for the exercise of his/her duty to have regard to it when carrying out his functions. The existing legislation enables the approach to this and the PCC's various other duties to be set out in the Police and Crime Plan, with progress included in the Annual Report.

Recommendation 7

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

Response

This is a matter for electoral law.

Recommendation 8

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

Response

The significance of this term is that decisions of “significant public interest” are published and thereby facilitate scrutiny by the Police and Crime Panel. In Hampshire & Isle of Wight, the types of decision to which this applies, together with such decisions made, are published on the PCC’s website,. Decisions are then reported quarterly to the Police and Crime Panel. The PCC and Panel are capable of taking responsibility for suitable arrangements being made locally, taking into account local needs, without central prescription being required.

Recommendation 9

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

Response

This is already provided for in S.28 of the Police Reform and Social Responsibility Act 2011.

Committee**Recommendation 10**

As a matter of good practice:

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

Response

There is a risk that introduction of this recommendation could inhibit flexibility, be resource-intensive but yet not add commensurate value to the PCC, the Police and Crime Panel, or the public. As is suggested in the response to Recommendation 8, it should be left to the PCC and Panel to decide locally what information exchange meets local requirements, rather than this being centrally prescribed.

Recommendation 11

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

Response

The opportunity to contribute to any such review would be welcome. In principle, any sanctions available should be no greater or no less than those applicable to other holders of directly elected office.

Recommendation 12

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

Response

Publication of this information is already provided for through the Elected Local Policing Bodies (Specified Information) Order. It is unclear what value would be added by creating a duplicate responsibility at a national level.

Recommendation 13

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

Response

This is already provided for through the Elected Local Policing Bodies (Specified Information) Order.

Recommendation 14

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

Response

This would be appropriate in situations where a Joint Chief Financial Officer is appointed by both PCC and Chief Constable.

Recommendation 15

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

Response

This would be appropriate in situations where a Joint Press/Media Officer is appointed by both PCC and Chief Constable.

Recommendation 16

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

Response

Consideration should be given to this at a local level having regard to the knowledge, skill set and experience required.

Recommendation 17

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

Response

Given the high volume of meetings in which both the PCC and Deputy PCC are involved, with partners and community engagement activities, there is a risk that this would introduce a level of resource-intensive activity and bureaucracy that was not commensurate with the benefit achieved.

Recommendation 18

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

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

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

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

Response

Arrangements for handling police complaints have recently been the subject of national review, the outcomes of which are due to be taken forward in forthcoming legislation.

Recommendation 19

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

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

Response

The endorsement is noted.

Recommendation 20

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

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

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

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

Response

This recommendation fails to acknowledge that PCCs' appointment procedures for Chief Constable and senior officers are, by legislation, subject to a higher level of independent scrutiny than executive positions elsewhere in the public service. This is due to the statutory requirement for a confirmation hearing before the Police and Crime Panel to take place in public, prior to any appointment being made, and for the Panel to make a report and recommendation as to whether the candidate should be appointed. The extent to which this fulfils the need for independent involvement should be assessed before further prescriptive requirements are proposed.

Disclosure of candidate information at pre-election stage is a matter for electoral law.

See response to Recommendation 8 regarding decisions of significant public interest.

8. Humberside

Office of the Police and Crime Commissioner for Humberside Committee on Standards in Public Life

Tel No: 01768 217734

Email: commissioner@cumbria-pcc.gov.uk

www.cumbria-pcc.gov.uk

Leadership, Ethics and Accountability in Policing

This is the response of the Police and Crime Commissioner for Humberside to the Committee's Recommendations.

Set out below are the comments and actions of the Police and Crime Commissioner for Humberside to the recommendations set out in the report 'Tone from the top: Leadership, ethics and accountability in policing' produced by the Committee on Standards in Public Life.

Recommendation 1:

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

Response:

Agreed – we await a nationally agreed minimum Code of Conduct and will adopt accordingly. Locally we already have a Code of Conduct for the PCC/DPCC which is signed and published on our local web-site (<http://www.humberside-pcc.gov.uk/Working-for-you/Who-We-are-and-What-We-Do/Ethical-Framework.aspx>). The Chief Executive will ensure that any incoming PCC/DPCC signs our Local Code of Conduct.

Recommendation 2:

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

Response:

Agreed – we will incorporate an ethical component in future PCC induction process.

Recommendation 3:

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

Response:

Agreed – the DPCC is subject to Police Staff Council standards of professional behaviour locally. As per Recommendation 1, both the PCC/DPCC are already signed up to our local Code of Conduct and an ethical framework).

Recommendation 4:

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

Response:

Agreed – action is required from the organisations in the recommendation.

Recommendation 5:

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

Response:

Agreed – the Chair of the Humberside Joint Independent Audit Committee (JIAC) and the full Committee members have agreed that there should be an annual report in future. The first report is in the process of being completed by the Chair of the JIAC and will cover the period from the appointment of the JIAC (from its first meeting in March 2013). It will be based on reports they receive in relation to various issues including complaints, misconduct hearings, and so on.

Recommendation 6:

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

Response:

Agreed – this will be incorporated into a future revision of our Police and Crime Plan. Our revised Police and Crime Plan will mention the need to hold the Chief Constable to account for promoting ethical behaviour – the Force will similarly need to incorporate this into their plans. The key must be to not just incorporate it, but to ensure it is a central function of both organisations, i.e. that it is clear action rather than mere words. There is

a need for all PCCs to also check whether a Chief Constable's PDR objectives (and arguably the whole force) cover the promotion of ethical behaviour and whether any local assurance frameworks are capable of assessing progress.

Recommendation 7:

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

Response:

Agreed – although we need to understand that specific media publicity is in the hands of the media and not the current PCC and/or candidates.

Recommendation 8:

No comments.

Recommendation 9:

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

Response:

Agreed – this good practice is already being followed locally. We will continue to encourage our local Police and Crime Panel to review the PCC's Annual Report and make recommendations.

Recommendation 10:

As a matter of good practice:

- PCCs should publish a forward plan of decisions identifying the subject matter of the decision, why it is key, the meeting at which the decision is due to be taken, who will be consulted before the decision is taken and what reports/papers will be available for inspection; and

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

Response:

Agreed – this good practice is already being followed locally. The OPCC has developed a Forecast of Events to compliment decision making, which is monitored by the Chief Executive regularly. This allows us to plan key future decisions, assign resources and de-conflict where necessary. The Police and Crime Panel have a forward plan of work, which was established and developed between the Chief Executive and the Police and Crime Panel Secretariat.

Recommendation 11:

No comments.

Recommendation 12:

No comments.

Recommendation 13:

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

Response:

Agreed – locally registers are already in place and discussed at weekly submissions sessions with the PCC/Deputy PCC (gifts and hospitality only) and then published on the website. We agree that arrangements for review of registers does need to be more regularised, documented and published locally. We are also looking at whether the Financial Regulations need to be strengthened/amended.

Recommendation 14:

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

Response:

Agreed – we do not currently have a Joint Chief Financial Officer, so this does not relate to our local situation. However, we feel it would be useful for the Financial Regulations to incorporate specific reference to this.

Recommendation 15:

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

Response:

Agreed – locally we do not have a Joint Press/Media Officer – our approach has always been to create a clear separation between the Media/Press Officers for the PCC and the Chief Constable. We also will not therefore need the Joint Audit Committee to monitor this.

Recommendation 16:

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

Response:

Agreed – locally our Joint Independent Audit Committee (JIAC) standard agenda includes provision to review the arrangements in place for testing/audit/assurance re crime data integrity. However, there is a need for everyone to ensure that the ‘scrutiny’ role you are proposing relates to any Joint Audit Committee being ‘assured’ in relation to ‘processes’ that the PCC has in place for their assurance, and not for them to become immersed in the detail.

Recommendation 17:

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

Response:

Good practice is already being followed locally, with both the PCC and Deputy PCC diaries being published on our website. Arrangements are also in place for the declaration of interests and Decision Records, which are published on our website along with the minutes of local governance meetings.

Recommendation 18:

All parties with responsibility for complaints should make clear and actively publicise where their responsibilities, especially in relation to actual investigations and their outcomes, begin and end. The implementation of the proposed changes to the police complaints and disciplinary systems should be monitored locally by PCCs and nationally by the Home Office, IPCC and HMIC. Responsibility for handling police complaints through local resolution should not sit with those with appellate responsibility in relation to the same complaints. The Home Office should consider whether or not complaints about PCCs should continue to be handled by the IPCC.

Response:

This recommendation requires further discussion nationally. Locally we already have details on our website regarding who deals with which complaints. In respect of changes to the complaints and disciplinary systems, consultation was recently concluded by the Home Office, with changes in legislation expected next year.

Recommendation 19:

No comments.

Recommendation 20:

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

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

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

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

Response:

Agreed – locally for the PCC, we have procedures in place that reflect these requirements, together with the arrangements for consideration and confirmation of appointments by the Police and Crime Panel. However, it is worthy of note that Schedule 1 para. 8(4) to the Police Reform and Social Responsibility Act 2011 states that “*Section 7 of the Local Govt and Housing Act 1989 (appointment of staff on merit) does not apply to the DPCC*”, so we are not sure how open and transparent an appointment process could be on that basis, unless there are plans for this to be removed from the PRSRA. The recommendation does however highlight the difficulties surrounding any Deputy PCC appointment, including whether they are a member of paid staff or not, how effective the arrangements are in practice, and so on.

9. Kent

Tone from the top - leadership, ethics and accountability in policing

Response to recommendations from the Office of the Kent Police and Crime Commissioner

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

- This is already a crowded space, as partially recognised by 1.52, 2.20-2.23, and 3.18. Commissioners already take an oath on taking Office; there is an understanding that they and their staff abide by the Nolan Principles, the Commissioner has a Code of Conduct already based upon them, and the statutory Policing Protocol binds Commissioners into abiding by the Seven Principles; and many have voluntarily signed up to the Code of Ethics, and/or have an Ethics Committee (or attend their Force's committee). In addition, the Annual Governance Statement covers in the broadest terms how PCCs operate, including their endorsement of the CIPFA/SOLACE Framework, 'Delivering Good Governance in Local Government'.

Whilst this is therefore a good headline, whether it would deliver any measurable difference is questionable. If it were to have any impact, it should at least replace much of the above.

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

- The first question is who would 'locally tailor and deliver' this? Would it be the CEO/Chief of Staff? Would it be a College of Policing product, and would we have an input in its creation?

Whilst this is essentially unobjectionable, the tone and content would have to be well crafted so as to add value and avoid being patronising.

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

- Agreed

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

- The Policing Protocol would already appear to cover parts of this, in addition to local Schemes of Consent. Providing clarity on the roles of statutory officers for both PCCs and Chief Constables would be of use to incoming PCCs however.

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

- Agreed; in Kent, this takes the form of an Annual Review which is published and monitored as per the other Audit Committee papers.

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

- Generally agreed. However, to require PCCs to carry this out does appear to stray into the territory of directing the actions of elected officials, which is against the spirit of localism and would set PCCs apart from local councillors, MPs, etc, who are not subject to central direction on how to carry out their role. Is the proposal to amend the PRSRA/Policing Protocol to make this requirement one of the 'formal functions' of a PCC?

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

- No. This is requiring a level of response from candidates - let alone elected members - that is not required for any other public office. It should either be applied to all people standing for public office, or just be encouraged as good practice. Several elements of the checklist are already required, such as providing details of pay, gifts and hospitality etc.

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

- This would be of use.

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

- Whilst this is of course a matter for PCPs, this takes place in Kent and is considered good practice.

10. As a matter of good practice:

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

- No. There is an entirely correct requirement that PCCs publish significant decisions when taken to allow scrutiny by the public and PCPs. PCCs are not local government committees: they do not need to act like them. Part of the benefit of having a single elected individual is that they are less encumbered by bureaucracy, and as long as they are subject to an appropriate level of scrutiny (which they currently are), do not need to assume a quasi-local government committee system.
- A matter for PCPs.

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

- Yes, there should be a review. However, it needs to be kept in mind that the intention of Parliament is that PCCs should be accountable to the electorate at the ballot box, and not to a PCP. The points under 3.103, that *the Committee is not recommending legislative change at this stage to empower Police and Crime Panels to censure PCCs or broaden their power to suspend PCC* are welcomed. The unfavourable comparison between the powers of a PCC in respect of their Chief Constable, and those of the PCP in respect of their PCC, is in fact a meaningless one: there is no reason why the PCP's powers should reflect those

of the PCCs in this area, as the Chief Constable is an officer of the crown directly appointed by a PCC, not an elected individual.

This is a nebulous area: who decides in what circumstances a PCCs conduct has fallen below the standards expected? It is almost impossible to legislate for.

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

- Yes. This should be a simple exercise to collate or simply link to existing materials on PCCs' websites.

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

- Yes. This is already in place in Kent.

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

- In Kent it is felt that to have a joint officer is inappropriate, and we have separate ones. It is felt that this should not be an option, given that the role is statutory and the OPCC CFO is required to be in a position of oversight/governance.

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

- Agreed; there is a similar position in Kent. Unlike the above, this is not a significant issue as it is not a statutory role and does not require the OPCC individual to exercise oversight. However, it does not need to be monitored by the JAC; this is far too low-level for such a committee.

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

- Kent has lead on this issue nationally, given the Commissioner called in HMIC to carry out the first inspection of crime data, and the Force's success in dealing with this is noted in 4.46. The scrutiny of this data takes place at all levels, and across a significant number of boards, not least the Audit committee. This recommendation could be considered both too prescriptive and restrictive; scrutiny should be broader and on-going, whilst being proportionate to the scale of the issue in each individual Force area.

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

- Whilst agreeing with the principle that PCCs should publish information about upcoming and recent meetings, there is no apparent need to be as prescriptive as this. PCCs already maintain a register of interests and a gifts/hospitality register (and in Kent a PCC diary is published) and in communicating with the public most will have arrangements similar to Kent.

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

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

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

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

- Agreed; in a complicated landscape, it is extremely important that clarity is provided to the public/complainants. More could and should be done; however, given the complexity of the situation, the number of parties involved, and the fact that it is changing, it is difficult for practitioners, let alone the public. Kent OPCC makes it clear on the website, and in correspondence, who does what; however, this only reduces, and does not eliminate, the confusion.
- Agreed, and this is in place in Kent.
- Agreed. In Kent, we were deeply uneasy at these proposals and welcome the fact they are now off the table in terms of the Government's proposals. However, it remains in place for 'immediate resolution'.
- The entire system of PCC complaints requires revision. A complaints process for individual elected members, based on the Police complaints system, administered by a local government committee, and with the involvement of the IPCC, does not and will not work.

19. The Committee endorses the Home Affairs Committee's recommendations that:

■ ■ *the Home Office bring forward proposals to amend the powers of commissioners to suspend or remove chief constables under Section 38(2) and 38(3) of the Police Reform and Social Responsibility Act 2011 by stipulating the grounds on which they may do so.*

■ ■ *the Home Office should also provide guidance to commissioners on the use of their powers in both respects. In the case of a suspension there should also be a clear system of safeguards similar to those which guide suspension in respect of conduct.*

■ ■ *Police and Crime Panels inquire and report into the circumstances whenever a chief constable's service is brought to an end irrespective of whether the Schedule 8 scrutiny process is formally engaged.*

Tel No: 01768 217734

Email: commissioner@cumbria-pcc.gov.uk

■ ■ *the Home Office bring forward proposals to extend the Schedule 8 process to include scrutiny by the police and crime panel where a commissioner chooses not to agree to an extension of the chief constables' contract to bring it in line with the process for the removal of a chief constable.*

- Further clarity on Section 38 would be welcomed by all parties.
- As above.
- No; PCPs can and should review any actions of Commissioners (as per their role under Section 38), but they should not be involved in Commissioners' work with Chief Constables generally.
- No; PCPs' role should be limited to cases where the Commissioner is proposing removal.

20. *PCCs' appointment procedures should comply with open and transparent appointment processes including:*

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

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

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

- The process for the appointment of the Chief Constable in Kent was open, transparent, and met all the requirements expected. There was an independent member appointed from the national list; two independent members; an observer from the Panel; and two HR advisors. We agree that as a minimum, there should be independent members on all the appointment panels. We also had an independent member on the appointment panel for the Chief of Staff and the CFO.
- Agreed; a demonstrable commitment to the highest standards, and a willingness to lead on ethical matters formed part of the questioning in Kent. We agree this should be standard practice.
- Agreed.
- Agreed

- Agreed.

10. Nottinghamshire

Recommendation	Response
<p>2. PCCs and their Deputies should receive an ethical component as an essential part of their induction. While this should be locally tailored and delivered it should cover the Seven Principles of Public Life, the Association of Police and Crime Commissioners Ethical Framework and the College of Policing's Code of Ethics. This is to provide an understanding of ethics in practice and the role of PCCs as ethical leaders, promoting and modelling the high standards of conduct for which they hold others to account.</p>	<p>Agreed. Deputies do not currently sign the Oath but we could incorporate this as a requirement for the role. It should however be consistent with elected individuals, including MPs.</p>
<p>3. A Deputy PCC should be subject to the same mandatory national minimum code of conduct as PCCs and publicly available protocols should be in place for their relationships with other employees of the PCC.</p>	<p>Agreed. Deputy PCCs are currently employed by the PCC, and as such comply with the Staff Code of Conduct, this could be amended.</p>
<p>5. Joint Audit Committees should publish an Annual Report in a form that is easily accessible to the public.</p>	<p>Agreed. This is in line with CIPFA guidance.</p>
<p>6. PCCs' responsibility for holding Chief Constables to account on behalf of the public should explicitly include holding the Chief Constable to account for promoting ethical behaviour and embedding the College of Policing's Code of Ethics. Each PCC's Police and Crime Plan should set out how they intend to do this, and their Annual Report should show delivery</p>	<p>Agreed. This will however require a change in legislation to reflect the recommendation as the Police Reform and Social Responsibility Act 2011 determines what should be published in the Police and Crime Plan.</p>

against the objective set out in the plan.	
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11. Suffolk

COMMITTEE ON STANDARDS IN PUBLIC LIFE – JUNE 2015

LEADERSHIP, ETHICS AND ACCOUNTABILITY IN POLICING

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

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

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

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

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

- 2) PCCs and their Deputies should receive an ethical component as an essential part of their induction. While this should be locally tailored and delivered it should cover the Seven Principles of Public Life, the Association of Police and Crime Commissioners Ethical Framework and the College of Policing's Code of Ethics. This is to provide an understanding of ethics in practice and the role of PCCs as

Tel No: 01768 217734

Email: commissioner@cumbria-pcc.gov.uk

ethical leaders, promoting and modelling the high standards of conduct for which they hold others to account.

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

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

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

Comment: There is no current Deputy PCC in Suffolk.

Action: Action noted if required.

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

Comment: Action is required from the organisations identified above.

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

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

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

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

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

Comment: The current versions of the Police and Crime Plan for 2013 – 2017 do not make explicit reference to holding the Chief Constable to account for promoting and embedding the Code of Ethics.

However the Chief Constable reported to the Audit Committee in September 2014 (Paper AC14/22) upon the implementation and embedding of the Code of Ethics. An updating report is scheduled for the Audit Committee meeting in September 2015. Thus there will be consideration by the Audit Committee, which has, amongst other things, responsibility to:

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

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

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

this Accountability AP15/24). The PCC was able to hold the Chief Constable to account upon issue and when it was formally reported to him at the and Performance Panel meeting on 28 April 2015 (Paper This meeting is the PCC's principal public accountability where its papers and minutes are freely available to the is and has been full opportunity for the PCC to hold the Chief Constable to account upon the implementation of the Code

Tel No: 01768 217734

Email: commissioner@cumbria-pcc.gov.uk

of Ethics in arrangements which allow for consideration not just by
the PCC but the Audit Committee in addition.

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

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

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

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

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

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

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

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

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

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

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

- 10) As a matter of good practice:

■ PCCs should publish a forward plan of decisions identifying the subject matter of the decision, why it is key, the meeting at which the decision is due to be taken, who will be consulted before the decision is taken and what reports/papers will be available for inspection; and

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

Comment: Police and Crime Panels were introduced by virtue of legislation which set are requirements intended is an issue

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

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

Accountability and Performance Panel and Audit Committee are published upon the PCC's website.

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

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

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

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

Comment: This is a matter for the Home Secretary.

Action: No PCC action required.

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

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

Action: No further action required from the PCC.

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

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

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

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

Comment: The PCC and Chief Constable share a Chief Finance Officer on an interim basis for the period 1 May 2015 – 30 March 2016. The arrangement has been described to and discussed with the Audit Committee. A PCC Decision Paper (27-2015) has been published and is freely available upon the PCC's website. It sets out in detail how the arrangement operates. The arrangement to manage any conflicts of interest is clearly articulated and published in the paper and further the arrangements are described in the Annual Governance Statement of the PCC.

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

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

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

Action: The recommendation is noted.

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

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

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

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

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

Comment: The recommendation is noted.

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

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

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

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

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

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Comment: The complaints landscape is very complicated and regrettably not easy to understand and navigate for practitioners and service-alike.
The PCC publishes information upon his website with regard to has responsibility for the various types of complaint which might and how they should be progressed. There are links to legislation statutory guidance pertaining to the different types of complaint. Constabulary also publishes guidance on its website for and the action they need to take. It is agreed that in view of complexity of the landscape there is a national need for and the provision of material as identified. This would best forward by national agencies to ensure that there is one source of information and nationwide consistency.
The changes nationally to complaints are either underway or still developed. As changes occur the information provided via the and Constabulary websites needs to be kept under review.
Action: The extent of information provided by the PCC through his website be constantly reviewed as changes occur.

19) The Committee endorses the Home Affairs Committee's recommendations that:

■ the Home Office bring forward proposals to amend the powers of commissioners to suspend or remove chief constables under Section 38(2) and 38(3) of the Police Reform and Social Responsibility Act 2011 by stipulating the grounds on which they may do so.

■ the Home Office should also provide guidance to commissioners on the use of their powers in both respects. In the case of a suspension there should also be a clear system of safeguards similar to those which guide suspension in respect of conduct.

■ Police and Crime Panels inquire and report into the circumstances whenever a chief constable's service is brought to an end irrespective of whether the Schedule 8 scrutiny process is formally engaged.

■ the Home Office bring forward proposals to extend the Schedule 8 process to include scrutiny by the police and crime panel where a commissioner chooses not to agree to an extension of the chief constables' contract to bring it in line with the process for the removal of a chief constable.

Comment: Noted

Tel No: 01768 217734

Email: commissioner@cumbria-pcc.gov.uk

www.cumbria-pcc.gov.uk

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

20) PCCs' appointment procedures should comply with open and transparent appointment processes including:

- a requirement for there to be an independent member on the appointment panel set up to oversee the appointments process for Chief Constables and senior Office of PCC staff; and

- a requirement that a criterion for selection be that the panel is satisfied that the candidates can meet the standards of the Seven Principles of Public Life.

- details of the independent panel member should be published.

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

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

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

recruitment
Guidance for the
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"act with integrity in line
Police Service."

Appointment was made against a series of key personal set locally and the personal competences from the Professional Framework. These included the professionalism whereby an officer should with the values and ethical standards of the

process
Police and
confirmation.

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

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The circumstances have so far been such that formal appointment processes have not been required for senior officers of the OPCC have the circumstances referred in the last two sentences recommendation above arisen.

Action: The recommendations will be noted for future reference.

11 September 2015

Ethical Checklist for PCCs

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

12. Thames Valley



**REPORT OF THE COMMITTEE ON STANDARDS IN PUBLIC LIFE:
'TONE FROM THE TOP – LEADERSHIP, ETHICS AND
ACCOUNTABILITY IN POLICING'**

**RESPONSE OF THE POLICE AND CRIME COMMISSIONER
FOR THAMES VALLEY**

RECOMMENDATIONS AND RESPONSES	
No.	
1	The Association of Police and Crime Commissioners, working with the Association of Policing and Crime Chief Executives should develop a nationally agreed minimum code of conduct by the end of 2015, which all current PCCs should publicly sign up to by then, and all future PCCs on taking up office.

	<p>PCC Response:</p> <p>Noted</p> <p>However, the Committee should note and acknowledge that upon being elected PCCs are already required to swear the ‘Oath’, i.e. the Declaration of Acceptance of Office, which incorporates a pledge to act with integrity and diligence, and to ensure transparency of decision making to allow them to be properly held to account by the public.</p> <p>Furthermore</p> <ul style="list-style-type: none"> • all PCCs and chief constables are required to act in accordance with their respective roles and responsibilities as set out in The Policing Protocol Order 2011, and • most if not all PCCs and their Chief Constables will have signed up to a joint Corporate Governance Framework (developed in part by the Association of Policing and Crime Chief Executives) applicable to their respective Offices and forces that incorporates and adopts the ‘Nolan Principles’ of good governance standards for public services. <p>This recommendation, therefore, appears to represent a duplication of existing governance safeguards.</p>
<p>2</p>	<p>PCCs and their Deputies should receive an ethical component as an essential part of their induction. While this should be locally tailored and delivered it should cover the Seven Principles of Public Life, the Association of Police and Crime Commissioners Ethical Framework and the College of Policing’s Code of Ethics. This is to provide an understanding of ethics in practice and the role of PCCs as ethical leaders, promoting and modelling the high standards of conduct for which they hold others to account.</p>
	<p>PCC Response:</p> <p>Agreed.</p> <p>The Office of the PCC will incorporate this component within the</p>

	PCC/Deputy PCC induction programme.
3	A Deputy PCC should be subject to the same mandatory national minimum code of conduct as PCCs and publicly available protocols should be in place for their relationships with other employees of the PCC.
	<p>PCC Response:</p> <p>It is accepted that the Deputy PCC should be subject to the same ethics, integrity and governance standards that apply to the PCC.</p> <p>However, see response to Q1 regarding whether a Deputy PCC should be subject to a mandatory national minimum code of conduct.</p>
4	The Association of Police and Crime Commissioners, Association of Policing and Crime Chief Executives, the National Police Chiefs' Council and Local Government Association should work collaboratively to produce a model Memorandum of Understanding between the PCC and Chief Constable to include working arrangements, recognition of the role of statutory officers and a supporting statutory officer protocol.
	<p>PCC Response:</p> <p>Agreed – <i>except for the recommended inclusion of the Local Government Association in developing the model, which would be inappropriate.</i></p> <p>This latter body has no relevant responsibility or role to play in developing a Memorandum of Understanding between a PCC and their respective Chief Constable.</p>
5	Joint Audit Committees should publish an Annual Report in a form that is easily accessible to the public.
	<p>PCC Response:</p> <p>Agreed</p> <p>(NB This recommendation replicates existing CIPFA guidance and the Thames Valley 'Joint Independent Audit Committee' already produces an 'Annual Assurance Report' for the PCC and Chief Constable which</p>

	is published on the PCC's website)
6	PCCs' responsibility for holding Chief Constables to account on behalf of the public should explicitly include holding the Chief Constable to account for promoting ethical behaviour and embedding the College of Policing's Code of Ethics. Each PCC's Police and Crime Plan should set out how they intend to do this, and their Annual Report should show delivery against the objectives set out in the plan.
	<p>PCC Response:</p> <p>Noted</p> <p>However, I am concerned that this recommendation appears to represent an inappropriate attempt to over-prescribe the functions of the PCC in a way that is not matched by requirements applicable to other elected public office holders.</p> <p>Furthermore, this recommended requirement also appears to represent a duplication of the extant 'joint Corporate Governance Framework' signed up to by PCCs and their chief constables (see response to Recommendation 1, above).</p>
7	The Police and Crime Commissioner Elections Order should be amended so that all candidates for the post of PCC should be required to publish their responses to the Committee's Ethical Checklist. For the May 2016 elections all candidates should be asked to consider and answer the Checklist and the Committee will be encouraging relevant media outlets to play their part in seeking out and publicising their responses.
	<p>PCC Response:</p> <p>Noted</p> <p>However, I am concerned that this recommendation appears to represent an inappropriate attempt to over-prescribe the PCC election process in a way that is not matched by requirements applicable to candidates in elections for other public office positions</p>
8	Drawing on existing good practice and experience, the Association of Police and Crime Commissioners, Association of Policing and Crime Chief

	Executives and the Local Government Association should work together to develop national guidance on the meaning of a decision of 'significant public interest', so that it is better understood when PCCs should publish records of such decisions.
	PCC Response: Agreed
9	Police and Crime Panels should review the PCC's Annual Report in public session attended by the PCC as part of their annual scrutiny programme and make any recommendations as appropriate.
	PCC Response: Agreed (NB This recommendation replicates an existing statutory requirement)
10	As a matter of good practice: a) PCCs should publish a forward plan of decisions identifying the subject matter of the decision, why it is key, the meeting at which the decision is due to be taken, who will be consulted before the decision is taken and what reports/papers will be available for inspection; and b) Police and Crime Panels should produce a forward plan of work specifying, as appropriate, the information required from PCCs in order for them to carry out that work.
	PCC Response: a) Not agreed My concern is that this recommendation is not practical. It appears to be based on a local government model of decision making (e.g. cabinet and/or committee meetings, scrutiny committees, etc) which does not reflect the model and actuality of PCC decision making practices, as promoted by the Home Office (e.g. dynamic and timely, proactive and reactive, as

	<p>necessary and appropriate), or the statutory requirements per legislation applicable to PCCs.</p> <p>b) Agreed</p> <p>(NB The Thames Valley Police and Crime Panel already publishes a forward plan of work)</p>
11	<p>The Home Secretary should conduct an urgent review of whether there are sufficient powers available to take action against a PCC whose conduct falls below the standards expected of public office holders.</p> <p>PCC Response: (not applicable)</p>
12	<p>To demonstrate an equivalent level of transparency and accountability to the Chief Constables that they oversee, the Association of Police and Crime Commissioners and Association of Policing and Crime Chief Executives should work together to host and make publicly available a list of PCCs' pay and rewards, gifts and hospitality and outside business interests, including notifiable memberships, in an easily accessible format.</p> <p>PCC Response:</p> <p>Agreed</p> <p>The development of a reporting format that is consistent between PCCs and with the requirements of the 'Elected Local Policing Bodies (Specified Information) Order 2011' would be beneficial.</p>
13	<p>Chief Constables and PCCs should keep the arrangements for gifts, gratuities and hospitality registers and business interests, including notifiable memberships, and other employment under regular review as part of ensuring and evidencing that the Code of Ethics remains embedded in everyday practice.</p> <p>PCC Response:</p> <p>Agreed</p>
14	<p>Where a Joint Chief Financial Officer is appointed, an explicit policy and appropriate controls should be put in place to manage any potential</p>

	conflicts of interest; be made publicly available; and regularly monitored by the Joint Audit Committee.
	<p>PCC Response:</p> <p>Agreed</p> <p>(NB This recommendation reiterates existing CIPFA guidance)</p>
15	Where a Joint Press/Media Officer is appointed, an explicit policy and appropriate controls should be put in place to manage any potential conflicts of interest, be made publicly available, and regularly monitored by the Joint Audit Committee.
	<p>PCC Response:</p> <p>Agreed</p>
16	The Joint Audit Committee should scrutinise the basis of the assurances provided as to the integrity of crime data, including the related performance management systems.
	<p>PCC Response:</p> <p>Agreed</p>
17	PCCs and their Deputies should publish a register of meetings with external stakeholders and routinely publish information about all significant meetings involving external attempts to influence a public policy decision. The published information should include dates of meetings, details of attendances and meaningful descriptors of subject matter. It should normally be published within one month on their website in an easily accessible format.
	<p>PCC Response:</p> <p>Noted</p> <p>However, my concerns about this recommendation are twofold:</p> <p>(i) Publication of information by PCCs is already subject to the</p>

	<p>requirements of the ‘Elected Local Policing Bodies (Specified Information) Order 2011’.</p> <p>(ii) The recommendation would not be practical to implement and enforce in practice due to the nature of the role and operational business model of the PCC and Deputy PCC, i.e. a model that does not involve a ‘local government cabinet / scrutiny committee’ format and process for policy development and conducting business.</p>
18	<p>All parties with responsibility for complaints should make clear and actively publicise where their responsibilities – especially in relation to actual investigations and their outcomes – begin and end.</p> <p>The implementation of the proposed changes to the police complaints and disciplinary systems should be monitored locally by PCCs and nationally by the Home Office, IPCC and HMIC.</p> <p>Responsibility for handling police complaints through local resolution should not sit with those with appellate responsibility in relation to the same complaints.</p> <p>The Home Office should consider whether or not complaints about PCCs should continue to be handled by the IPCC.</p>
	<p>PCC Response:</p> <p>Agreed</p> <p>(NB We await the Home Office announcements, due later this year, for the reform of the police complaints system)</p>
19	<p>The Committee endorses the Home Affairs Committee’s recommendations that:</p> <p>a) the Home Office bring forward proposals to amend the powers of commissioners to suspend or remove chief constables under Section 38(2) and 38(3) of the Police Reform and Social Responsibility Act 2011 by stipulating the grounds on which they may do so.</p> <p>b) the Home Office should also provide guidance to commissioners on the</p>

	<p>use of their powers in both respects. In the case of a suspension there should also be a clear system of safeguards similar to those which guide suspension in respect of conduct.</p> <p>c) Police and Crime Panels inquire and report into the circumstances whenever a chief constable's service is brought to an end irrespective of whether the Schedule 8 scrutiny process is formally engaged.</p> <p>d) the Home Office bring forward proposals to extend the Schedule 8 process to include scrutiny by the police and crime panel where a commissioner chooses not to agree to an extension of the chief constables' contract to bring it in line with the process for the removal of a chief constable.</p>
	<p>PCC Response:</p> <p>Noted</p>
20	<p>PCCs' appointment procedures should comply with open and transparent appointment processes including:</p> <p>a) a requirement for there to be an independent member on the appointment panel set up to oversee the appointments process for Chief Constables and senior Office of PCC staff; and</p> <p>b) a requirement that a criterion for selection be that the panel is satisfied that the candidates can meet the standards of the Seven Principles of Public Life.</p> <p>c) details of the independent panel member should be published.</p> <p>Where a PCC intends to appoint a deputy PCC the PCC should disclose that fact and the intended Deputy (if known) at the time of the election.</p> <p>A decision to suspend or accept a resignation of a Chief Constable or to appoint a Deputy PCC should be regarded as a decision of 'significant public interest'.</p>
	<p>PCC Response:</p> <p>Agreed that appointment procedures should be open and transparent.</p>

However, my concerns/comments about these specific recommendations are as follows:

a) Independent Members on appointment panels:

Recommendation noted, but:

- **Chief Constables - the recruitment and selection process, as set out in Home Office Circular 20/2012 and the College of Policing guidance, already requires an independent member on the appointment panel.**
- **Senior Office of PCC staff - there is no such equivalent requirement for an independent member on the appointment panel (nor is there such a requirement for equivalent senior local government posts).**
- **Deputy PCC – the post of ‘Deputy PCC’ is not a ‘politically restricted’ post within the terms of the Local Government and Housing Act 1989 and Local Government (Political Restrictions) Regulations 1990 and so the selection and appointment of a Deputy PCC by a PCC to deputise for them may be for political and personal reasons as much as based on merit.**

b) Selection criteria - Seven Principles of Public Life:

Recommendation agreed

c) Publication of details of the independent member:

Recommendation agreed – where relevant

d) Disclosure of intended appointment and name of Deputy PCC:

Recommendation agreed

e) Designation of decisions of ‘significant public interest’:

Recommendation agreed – but please note that the appointment of a Deputy PCC is already subject to a statutory ‘confirmation hearing’ held by the Police and Crime Panel

Anthony Stansfeld
Police and Crime Commissioner for Thames Valley

13. West Midlands

Please ask for : Andrea Gabbitas
Telephone Number: 0121 626 6060
wmpcc@west-midlands.pnn.police.uk

Our reference: 2015-00716



Room GC.05
1 Horse Guards Road
London
SW1A 2HQ

public@public-standards.gov.uk

17 November 2015

Dear Lord Bew

Following your consultation launched during the summer, I am happy to provide these responses to your questions.

Recommendation 2 *PCCs and their Deputies should receive an ethical component as an essential part of their induction. While this should be locally tailored and delivered it should cover the Seven Principles of Public Life, the Association of Police and Crime Commissioners Ethical Framework and the College of Policing's Code of Ethics. This is to provide an*

Tel No: 01768 217734

Email: commissioner@cumbria-pcc.gov.uk

understanding of ethics in practice and the role of PCCs as ethical leaders, promoting and modelling the high standards of conduct for which they hold others to account.

The code of ethics, principles of public life and the APCC's ethical framework formed part of the induction framework for myself and my Deputy.

Recommendation 3 *A Deputy PCC should be subject to the same mandatory national minimum code of conduct as PCCs and publicly available protocols should be in place for their relationships with other employees of the PCC.*

In the West Midlands there is not a specific protocol for relationships between the Deputy PCC and other employees. However, there is a Code of Conduct for myself and the Deputy Police and Crime Commissioner which is published on the office website (<http://westmidlands-pcc.gov.uk/media/185119/code-of-conduct-for-pcc-dpcc-board-members.pdf>). The DPCC's contract makes clear that she is bound by this code. The Code of Conduct clarifies the expected standards of conduct, including the general obligations that govern relations with other people. The Deputy Commissioner's contract also contains provisions relating to the requirement to adhere to various office policies.

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

An annual report is produced and published by our Joint Audit Committee, and is regularly considered by the West Midlands Police Command Team. The Report is published on the PCC website: <http://www.westmidlands-pcc.gov.uk/media/370714/12-ann-rep-14-15-report-act-of-audit-committee.pdf>

Recommendation 6 *PCCs' responsibility for holding Chief Constables to account on behalf of the public should explicitly include holding the Chief Constable to account for promoting ethical behaviour and embedding the College of Policing's Code of Ethics. Each PCC's Police and Crime Plan should set out how they intend to do this, and their Annual Report should show delivery against the objectives set out in the plan.*

A commitment to ensure that the Code of Ethics becomes part of "normal business" across the Force is included in my Police and Crime Plan. The Chief Constable is held to account for promoting ethics and embedding the Code of Ethics during three sessions each year. These sessions take place during meetings of the Strategic Policing and Crime Board. The Chief Constable is asked to provide information in written form in advance of the meeting, and also makes a verbal presentation which is webcast via my website. The written report is published on my website. This activity and the progress made will also be reflected in my Annual Reports.

Recommendation 10 *As a matter of good practice:*

- *PCCs should publish a forward plan of decisions identifying the subject matter of the decision, why it is key, the meeting at which the decision is due to be taken, who will be consulted before*

Tel No: 01768 217734

Email: commissioner@cumbria-pcc.gov.uk

the decision is taken and what reports/papers will be available for inspection; and

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

I publish the annual work plan for my Strategic Policing and Crime Board setting out significant decisions around budget setting, precept, Police and Crime Plan and annual report, as well as forthcoming information and performance reports. My Chief Finance Officer is working together with West Midlands Police to develop a more detailed register of forthcoming decisions which will be also published.

I have worked closely with the Police and Crime Panel to support the development of their work plan, agreeing topics for review that are of interest to the Panel and support the implementation of the Police and Crime Plan. The Panel submits requests for information to me in support of this activity.

Recommendation 13 - *Chief Constables and PCCs should keep the arrangements for gifts, gratuities and hospitality registers and business interests, including notifiable memberships, and other employment under regular review as part of ensuring and evidencing that the Code of Ethics remains embedded in everyday practice.*

In compliance with the Elected Local Policing Bodies Specified Information Order 2011 (as amended) the registers of gifts and hospitality and declarable interests are publically available on the PCC website. The Force has separate arrangements. These are both audited on a regular basis by my staff and the joint internal audit function. A joint check is also carried out of the registers held by my office and by the Chief Constable to ensure that any anomalies or risks are identified. Changes to publication duties should be considered as part of any review of the implementation of the Home Secretary's powers to require publication of "specified information".

Recommendation 14 *Where a Joint Chief Financial Officer is appointed, an explicit policy and appropriate controls should be put in place to manage any potential conflicts of interest; be made publicly available; and regularly monitored by the Joint Audit Committee.*

I have employed a dedicated Chief Finance Officer with defined responsibilities in line with statute, separate from the West Midlands Police Director of Resources. There is a clear and shared understanding of how this role operates in relation to West Midlands Police.

Recommendation 15 *Where a Joint Press/Media Officer is appointed, an explicit policy and appropriate controls should be put in place to manage any potential conflicts of interest, be made publicly available, and regularly monitored by the Joint Audit Committee.*

We do not have a joint press our media officer. I have employed a dedicated Media and Communications Manager.

Recommendation 16 *The Joint Audit Committee should scrutinise the basis of the assurances provided as to the integrity of crime data, including the related performance management systems.*

This forms part of the work programme for the Joint Audit Committee.

Recommendation 17 *PCCs and their Deputies should publish a register of meetings with external stakeholders and routinely publish information about all significant meetings involving external attempts to influence a public policy decision. The published information should include dates of meetings, details of attendances and meaningful descriptors of subject matter. It should normally be published within one month on their website in an easily accessible format.*

I do not currently publish such a register and I am concerned that the burdensome nature of this task, to provide details of all the meetings I hold every day, would far outweigh the public interest in knowing about these events. For this reason I have no plans to develop such a register. To require such publication would need to form part of any amendments to the implementation of the Home Secretary's powers to require the publication of "specified information", but would need to be considered carefully given the potential disproportionality of such a step.

Recommendation 18 *All parties with responsibility for complaints should make clear and actively publicise where their responsibilities – especially in relation to actual investigations and their outcomes – begin and end. The implementation of the proposed changes to the police complaints and disciplinary systems should be monitored locally by PCCs and nationally by the Home Office, IPCC and HMIC. Responsibility for handling police complaints through local resolution should not sit with those with appellate responsibility in relation to the same complaints. The Home Office should consider whether or not complaints about PCCs should continue to be handled by the IPCC.*

Information related to the way in which I manage complaints against my staff; against members of my Strategic Policing and Crime Board or against the Chief Constable is published on my website.

I am monitoring potential changes to the police complaints and disciplinary system and I will work with the Chief Constable to ensure that any changes are implemented effectively. For example, there have been changes to the disciplinary system whereby independent legally qualified chairs are required for all misconduct hearings from 2016 onwards. I am working with other PCCs in the region to recruit and train a highly qualified and suitable list of potential chairs.

Recommendation 20 *PCCs' appointment procedures should comply with open and transparent appointment processes including:*

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

Tel No: 01768 217734

Email: commissioner@cumbria-pcc.gov.uk

- details of the independent panel member should be published.

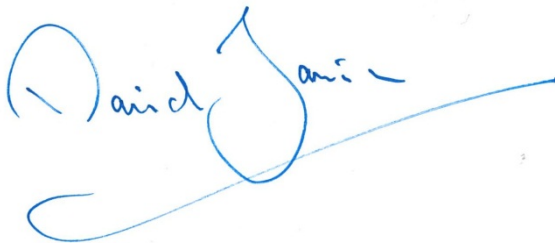
Where a PCC intends to appoint a deputy PCC the PCC should disclose that fact and the intended Deputy (if known) at the time of the election.

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

The recent appointment of a Chief Constable for the West Midlands and also the appointment of a new Chief Executive for my office were both conducted in an open and transparent and both included an independent member on the Appointment Panel. Details of the processes, including the name of interview panel members, was published. Whilst interviews did not include direct questioning on the Seven Principles of Public Life, these principles underlie the characteristics that I sought in both posts.

A requirement to publish whether a Deputy Police and Crime Commissioner will be appointed, and the name of that person if known, would require amendments to legislation. It is not clear what liabilities may arise from such a requirement. However, the name of my intended Deputy was known at the time of my election.

Yours sincerely



David Jamieson
Police and Crime Commissioner

14. Warwickshire.



25/11/2015

Response to the Consultation on the Seven Principles of Public Life (CSPL):

Recommendations from the Top: Leadership, Ethics and Accountability in Policing'

Following the Warwickshire Police and Crime Commissioner's seven-page contribution to the CSPL's consultation on the above topic, and the visit by delegates of the CSPL to the

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Office of the Warwickshire Police and Crime Commissioner, we are pleased to present our response to the report's recommendations. This response may be unique in that we have already shared it with our 'Trust, Integrity and Ethics Committee' for comment. As the CSPL request for feedback came in two separate letters, we have therefore organised our response accordingly by letter. Each recommendation in italics is followed by the relevant response from the Warwickshire Police and Crime Commissioner.

Letter 1: 'PCCs 1'

Recommendation 2

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

The Warwickshire OPCC has a Code of Conduct which should fulfil this recommendation, with any new Warwickshire PCCs or Deputy PCCs being asked to sign up to the code. This will be a good platform for compliance to an established and locally tailored ethical framework. As mentioned several times in our response to the initial CSPL consultation, where applicable as with this recommendation then the same standard should apply to Members of Parliament, Councillors and other elected representatives. As the Warwickshire OPCC Code of Conduct was only recently finalised, we have attached a copy of it and would very much welcome comments and feedback from the CSPL in order to ensure it is both effective and robust.

Recommendation 3

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

As discussed in our response to 'Recommendation 2', we would expect our Deputy PCC to sign up to the local Code of Conduct, and would be open to the concept of a mandatory national minimum code. Deputy PCCs effectively carry out the same functions as a PCC, whether in their absence or by delegation, and so it is imperative that they are held to the same high ethical standards.

Recommendation 5

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

Our Joint Audit Committee already fulfils this recommendation. An annual statement of corporate governance is essential to ensuring the transparency and public accountability of the police governance structures. We feel this recommendation could go further to define an ethical element of such annual reports, with explicit clarity on expectations for openness and accountability.

Recommendation 6

PCCs' responsibility for holding Chief Constables to account on behalf of the public should explicitly include holding the Chief Constable to account for promoting ethical behaviour and

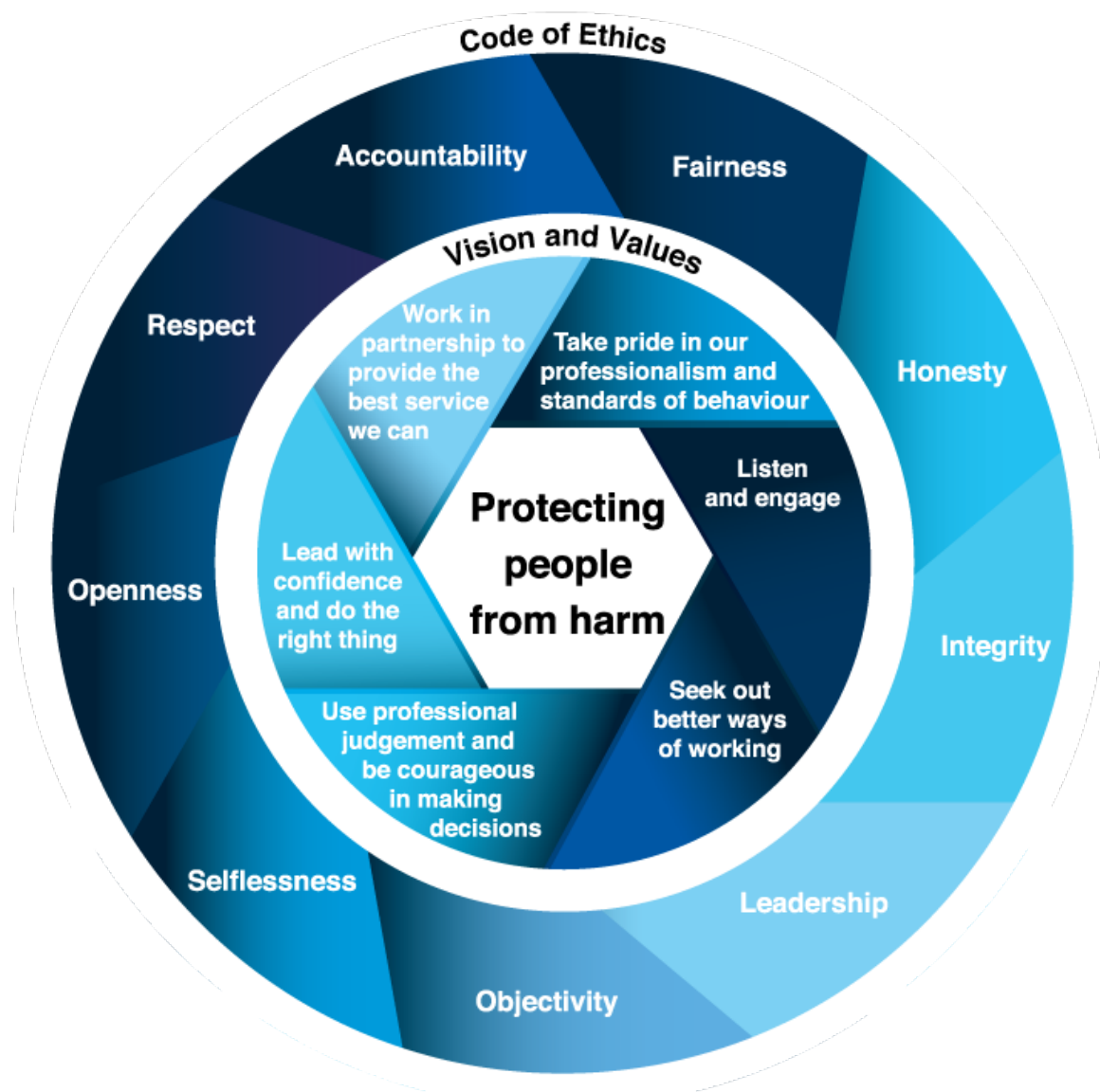
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embedding the College of Policing's Code of Ethics. Each PCC's Police and Crime Plan should set out how they intend to do this, and their Annual Report should show delivery against the objectives set out in the plan.

We accept this recommendation and intend to embed such practice into the way we hold the Chief Constable to account. As such, we will seek to include the recommended detail in the next Warwickshire Police and Crime Plan. We are due to formally challenge the Chief Constable regarding his promotion of ethical behaviour by the end of 2015. This will coincide with the outcome of the national PEEL inspection, which will include an ethical component in the 'legitimacy' section. For your interest, see below for a diagram representing the values of the Strategic Alliance of which the Code of Ethics is an all-encompassing element:



Tel No: 01768 217734

Email: commissioner@cumbria-pcc.gov.uk

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Recommendation 10

As a matter of good practice:

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

The first point appears to mirror good practice in local government where the regular committee cycle enables a process of publishing ‘expected’ decisions. Unfortunately it must be recognised that PCCs are operating in a vastly different arena. There is potential to build in a process to ensure publishing of anticipated decisions takes place but there would rarely be a great deal of notice given. There are potential difficulties with being held accountable in advance; clarity would be required as to whether the advance publishing constituted a consultation of partners and the public, or if it were indeed considered any kind of invitation to comment. We have concerns relating to if, for example, a decision was suddenly due to be made in a week, and this fact was made publicly available. There is then the risk that the same partners or members of public who follow the PCC’s work most closely could drown out the voice of the rest of Warwickshire’s residents on all matters. Finally, there are also issues of commercial confidentiality, as with estates decisions for example. We therefore have a number of reservations regarding the first point of this recommendation. Furthermore, the inspection regime for both the PCC and local police force is considerably more thorough than that of local government, and it should be noted that the PCC is already required to publish every decision made.

The second point is already in action as carried out by Warwickshire Police and Crime Panel’s ‘Planning and Performance Sub-group’. Naturally, we accept this part of the recommendation and are pleased to report that this good practice is ongoing in Warwickshire.

Recommendation 17

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

As soon as this recommendation applies to UK Members of Parliament then it should be applied to PCCs. Judging from our experience in Warwickshire, contrary to the situation in Westminster, it is extremely rare for the PCC to be actively lobbied. Nevertheless given the broad scope of this recommendation, fulfilling its requirements would require a substantial amount of work as well as greater clarity. To an extent, the Warwickshire OPCC already complies with this recommendation, in that on the PCC’s website there is a calendar function outlining in brief what the PCC’s diary looks like in coming weeks. The PCC’s activity is also summarised in the weekly blog every Friday. An issue with this recommendation is that the term ‘attempts to influence a public policy’ is too loose to inform discretion. If this recommendation were to be implemented in full, then in most instances it would have to be high level with minimal information, and would require consent for declaring interactions. Some discussions are necessarily off the record,

Tel No: 01768 217734

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particularly if relating to whistleblowing or involving more junior police officers or staff addressing concerns to the PCC about policy or practice in the county. This sentence is ambiguous in two other respects. Firstly, it does not make clear who the person making the public policy decision is; does this only relate to PCC or Deputy PCC decisions, or is it wider? Secondly, is the purpose of this recommendation still fulfilled while leaving out telephone discussions or e-mail lobbying? Finally, there are questions to be raised around how a register could be misused or misinterpreted if created in line with the ambiguous ‘attempts to influence’ language. The PCC may meet all manner of groups in the course of their work, an example being current or former criminals, and yet publishing those meetings and topics leaves the PCC open to the public and media inferring that influence has been exerted. Without proper clarification, the language of “attempts to influence” makes this recommendation untenable.

Recommendation 20

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

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

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

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

We welcome this recommendation and have evidence from our own experience to support its validity. In the past year, the Warwickshire PCC underwent a process to recruit a new Chief Constable for Warwickshire Police. Not only was an independent member placed on the appointment panel, but Warwickshire in fact organised what we believe is a first for the country: we included an existing Chief Constable on the appointment panel for a new Chief Constable. That is, in light of the Strategic Alliance between Warwickshire and West Mercia Police, the latter’s Chief Constable David Shaw was invited to join the Warwickshire PCC on the interview panel. This decision was taken in order to address what the PCC feels is a surprising gap in Chief Constable recruitment processes, that there is rarely input from any individual active in policing.

Letter 2: ‘PCCs 2’

Recommendation 13

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

The Warwickshire PCC already follows this process, and our OPCC policy is subject to annual screenings of equality impact assessment. Warwickshire and West Mercia’s Trust, Integrity and Ethics (TIE) Committee reviews the gifts and hospitality registers of the PCC, Deputy PCC, Chief Executive and OPCC Staff in Warwickshire. They also monitor the register
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of the Chief Constable of Warwickshire Police. Furthermore, the Audit Committee considers these registers while seeking assurance of financial probity, while the TIE Committee considers them as part of a broader view of ethical behaviour. Both of these Committees independently cover the PCC and Police organisations across the Strategic Alliance of Warwickshire and West Mercia.

Recommendation 14

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

While we understand that the CSPL is attempting to mitigate the issues that would arise from appointing a Joint Chief Financial Officer, the Warwickshire PCC has in fact opposed such appointments as examples of poor governance. The CSPL could go further, supported by evidence, and recommend that it is both inappropriate and ineffective for PCCs to share a Chief Financial Officer with their Chief Constable.

Recommendation 15

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

As with our response to Recommendation 14 above, the Warwickshire PCC would oppose sharing press and media functions as poor governance.

Recommendation 16

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

The Warwickshire and West Mercia OPCCs jointly support an independent Trust, Integrity and Ethics Committee. This Committee currently carries out the functions discussed in this recommendation, and we feel it is a more appropriate body to do so than the Joint Audit Committee.

Recommendation 18

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

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

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

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

The Warwickshire PCC feels that it is right that initial complaint handling, or a ‘single gateway’ for complaints should sit with the OPCC, while most investigations would be undertaken by the relevant police force. It is noted that the police complaints system is currently under review and so is subject to change within the next few years. Overall however, this recommendation appears acceptable.

15. West Yorkshire

Tone from the top: Leadership, ethics and accountability in policing

Report by the Committee on Standards in Public Life

Assessment of compliance against recommendations

		Action Owners	Comments
1	The Association of Police and Crime Commissioners, working with the Association of Policing and Crime Chief Executives should develop a nationally agreed minimum code of conduct by the end of 2015, which all current PCCs should publicly sign up to by then, and all future PCCs on taking up office.	APCC/ APACE	Due to timing of the election in 2016 would seem sensible to have all PCCs publicly sign up following this, whether re-elected or newly elected.
2	PCCs and their Deputies should receive an ethical component as an essential part of their induction. While this should be locally tailored and delivered it should cover the Seven Principles of Public Life, the Association of Police and Crime Commissioners Ethical Framework and the College of Policing's Code of Ethics. This is to provide an understanding of ethics in practice and the role of PCCs as ethical leaders, promoting and modelling the high standards of conduct for which they hold others to account	PCC/ OPPC	Need to consider how this is tailored locally and delivered when an induction is deemed unnecessary.
3	A Deputy PCC should be subject to the same mandatory national minimum code of conduct as PCCs and publicly available protocols should be in place for their relationships with other employees of the PCC.	PCC/ OPCC	Further clarity needed with regards to the protocols regarding relationships with other employees of the PCC.
4	The Association of Police and Crime Commissioners, Association of Policing and Crime Chief Executives, the National Police Chiefs' Council and Local Government Association should work collaboratively to produce a model Memorandum of Understanding between the PCC and Chief Constable to include working arrangements, recognition of the role of statutory officers and a supporting statutory officer protocol.	APCC/ APACE	A MOU was developed locally in West Yorkshire.
5	Joint Audit Committees should publish an Annual Report in a form that is easily accessible to the	JIAC	WY Annual Report is produced by the JIAC.

Tel No: 01768 217734

Email: commissioner@cumbria-pcc.gov.uk

	public.		
6	PCCs' responsibility for holding Chief Constables to account on behalf of the public should explicitly include holding the Chief Constable to account for promoting ethical behaviour and embedding the College of Policing's Code of Ethics. Each PCC's Police and Crime Plan should set out how they intend to do this, and their Annual Report should show delivery against the objectives set out in the plan.	PCC	Current WY Police & Crime Plan makes commitment to ensuring integrity amongst staff and officers. This needs expanding to specifically cover 'ethical' considerations as well. WY PCC has made a commitment in the PCC Oath to act with integrity in the role. (The oath was WY-led initiative)
7	The Police and Crime Commissioner Elections Order should be amended so that all candidates for the post of PCC should be required to publish their responses to the Committee's Ethical Checklist. For the May 2016 elections all candidates should be asked to consider and answer the Checklist and the Committee will be encouraging relevant media outlets to play their part in seeking out and publicising their responses.	HOME OFFICE	N/A
8	Drawing on existing good practice and experience, the Association of Police and Crime Commissioners, Association of Policing and Crime Chief Executives and the Local Government Association should work together to develop national guidance on the meaning of a decision of 'significant public interest', so that it is better understood when PCCs should publish records of such decisions.	APCC/ APACE	Would welcome guidance in this area – currently locally decided and based on the principles of good governance in public life.
9	Police and Crime Panels should review the PCC's Annual Report in public session attended by the PCC as part of their annual scrutiny programme and make any recommendations as appropriate.	PCP	Annual Report of PCC presented to the Police & Crime Panel on a yearly basis. Also distributed to partners and published on PCCs website.
10	As a matter of good practice: <ul style="list-style-type: none"> PCCs should publish a forward plan of decisions identifying the subject matter of the decision, why it is key, the meeting at which the decision is due to be taken, who will be consulted before the decision is taken and what reports/papers will be available for inspection; and Police and Crime Panels should produce a forward plan of work specifying, as appropriate, the information required from PCCs in order for them to carry out that work. 	PCC PCP	Although there is a Decisions Log on website – there is no forward plan of decisions. Decision making framework, decision template and record of decision template are published on our website. Have concerns about resource implications for achieving this. N/A

11	The Home Secretary should conduct an urgent review of whether there are sufficient powers available to take action against a PCC whose conduct falls below the standards expected of public office holders.	Home Office	N/A
12	To demonstrate an equivalent level of transparency and accountability to the Chief Constables that they oversee, the Association of Police and Crime Commissioners and Association of Policing and Crime Chief Executives should work together to host and make publicly available a list of PCCs' pay and rewards, gifts and hospitality and outside business interests, including notifiable memberships, in an easily accessible format.	PCC/ OPCC	Comply with the transparency required under the Elected Local Policing Body Specified Information Order. Audit undertaken to provide this assurance.
13	Chief Constables and PCCs should keep the arrangements for gifts, gratuities and hospitality registers and business interests, including notifiable memberships, and other employment under regular review as part of ensuring and evidencing that the Code of Ethics remains embedded in everyday practice.	PCC/ CC	Build into ethics component of any future Committee.
14	Where a Joint Chief Financial Officer is appointed, an explicit policy and appropriate controls should be put in place to manage any potential conflicts of interest; be made publicly available; and regularly monitored by the Joint Audit Committee.	N/A	N/A
15	Where a Joint Press/Media Officer is appointed, an explicit policy and appropriate controls should be put in place to manage any potential conflicts of interest, be made publicly available, and regularly monitored by the Joint Audit Committee.	N/A	N/A
16	The Joint Audit Committee should scrutinise the basis of the assurances provided as to the integrity of crime data, including the related performance management systems.	JAC	Covered by work of JAC.
17	PCCs and their Deputies should publish a register of meetings with external stakeholders and routinely publish information about all significant meetings involving external attempts to influence a public policy decision. The published information should include dates of meetings, details of attendances and meaningful descriptors of subject matter. It should normally be	PCC/ OPCC	Website provides diary details which covers campaigns, visits, awareness events, public surgeries

	published within one month on their website in an easily accessible format.		
18	<p>All parties with responsibility for complaints should make clear and actively publicise where their responsibilities – especially in relation to actual investigations and their outcomes – begin and end. The implementation of the proposed changes to the police complaints and disciplinary systems should be monitored locally by PCCs and nationally by the Home Office, IPCC and HMIC.</p> <p>Responsibility for handling police complaints through local resolution should not sit with those with appellate responsibility in relation to the same complaints.</p> <p>The Home Office should consider whether or not complaints about PCCs should continue to be handled by the IPCC.</p>	<p>PCC/ OPCC</p> <p>Home Office</p>	<p>PCCs website sets out responsibilities. Regular meetings with WYP with regards to complaints and included in this is the proposed changes. Update reports routinely presented by the PCC to the Police and Crime Panel.</p>
19	<p>The Committee endorses the Home Affairs Committee’s recommendations that:</p> <ul style="list-style-type: none"> the Home Office bring forward proposals to amend the powers of commissioners to suspend or remove chief constables under Section 38(2) and 38(3) of the Police Reform and Social Responsibility Act 2011 by stipulating the grounds on which they may do so. the Home Office should also provide guidance to commissioners on the use of their powers in both respects. In the case of a suspension there should also be a clear system of safeguards similar to those which guide suspension in respect of conduct. Police and Crime Panels inquire and report into the circumstances whenever a chief constable’s service is brought to an end irrespective of whether the Schedule 8 scrutiny process is formally engaged. the Home Office bring forward proposals to extend the Schedule 8 process to include scrutiny by the police and crime panel where a commissioner chooses not to agree to an extension of the chief constables’ contract to bring it in line with the process for the removal of a chief constable. 	<p>Home Office</p> <p>Home Office</p> <p>PCP</p> <p>Home Office</p>	<p>N/A</p> <p>N/A</p> <p>N/A</p> <p>N/A</p>
20	PCCs’ appointment procedures should comply with	PCC/	Robust selection process in place,

	<p>open and transparent appointment processes including:</p> <ul style="list-style-type: none"> • a requirement for there to be an independent member on the appointment panel set up to oversee the appointments process for Chief Constables and senior Office of PCC staff; and • a requirement that a criterion for selection be that the panel is satisfied that the candidates can meet the standards of the Seven Principles of Public Life. • details of the independent panel member should be published. <p>Where a PCC intends to appoint a deputy PCC the PCC should disclose that fact and the intended Deputy (if known) at the time of the election. A decision to suspend or accept a resignation of a Chief Constable or to appoint a Deputy PCC should be regarded as a decision of ‘significant public interest’.</p>	<p>OPCC</p>	<p>routinely include independent member involvement where necessary including most recently appointment of Deputy PCC and Treasurer</p> <p>Suspension of Chief Constable regarded, handled and conducted as a decision of ‘significant public interest’ following all professional and legal advice. Published on our website.</p>
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**APCC Secretariat
November 2015**



1 December 2015

Lord Paul Bew Chairman
Committee on Standards in Public Life Room GC.05
1 Horse Guards Road London
SW1A 2HQ

By email: public@public-standards.gov.uk

Dear Lord Bew

I refer to your letters regarding the Committee on Standards in Public Life report 'Tone from top - leadership, ethics and accountability in policing'.

I would like to thank the Committee for the opportunity to comment. I note that there are a series of recommendations in both letters aimed at both Police and Crime Commissioners and Chief Constables.

I would like to assure the Committee that I fully recognise and fully support the principles of ethics, accountability, transparency and governance in policing across both my Office and also the Bedfordshire Police Force.

Ethical checklist

The Declaration of Acceptance of Office which all Commissioners have to make on taking up the role commits Commissioners to acting with integrity and diligence, as well as ensuring the transparency of their decisions. Details of my pay, gifts and hospitality and business interests are already published, in line with existing requirements, and this is the same for all statutory positions within my office.

The legislative requirements for appointments to the position of Chief Constable is adhered to and through the framework set out by the College of Policing, supported by the presence of an Independent Member on the Panel, allows me to undertake a transparent and robust recruitment process. I also adopt a similar process for other senior appointments, including that of the Deputy PCC and the Chief Executive posts.

Recommendations: Specific Responses

Recommendations 2 & 3: Deputy PCCs should be subject to same mandatory minimum code of conduct as the PCC with publically available protocols and the Deputy PCC role should receive an ethical component as an essential part of this induction.

I note that there are a number of recommendations in the Committee's report which are already embedded within existing legislation, guidance, and policy. The Police Reform and

Olly Martins | Police and Crime Commissioner for Bedfordshire

Bridgebury House | Woburn Road | Kempston | Bedfordshire | MK43 9AX

Tel: 01234 842 064 | Email: pcc@bedfordshire.pnn.police.uk

Web: bedfordshire.pcc.police.uk | Twitter (personal): [@OllyMartins](https://twitter.com/OllyMartins) | Twitter: [@BedsPCC](https://twitter.com/BedsPCC)



Social Responsibility Act 2011, The Policing Protocol, The Declaration of Acceptance of Office, the Elected Local Policing Bodies Information Order 2011, and the Code of Ethics, already provide compliance requirements, controls, checks and balances, in a clear framework in which Commissioners and their Deputies have to operate within. All declarations and adherence to such documents are published on my website.

Recommendation 5: Joint Audit Committee should publish an Annual report in a form that is easily accessible to the public.

I am committed to applying and demonstrating clear, strong governance processes within my leadership role and ensure all relevant financial and governance documentation, including an Annual report, is published on our website.

Recommendation 10: PCC's should publish a forward plan of decisions identifying the subject matter of the decision, why it is key, who will be consulted, and what documentation will be available for inspection.

My Decision Making policy sets out my approach to decision making, including the range of decisions that are taken and how they are recorded. All decisions are published on the internet. However, in terms of publishing forward decisions, it should be noted that Police and Crime Commissioners are not subject to the same requirements as local authorities. It is important to note the Police and Crime Panel's role is one of retrospective scrutiny of decisions taken by Commissioners, except in respect of specific decisions defined in the legislation including setting the precept and senior appointments, of which I ensure they are advised in a timely manner.

Recommendation 14: Where a Joint Chief Financial Officer is appointed, an explicit policy and appropriate controls should be put in place to manage any potential conflicts of interest; be made publicly available; and regularly monitored by the Joint Audit Committee.

This was reviewed by the Independent Auditors prior to it being put in place; a number of recommendations were made around the governance of the situation and as a result our financial regulations were written to demonstrate the two roles held by the CFO. The Joint Audit Committee meet once a year with the independent internal and external auditors to oversee any possible conflicts of interest. There is also an agreement with a CFO from Central Bedfordshire to be used as an external assurer where required.

Recommendation 15: Where a Joint Press/Media Officer is appointed, an explicit policy and appropriate controls should be put in place to manage any potential conflicts of interest, be made publicly available, and regularly monitored by the Joint Audit Committee.

This was reviewed by the Independent Auditors prior to it being put in place. The Joint Head of Communications is responsible only for the internal communications of the PCC. The Joint Audit Committee meet once a year with the independent internal and external auditors to oversee any possible conflicts of interest and this documentation is publicly available.

Olly Martins | Police and Crime Commissioner for Bedfordshire

Bridgebury House | Woburn Road | Kempston | Bedfordshire | MK43 9AX

Tel: 01234 842 064 | Email: pcc@bedfordshire.pnn.police.uk

Web: bedfordshire.pcc.police.uk | Twitter (personal): [@OllyMartins](https://twitter.com/OllyMartins) | Twitter: [@BedsPCC](https://twitter.com/BedsPCC)



Recommendation 16: The Joint Audit Committee should scrutinise the basis of the assurances provided as to the integrity of crime data, including the related performance management systems.

The Joint Audit Committee have a forward-planned schedule of content for meetings, which incorporates receiving reports on the integrity of crime data, including related performance management systems. This schedule is reviewed and updated annually.

Thank you once again for the opportunity to comment. I note that some of the recommendations in the Committee's report are policy matters for the Home Office, and I await further opportunity to consider and comment on additional matters, should the consultation consider it necessary.

Yours sincerely

A handwritten signature in black ink that reads "Olly Martins". The signature is written in a cursive, flowing style.

Olly Martins
Police and Crime Commissioner for Bedfordshire

Olly Martins | Police and Crime Commissioner for Bedfordshire

Bridgebury House | Woburn Road | Kempston | Bedfordshire | MK43 9AX

Tel: 01234 842 064 | Email: pcc@bedfordshire.pnn.police.uk

Web: bedfordshire.pcc.police.uk | Twitter (personal): [@OllyMartins](https://twitter.com/OllyMartins) | Twitter: [@BedsPCC](https://twitter.com/BedsPCC)



Cambridgeshire
Police & Crime
Commissioner

Lord Paul Bew
Chairman
Committee on Standards in Public Life
Room GC.05
1 Horse Guards Road
London
SW1A 2HQ

By email: public@public-standards.gov.uk

17th November 2015

I refer to your letters of the 27th July 2015 regarding the Committee on Standards in Public Life report 'Tone from top – leadership, ethics and accountability in policing'.

I would like to thank the Committee for the opportunity to comment. I note that there are a series of recommendations in both letters aimed at both Police and Crime Commissioners and Chief Constables. I have chosen to address a number of overarching principles and themes as opposed to responding to each recommendation. I hope you find this acceptable.

Firstly, I do wish to assure the Committee that I fully recognise and fully support the principles of ethics, accountability, transparency and governance in policing across the board, whether this is myself as Commissioner, my appointed Chief Constable, and those in the police force and my office who serve the public.

I note that there are a number of recommendations in the Committee's report which are already enshrined in existing legislation, guidance, and policy. The Police Reform and Social Responsibility Act 2011, The Policing Protocol, The Declaration of Acceptance of Office, the Elected Local Policing Bodies Information Order 2011, and the Code of Ethics, already provide compliance requirements, controls, checks and balances, in a clear framework in which Commissioners, Chief Constables and officers have to operate within.

The breadth of the existing framework is well thought out in setting the highest standards, as opposed to a minimum standard. These bring vital clarity of roles, responsibilities and lines of accountability across the policing landscape. As such, there needs to be recognition that these requirements, as set down by Parliament, are already being exercised in respect of some of the recommendations set out by the Committee. Anything beyond those requirements which seek to codify additional detail would increase bureaucracy, limit innovation and place additional demands on resources.

By way of example, details of my pay, gifts and hospitality and business interests are already published, in line with existing requirements. The Declaration of Acceptance of Office which all Commissioners have to make on taking up the role commits Commissioners to acting with integrity and diligence, as well as ensuring the transparency of their decisions.

The legislative requirements for appointment processes are clear and proportionate, and do work. This framework enabled me to undertake a transparent and robust recruitment process for the role of Chief Constable, one which enshrines the role of a fully Independent Panel Member. However, I believe the costs of engaging an Independent Member for other recruitment processes, in addition to the existing independent confirmation, would be difficult to justify in terms of value for money.

Applying and demonstrating strong governance is a key component in any leadership role. Controls assurance, whether this is delivered through the Joint Audit Committee that acts for both the Chief Constable and myself, or the Chief Constable's independent scrutiny groups on Out of Court Disposals or Stop Search, are key to scrutinising and supporting leadership, ethics and accountability.

In terms of defining a decision of 'significant public interest', my Decision Making Policy sets out the approach to decision making, including the range of decisions that are taken and the way they are recorded. However, consideration of 'public interest' cannot be a binary test; a number of considerations, such as those in legislation and guidance, need to be weighed up. On publishing forward decisions, it should be noted that Police and Crime Commissioners are not subject to the same requirements as local authorities. This was a considered decision rather than an omission. It is important to note the Police and Crime Panel's role is one of retrospective scrutiny of decisions taken by Commissioners, except in respect of specific decisions defined in the legislation including setting the precept and senior appointments.

I note that some of the recommendations in the Committee's report are policy matters for the Home Office, such as the proposed reforms on complaint handling, and future induction arrangements for Commissioners. Any appropriate and proportionate measures that will continue to instil public confidence in policing, should be welcomed, and I await further opportunity to consider and comment on such matters.

However, I do believe that a Commissioner's Police and Crime Plan could be helpful in displaying and codifying the importance of promoting ethical behaviour and embedding the College of Policing's Code of Ethics.

To conclude, I strongly believe that all those in policing should uphold and embed the highest standards of ethical behaviour, personal conduct, and at the same time be transparent and accountable for their actions.

Yours sincerely,



Sir Graham Bright
Cambridgeshire Police and Crime Commissioner



Police & Crime
Commissioner
for Cheshire

John Dwyer

Clemonds Hey
Oakmere Road
Winsford
Cheshire
CW7 2UA

Date: 7 October 2015

Lord P Bew
Chair
Committee for Standards in Public Life
Room GC.O5
1 Horse Guards Road
LONDON
SW1A 2HQ

Our Ref:
JD/PCC/

Your Ref:

Tel: 01606 364000
Fax: 01606 364006

Email:
police.crime.commissioner@cheshire.pnn.police.uk

Dear Lord Bew,

tone from the top – leadership ethics and accountability in policing

Thank you for your letter dated 27 July 2015, inviting comments on the recommendations contained within the above report.

A full response to the recommendations is attached. I am committed to upholding the highest ethical standards and I am sure you will be pleased to note that, in Cheshire, we are already meeting many of the recommendations in the Committee's report.

Yours sincerely

John Dwyer
Police & Crime Commissioner



COMMISSIONER'S RESPONSE TO THE RECOMMENDATIONS WITHIN THE COMMITTEE ON STANDARDS IN PUBLIC LIFE'S REPORT – TONE FROM THE TOP: ETHICS, ACCOUNTABILITY AND LEADERSHIP IN POLICING

No	Committee on Standards in Public Life's recommendations	Commissioner's Response
1	<p>The Association of Police and Crime Commissioners, working with the Association of Policing and Crime Chief Executives should develop a nationally agreed minimum code of conduct by the end of 2015, which all current PCCs should publicly sign up to by then, and all future PCCs on taking up office.</p>	<p>This recommendation would require Commissioners to be subject to a more intrusive level of scrutiny than other parts of the public sector. For instance, the requirement for local Councils to adopt a national code of conduct was removed several years ago.</p> <p>I voluntarily signed up to a local Code of Conduct on my first day in office in 2012 and this Code is available on my website.</p>
2	<p>PCCs and their Deputies should receive an ethical component as an essential part of their induction. While this should be locally tailored and delivered it should cover the Seven Principles of Public Life, the Association of Police and Crime Commissioners Ethical Framework and the College of Policing's Code of Ethics. This is to provide an understanding of ethics in practice and the role of PCCs as ethical leaders, promoting and modelling the high standards of conduct for which they hold others to account.</p>	<p>Upon being elected in 2012, I received an ethical component as a part of the induction process provided by my Office and the Constabulary. The OPCC and Constabulary will provide a similar induction for the successful candidate following the PCC elections in 2016.</p>
3	<p>A Deputy PCC should be subject to the same mandatory national minimum code of conduct as PCCs and publicly available protocols should be in place for their relationships</p>	<p>My Deputy Commissioner has adopted the local Code of Conduct referred to at 1 above. A protocol on the relationship between the Commissioner/Deputy Commissioner and Officers</p>

	with other employees of the PCC.	
4	The Association of Police and Crime Commissioners, Association of Policing and Crime Chief Executives, the National Police Chiefs' Council and Local Government Association should work collaboratively to produce a model Memorandum of Understanding between the PCC and Chief Constable to include working arrangements, recognition of the role of statutory officers and a supporting statutory officer protocol.	has been adopted in Cheshire. The statutory Policing Protocol Order already outlines the roles and responsibilities of the various bodies in the police accountability landscape and how they should work together. In Cheshire, a MoU has been adopted which includes working arrangements and setting out the services the Chief Constable will provide to my Office. In respect of a statutory officer protocol, a Monitoring Officer Protocol was approved in Cheshire in September 2014 which explains the role of Statutory Officers in maintaining good governance and lawful decision making.
5	Joint Audit Committees should publish an Annual Report in a form that is easily accessible to the public.	This requirement is already outlined in CIPFA guidance. The 2014/15 Annual Report of the independent Audit & Ethics Committee is available on my website.
6	PCCs' responsibility for holding Chief Constables to account on behalf of the public should explicitly include holding the Chief Constable to account for promoting ethical behaviour and embedding the College of Policing's Code of Ethics. Each PCC's Police and Crime Plan should set out how they intend to do this, and their Annual Report should show delivery against the objectives set out in the plan.	My Police & Crime Plan makes explicit reference to embedding the Code of Ethics and I have expanded the role of the Audit Committee to an Independent Audit & Ethics Committee to support me overseeing the ethical and integrity agenda. The DPCC regularly meets the Head of Professional Standards and scrutinises the work of the Department which includes the ethical agenda. I consider details at Scrutiny Board meetings which are held in public.
7	The Police and Crime Commissioner Elections Order should be amended so that all candidates for the post of PCC should be required to publish their responses to the Committee's Ethical Checklist. For the May 2016 elections all candidates should be asked to consider and answer the Checklist and the Committee will be encouraging relevant media outlets to play their part in seeking out and publicising their responses.	Amending the Elections Order is a matter for Government, but in the interests of transparency I would be happy to publish a response to the Committee's ethical checklist.
8	Drawing on existing good practice and experience, the Association of Police and Crime Commissioners, Association	I would support the development of national guidance on the meaning of a decision of 'significant public interest' to achieve

	<p>of Policing and Crime Chief Executives and the Local Government Association should work together to develop national guidance on the meaning of a decision of 'significant public interest', so that it is better understood when PCCs should publish records of such decisions.</p>	<p>a greater degree of consistency across the country. In Cheshire, I have sought to take as many decisions as possible in public. I hold monthly Management Boards - agenda papers are published on my website and it is open to the public to attend these meetings</p>
9	<p>Police and Crime Panels should review the PCC's Annual Report in public session attended by the PCC as part of their annual scrutiny programme and make any recommendations as appropriate.</p>	<p>The requirement for the Panel to consider my Annual Report at a public meeting is already enshrined in the Police Reform and Social Responsibility Act 2011. I can confirm that this takes place in Cheshire.</p>
10	<p>PCCs should publish a forward plan of decisions identifying the subject matter of the decision, why it is key, the meeting at which the decision is due to be taken, who will be consulted before the decision is taken and what reports/papers will be available for inspection; and</p> <p>Police and Crime Panels should produce a forward plan of work specifying, as appropriate, the information required from PCCs in order for them to carry out that work.</p>	<p>I hold monthly Management Board meetings where I take as many decisions as possible in public. The public can attend these meetings and all agenda papers are published on my website, alongside a register of decisions.</p> <p>This is a matter for Police and Crime Panels.</p>
11	<p>The Home Secretary should conduct an urgent review of whether there are sufficient powers available to take action against a PCC whose conduct falls below the standards expected of public office holders</p>	<p>This is a matter for the Home Secretary to consider.</p>
12	<p>To demonstrate an equivalent level of transparency and accountability to the Chief Constables that they oversee, the Association of Police and Crime Commissioners and Association of Policing and Crime Chief Executives should work together to host and make publicly available a list of PCCs' pay and rewards, gifts and hospitality and outside business interests, including notifiable memberships, in an easily accessible format.</p>	<p>The Specified Information Order already requires me to publish certain information, including pay and allowances, a register of interests and a register of gifts and hospitality. This information is available on my website and the Home Office has previously confirmed that my Office is fully compliant with the Order.</p>

<p>13 Chief Constables and PCCs should keep the arrangements for gifts, gratuities and hospitality registers and business interests, including notifiable memberships, and other employment under regular review as part of ensuring and evidencing that the Code of Ethics remains embedded in everyday practice.</p>	<p>The Specified Information Order already requires information to be published at prescribed intervals and I am committed to keeping this information as up to date as possible.</p>
<p>14 Where a Joint Chief Financial Officer is appointed, an explicit policy and appropriate controls should be put in place to manage any potential conflicts of interest; be made publicly available; and regularly monitored by the Joint Audit Committee.</p>	<p>There is already detailed CIPFA guidance on the controls which should be put in place where a joint Chief Officer is appointed. In Cheshire, the Chief Constable and I have two separate Chief Finance Officers and their roles are clearly set out in the Scheme of Corporate Governance.</p>
<p>15 Where a Joint Press/Media Officer is appointed, an explicit policy and appropriate controls should be put in place to manage any potential conflicts of interest, be made publicly available, and regularly monitored by the Joint Audit Committee.</p>	<p>I am provided with communication and engagement services from the Constabulary's Engagement Department. A memorandum of understanding is in place setting out the required standards of service and arrangements for resolving conflicts.</p>
<p>16 The Joint Audit Committee should scrutinise the basis of the assurances provided as to the integrity of crime data, including the related performance management systems.</p>	<p>I commissioned Internal Audit to review the Constabulary's response to HMIC's Crime Data Integrity report. The Auditor's findings were presented to the Audit & Ethics Committee and significant assurance was provided on the measures implemented by the Constabulary.</p>
<p>17 PCCs and their Deputies should publish a register of meetings with external stakeholders and routinely publish information about all significant meetings involving external attempts to influence a public policy decision. The published information should include dates of meetings, details of attendances and meaningful descriptors of subject matter. It should normally be published within one month on their website in an easily accessible format.</p>	<p>This recommendation would subject Commissioner to a more intrusive level of scrutiny than others within the public sector. There is no such requirement placed on Ministers who are also executive officeholders. I am committed to openness and regularly publicise key meetings and events which I have attended via social media. I do not believe that Commissioners should be required to publish a register of meetings with external stakeholders as</p>

18	<p>All parties with responsibility for complaints should make clear and actively publicise where their responsibilities – especially in relation to actual investigations and their outcomes – begin and end.</p> <p>The implementation of the proposed changes to the police complaints and disciplinary systems should be monitored locally by PCCs and nationally by the Home Office, IPCC and HMIC.</p> <p>Responsibility for handling police complaints through local resolution should not sit with those with appellate responsibility in relation to the same complaints.</p> <p>The Home Office should consider whether or not complaints about PCCs should continue to be handled by the IPCC.</p> <p>The Committee endorses the Home Affairs Committee's recommendations that:</p> <p>the Home Office bring forward proposals to amend the powers of commissioners to suspend or remove chief constables under Section 38(2) and 38(3) of the Police Reform and Social Responsibility Act 2011 by stipulating the grounds on which they may do so.</p> <p>the Home Office should also provide guidance to commissioners on the use of their powers in both respects. In the case of a suspension there should also</p>	<p>this goes beyond the requirements placed on other elected officials and would place an additional bureaucratic burden on my office.</p> <p>I have published clear details of where complaints in relation to myself and various other office holders should be directed on my website.</p> <p>I currently await a Bill being placed before Parliament on the Government's proposed changes to the police complaints and discipline systems and will actively monitor its passage through Parliament.</p> <p>As above.</p> <p>This is a matter for the Home Office to consider.</p> <p>These are all matters for either the Home Office or the Police and Crime Panel to consider.</p>
19		

<p>be a clear system of safeguards similar to those which guide suspension in respect of conduct.</p> <p>Police and Crime Panels inquire and report into the circumstances whenever a chief constable's service is brought to an end irrespective of whether the Schedule 8 scrutiny process is formally engaged.</p> <p>the Home Office bring forward proposals to extend the Schedule 8 process to include scrutiny by the police and crime panel where a commissioner chooses not to agree to an extension of the chief constables' contract to bring it in line with the process for the removal of a chief constable.</p>	
<p>20 PCCs' appointment procedures should comply with open and transparent appointment processes including:</p> <p>a requirement for there to be an independent member on the appointment panel set up to oversee the appointments process for Chief Constables and senior Office of PCC staff; and</p> <p>a requirement that a criterion for selection be that the panel is satisfied that the candidates can meet the standards of the Seven Principles of Public Life.</p> <p>details of the independent panel member should be published.</p>	<p>My approved procedure for the recruitment appointment of Chief Constable contains provision for an Independent Member to serve on the Appointment Panel. The Independent Member will be drawn from an established list maintained by the College of Policing or the Office of the Commissioner for Public Appointments.</p> <p>Applicants' commitment to the seven principles of public life will be considered as part of any senior officer appointment process undertaken by the Commissioner.</p> <p>Agreed - when the Chief Constable appointment process was undertaken in 2014, the Independent Member provided a full</p>

	<p>Where a PCC intends to appoint a deputy PCC the PCC should disclose that fact and the intended Deputy (if known) at the time of the election.</p> <p>A decision to suspend or accept a resignation of a Chief Constable or to appoint a Deputy PCC should be regarded as a decision of 'significant public interest'.</p>	<p>report to Confirmation Hearing held by the Police and Crime Panel on the fairness and openness of the appointment process.</p> <p>It is a matter for the Home Office to decide whether this requirement should be introduced.</p> <p>This would need to be considered as part of the development of guidance on the definition of a decision of significant public interest.</p>
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**Police & Crime Commissioner for Cleveland
Cleveland Police Headquarters
Ladgate Lane
Middlesbrough
TS8 9EH**

Email: pcc@cleveland.pnn.police.uk
Website: <http://www.cleveland.pcc.police.uk>

Police and Crime Commissioner:	Barry Coppinger	Tel: 01642 301653
Chief of Staff (Chief Executive & Monitoring Officer):	Simon Dennis BA, Solicitor	Tel: 01642 301653
Chief Constable:	Jacqui Cheer QPM	Tel: 01642 301217

16 November 2015

Lord Bew
Committee on Standards in Public Life
Room GC05
1 Horse Guards Road
London
SW1A 2HQ

public@public-standards.gov.uk

Dear Lord Bew

Tone from the Top

Thank you for the opportunity to respond to the Committee's report on behalf of the Police & Crime Commissioner for Cleveland.

I am aware that the Association of Police & Crime Commissioners and the Association of Policing & Crime Chief Executives are proposing to respond to the Committee's recommendations and with that in mind, I have offered responses only to the recommendations for Commissioners and their Offices. I trust that this is in order.

Recommendation 2

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



The Police & Crime Commissioner for Cleveland is an accredited Living Wage Employer with the Living Wage Foundation.

The Cleveland OPCC would propose to include suitable content in the induction provided to the incoming Commissioner following the forthcoming election and of course, to any Deputy Commissioner the PCC may appoint at any stage.

Recommendation 5

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

The Cleveland Joint Audit Committee is pleased to have produced an annual report since its inception. It is accessible via the Cleveland OPCC website.

Recommendation 6

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

The Police & Crime Commissioner for Cleveland respectfully agrees with this recommendation but simultaneously respects the right and obligation of PCCs to formulate their Police & Crime Plans and Annual Reports in a manner which is right for their local circumstances. The Police & Crime Commissioner for Cleveland has included key content in his Police & Crime Plan in relation to the Code of Ethics and the link role between the Chief Officer and the statutory Chief Executive in relation to organisational ethics.

Recommendation 7

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

The OPCC will take steps to draw candidates' attention to the Checklist during the course of the forthcoming election campaign.

Recommendation 9

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

The Commissioner's Annual Report has already, hitherto, been scrutinised in public by the Cleveland Police & Crime Panel.

Recommendation 10

As a matter of good practice:

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

The Commissioner and the Panel in Cleveland, already include forward plan and key decision documentation in their respective papers to meetings of the Panel.

Recommendation 13

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

The Commissioner has committed to meeting and where possible exceeding the statutory transparency requirements and in this context has, for example, published expenses, expenditure, gifts and hospitality information in respect of statutory officers as well as his own. The Commissioner also supports the Chief Constable's initiative of inviting scrutiny of chief police officer expenses by the Cleveland internal Ethics Committee.

Recommendations 14 & 15

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

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

The Commissioner agrees with these recommendations and although no joint Chief Finance Officer provision is in place in Cleveland, there is a collaboration agreement in place for sharing PCC CFO provision with a neighbouring OPCC. Under that arrangement, there is a clear and very proper understanding that the public interest would be prioritised in the event of conflict of interest (or significant risk thereof) being at large. Similarly, there are established and clearly-understood working conventions in place for joint provision of communications professional support – further work will be undertaken on draft documentation already in place to support these conventions and to ensure that a suitable protocol is formally adopted in due course.

Recommendation 16

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

It is understood that the Joint Cleveland Audit Committee supports this recommendation and further consideration will be given to how best to discharge the remit.

Recommendation 17

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

The Commissioner presently publishes his diary of engagements in its entirety and ensures that it is prominently accessible on the PCC website.

Recommendation 18

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

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

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

The Police & Crime Commissioner for Cleveland agrees with this recommendation and depending upon the detail of the finalised scheme of changes to the complaints system, will ensure that the local arrangements for complaints are clear for the benefit of those residents who may wish to express dissatisfaction. In the meantime, the Commissioner continues to support the 'complaints triage' function established to facilitate early contact with claimants and exploration of the potential for rapid resolution of concerns.

Recommendation 20

PCCs' appointment procedures should comply with open and transparent appointment processes.

The Commissioner agrees with this recommendation.

On the Commissioner's behalf, I hope that these responses are of use and interest.

With kind regards

Yours sincerely

A handwritten signature in black ink, appearing to read 'Simon Dennis', with a stylized flourish at the end.

Simon Dennis
Chief of Staff

Richard Rhodes
Police and Crime Commissioner for Cumbria
Carleton Hall
Penrith CA10 2AU



Lord Bew
Chair
Committee on Standards in Public Life
Room GC.05
1 Horse Guards Road
London
SW1A 2HQ

In case of enquiry please
contact: S. Edwards
Tel: 01768 217734
Email: commissioner@cumbria-pcc.gov.uk

www.cumbria-pcc.gov.uk

Our Ref:
Your Ref:

Date: 16 November 2015

Dear Sir

Tone from the Top – Leadership, Ethics and Accountability in Policing

I refer to the Tone from the Top report which was provided to the Police and Crime Commissioner.

We welcome the opportunity to respond to the report, the ethical checklist and the 20 recommendations contained therein. Appended to this letter is a table detailing the ethical checklist, the recommendations and our response to each of them.

Earlier this year the Chief Constable and I appointed an independent Ethics and Integrity Panel. Part of their role is to oversee areas of business such as code of conduct and arrangements for gifts and hospitality.

Yours sincerely

Richard Rhodes
Police and Crime Commissioner

Tel No: 01768 217734

Email: commissioner@cumbria-pcc.gov.uk

www.cumbria-pcc.gov.uk

Ethical Checklist	
CSPL Recommendation	Monitoring Officer Response
1. Will your Police and Crime Plan for 2016-7 include a commitment to hold the Chief Constable explicitly to account for promoting ethical behaviour and embedding the College of Policing's Code of Ethics?	This recommendation, like all five of the recommendations in the CSPL Checklist, apply are decisions for the Police and Crime Commissioner elected in May 2016. From a Monitoring Officer's perspective it would appear to be a reasonable recommendation.
2. Will you publicly commit to abide by a code of conduct once that has been adopted by the Association of Police and Crime Commissioners?	On election all Commissioners swear an Oath of Office. In Cumbria the Commissioner has signed up to an Ethical Framework for Police and Crime Commissioners developed by the Association of Police and Crime Commissioners (APCC), a local Code of Conduct (which includes a commitment to adhere to "The Seven Principles of Public Life"), an Anti-Discrimination Code of Conduct and a Commissioner-Officer Protocol. Any monitoring officer would expect a Commissioner to commit to abide by a code of conduct developed by the APCC.
3. Will you require the same of any Deputy you appoint?	There is no Deputy Commissioner in Cumbria. If there were the same, high standards of behavior would be expected as of a Commissioner and is catered for within the current protocols.
4. When making appointments of Chief Constable, Deputy PCC or senior staff to your office will you ensure open and transparent appointment processes and include an independent external member on the appointing panel?	When a new Chief Constable was appointed in 2014 the appointment panel included an external independent member drawn from a list held by the College of Policing. The external independent member produced a report for consideration by the Police and Crime Panel (PCP). The other members of the Panel were drawn from different sectors, geographical areas and political groups. The same approach would be taken to the appointment of senior staff within the Commissioner's Office (OPCC).
5. Will you publish, in an easily accessible format, details of your pay and rewards, gifts and hospitality received, your business interests and notifiable memberships?	This information is already made available via the Commissioner's website, as required by the Elected Local Policing Bodies (Specified Information) Order 2012.

2.4. The Committee's Recommendations:

	C.S.P.L Recommendation	Response
1	The Association of Police and Crime Commissioners, working with the Association of Policing and Crime Chief Executives should develop a nationally agreed minimum code of conduct by the end of 2015, which all current PCC's should publically sign up to by then; and all future PCC's on taking up office.	This recommendation would be welcomed. At the present time we have a locally developed Code of Conduct, supported by an Anti-Discrimination Code of Conduct and a Commissioner-Officer Protocol. The Commissioner, like all Commissioners, has signed an Oath of Office. He has also committed to the Ethical Framework developed by the APCC.
2	PCC's and their deputies should receive an ethical component as an essential part of their induction. While this should be locally tailored and delivered it should cover the Seven Principles of Public Life, the Association of Police and Crime Commissioners Ethical Framework and the College of Policing's Code of Ethics. This is to provide an understanding of ethics in practice and the role of PC's as ethical leaders, promoting and modelling the high standards of conduct for which they hold others to account.	All of these things will be included in the induction programme following the PCC election in 2016.
3	A Deputy PCC should be subject to the same mandatory national minimum code of conduct as PCC's and publically available protocols should be in place for their relationships with other employees of the PCC.	The development of a new Code of Conduct refers back to Recommendation 1, but would be adopted in Cumbria. A Deputy Commissioner would be subject to the same codes and protocols as the Commissioner they supported.
4	The Association of Police and Crime Commissioners, Association of Policing and Crime Chief Executives, the National Police Chiefs' Council and Local Government Association should work collaboratively to produce a model Memorandum of Understanding between the PC and Chief Constable to include working arrangements, recognition of the role of statutory officers and a supporting statutory officer protocol.	This recommendation is welcomed.
5	Joint Audit Committees should publish an Annual Report in a form that is easily accessible to the public.	Locally the Joint Audit and Standards Committee already produce an annual report which is available on the Commissioner's website (via the Committee's page). It is also presented to

		the PCP for their consideration.
6	PCC's responsibility for holding Chief Constables to account on behalf of the public should explicitly include holding the Chief Constable to account for promoting ethical behavior and embedding the College of Policing's Code of Ethics. Each PCC's Police and Crime Plan should set out how they intend to do this, and their Annual Report should show delivery against the objectives set out in the plan.	Locally the Commissioner has been updated by the Chief Constable on implementation of the Code of Ethics and external assurance has been received from Her Majesty's Inspectorate of Constabulary (HMIC) through positive comments on implantation of the Code by the Constabulary. Inclusion of the Code of Ethics in the Police and Crime Plan refers back the first recommendation in the Ethical Checklist, which would be supported. The Commissioner has appointed an Ethics and Integrity Panel who as part of their remit monitor the implementation and compliance with the Code of Ethics.
7	The Police and Crime Commissioner Elections Order should be amended so that all candidates for the post of PCC should be required to publish their responses to the Committee's Ethical Checklist. For the May 2016 elections all candidates should be asked to consider and answer the Checklist and the Committee will be encouraging relevant media outlets to play their part in seeking out and publicising their responses.	The CSPL has indicated that it will write to all candidates for the Police and Crime Commissioner elections scheduled for May 2016 asking them to respond to the recommendations in the CSPL Ethical Checklist.
8	Drawing on existing good practice and experience, the Association of Police and Crime Commissioners, Association of Policing and Crime Chief Executives and the Local Government Association should work together to develop national guidance on the meaning of a decision of "significant public interest", so that it is better understood when PPCs should publish records of such decisions.	This recommendation is welcomed.
9	Police and Crime Panels should review the PCC's Annual Report in public session attended by the PCC as part of their annual scrutiny programme and make recommendations as appropriate.	This already happens in Cumbria.
10	As a matter of good practice: <ul style="list-style-type: none"> PCCs should publish a forward plan of decisions identifying the subject matter of the decision, why it is key, the meeting at which the decision is due to be taken, who will be consulted before the decision is taken and what reports/papers will be 	The Commissioner already produces a forward plan and this is published on the Commissioner's website. At the present time consultees and background papers are listed in reports and it would in some instances to accurately predict what they might be in advance. All significant decisions are made at the Commissioner's Executive Board, which meets in public.

	<p>available for inspection; and</p> <ul style="list-style-type: none"> Police and Crime Panels should produce a forward plan of work specifying, as appropriate, the information required from PCCs in order for them to carry out that work. 	<p>Papers are made available five clear working days before meetings.</p> <p>The requirement for PCPs to develop a forward plan by would be welcomed.</p>
11	The Home Secretary should conduct an urgent review of whether there are sufficient powers available to take action against a PCC whose conduct falls below the standards expected of public office holders.	This is a matter for the Home Secretary. Proposals have been considered by the APCC.
12	To demonstrate an equivalent level of transparency and accountability to the Chief Constables that they oversee, the Association of Police and Crime Commissioners and Association of Policing and Crime Chief Executives should work together to host and make publicly available a list of PCC's pay and rewards, gifts and hospitality and outside business interests, including notifiable memberships, in an easily accessible format.	The information listed is all available locally, as required under the Elected Local Policing Bodies (Specified Information) Order 2012. The Home Affairs Committee have previously recommended that the Home Office establish and publish a national register, but this suggestion was not taken forward.
13	Chief Constables and PCCs should keep the arrangements for gifts, gratuities and hospitality registers and business interests, including notifiable memberships, and other employment under regular review as part of ensuring and evidencing that the Code of Ethics remains embedded in every day practice.	The OPCC registers are reviewed monthly. The OPCC CE/Monitoring Officer reviews the PCC's and the Chief Constable's declarations of gifts, gratuities and hospitality monthly.
14	Where a joint Chief Financial Officer is appointed, an explicit policy and appropriate controls should be put in place to manage any potential conflicts of interest; be made publicly available; and regularly monitored by the Joint Audit Committee.	This is not applicable in Cumbria. If it were it is acknowledged that appropriate safeguards would be required. There would also be professional expectations on the office holder.
15	Where a Joint Press/Media Officer is appointed, an explicit policy and appropriate controls should be put in place to manage any potential conflicts of interest; be made publicly available; and regularly monitored by the Joint Audit Committee.	This is not applicable in Cumbria. If it were it is acknowledged that appropriate safeguards would be required. There would also be professional expectations on the office holder.
16	The Joint Audit Committee should scrutinize the basis of the assurances provided as to the integrity of crime data, including the related performance management systems.	Crime recording is inspected by both HMIC and Internal Audit. Both report their findings to the Joint Audit and Standards Committee.
17	PCCs and their Deputies should publish a register of meetings involving external stakeholders and routinely publish information about significant meetings involving external attempts to influence a public policy decision. The published information should include dates of meetings, details of attendances and meaningful descriptors of subject matter. It	The Commissioner and the OPCC maintain a Contact with Suppliers register, which is updated monthly. Meetings attended by the Commissioner are published on the website.

	should normally be published within one month on their website in an easily accessible format.	
18	<p>All parties with responsibility for complaints should make clear and actively publicise where their responsibilities – especially in relation to actual investigations and their outcomes – begin and end.</p> <p>The implementation of the proposed changes to the police complaints and disciplinary systems should be monitored locally by PCCs and nationally by the Home Office, IPCC and HMIC.</p> <p>Responsibility for handling police complaints through local resolution should not sit with those with appellate responsibility in relation to the same complaints.</p> <p>The Home Office should consider whether or not complaints about PCCs should continue to be handled by the IPCC.</p>	<p>This recommendation is welcomed. Information in relation is published on the Commissioner’s website. In addition members of the public who telephone the OPCC are provided with appropriate advice on the process</p> <p>This recommendation is welcomed.</p> <p>This recommendation is welcomed, particularly as it reflects the position taken by the Commissioner.</p> <p>Currently only complaints involving the potential commissioning of a criminal offence are referred to the IPCC. Most complaints are dealt with by the PCP.</p>
19	<p>The Committee endorses the Home Affairs Committee’s recommendations that:</p> <ul style="list-style-type: none"> • The Home Office bring forward proposals to amend the powers of commissioners to suspend or remove Chief Constable’s under Section 38(2) and 38(3) of the Police Reform and Social Responsibility Act 2011 by stipulating the grounds on which they may do so. • The Home Office should also provide guidance to Commissioners on the use of their powers in both respects. In the case of a suspension there should also be a clear system of safeguards similar to those which guide suspension in respect of conduct. • Police and Crime Panels inquire and report into the circumstances whenever a Chief Constable’s service is brought to an end irrespective of whether the Schedule 8 scrutiny process is formally engaged. • The Home Office bring forward proposals to extend the Schedule 8 process to include a scrutiny by the Police and Crime Panel where a Commissioner chooses not to agree to an extension of the Chief Constable’s contract to bring it in line with the process for the removal of a Chief Constable. 	<p>These recommendations are matters for the Home Secretary. The arguments regarding them have been well rehearsed over the last few years.</p>
20	<p>PCC’s appointment procedures should comply with open and transparent appointment processes including:</p> <ul style="list-style-type: none"> • A requirement for there to be an independent member on the appointment panel set up to oversee the appointment process for Chief Constable’s and senior Officer of PCC staff; and • A requirement that a criterion for selection be that the panel is satisfied that the candidates can meet the standards of the 	<p>All of these recommendations are welcomed.</p> <p>It should be noted that there has been some discussion about whether legislation should be considered requiring all Commissioner’s to have a deputy Commissioner and for them to stand jointly for election. It is understood that there will be no requirement for this to be the case in May 2016; although it would</p>

	<p>Seven Principles of Public life;</p> <ul style="list-style-type: none"> • Details of the independent panel member should be published; • Where a PCC intends to appoint a deputy PCC the PCC should disclose that fact and the intended Deputy (if known) at the time of the election; • A decision to suspend or accept a resignation of a Chief Constable or to appoint a Deputy PCC should be regarded as a decision of 'significant public interest'. 	<p>probably be considered good practice candidates for election in May 2016 to name their Deputy (if any) in advance of the election.</p>
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Alan Charles
Police and Crime Commissioner for Derbyshire
Butterley Hall
Ripley
Derbyshire
DE5 3RS

t: 0300 122 6000

pccoffice@derbyshire.pnn.police.uk

www.derbyshire-pcc.gov.uk

Lord Bew
Chair, Committee on standards in Public Life

Via Email: public@public-standards.gov.uk

Dear Lord Bew,

Tone from the top – leadership, ethics and accountability in policing

I am writing to you further to your letters of 27th July 2015 formally requesting my full and considered response to a number of recommendations contained within the Committee on Standards in Public Life report *Tone from the top – leadership, ethics and accountability in policing*.

One of your letters referred specifically to Police and Crime Commissioners and their offices, whilst the other contained recommendations for both PCCs and Chief Constables. In my response to the latter I have limited my response to one from a PCC perspective as I understand the Chief Constable will be responding on his own behalf.

Before addressing the individual recommendations I would refer you to the Derbyshire Police and Crime Commissioner Ethical Framework adopted within my office in April 2014. As would be expected from a committee such as the Committee on Standards in Public Life there are many references to the Seven Principles of Public Life, or Nolan Principles, and my ethical framework seeks to highlight how I, and my office, aim to meet these core standards and provide evidence of this for public scrutiny. I would commend this document to you as a starting point when seeking to understand how I ensure that I discharge my statutory responsibilities in an ethical and accountable way.

<http://www.derbyshire-pcc.gov.uk/Document-Library/Transparency/Public-Information/Ethical-Framework/Decision-14-14.pdf>

Recommendation 2

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

It is an opportune time to look at this particular recommendation as my office is in the early stages of preparing for the PCC elections in 2016. As I have indicated that I do not intend to stand the office is working on a full induction program for the incoming PCC. (This will need to be very flexible as we have no idea what experience or knowledge of policing they will have, if any.) My office is also preparing information for prospective candidates that will include our local ethical framework and links to the College

of Policing's Code of Ethics. Our local approach to the Code of Ethics is to ensure staff understand how these relate to our well embedded Core Values, that are widely understood across Derbyshire Constabulary. If the APCC or College of Policing produce any specific material, guidance or training this will, of course, be offered to the incoming PCC (and their deputy if there is one) and it will be suggested that they might benefit for undertaking any such training.

Recommendation 3

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

Totally agree with this recommendation, after all in my absence my deputy is the de facto PCC. My Deputy has sworn the same oath and signed the same code of conduct that I have, which is published on my website.

<http://www.derbyshire-pcc.gov.uk/Document-Library/Public-Information/Code-of-conduct-signed-by-HD.pdf>

Recommendation 5

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

Wholeheartedly agree and ours does in Derbyshire!

<http://www.derbyshire-pcc.gov.uk/Document-Library/Meetings/JARAC/July-2015/Agenda-Item-8B-Appendix-A-JARAC-annual-report-14-15-fv.pdf>

Recommendation 6

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

Whilst I understand the rationale behind this objective I would have to say I feel that this could be a duplication of existing work. HMIC's PEEL (Police Efficiency Effectiveness & Legitimacy) assessment looks specifically at this within the L – Legitimacy Pillar. This seeks to assess whether a force operates fairly, ethically and within the law. The 2015 Legitimacy questions include:

- To what extent does practice and behaviour reinforce the wellbeing of staff and an ethical culture?
- How well does the force develop and maintain an ethical culture?
- How well does the force provide for the wellbeing of staff?
- How well has the Code of Ethics been used to inform policy and practice?
- How fairly and consistently does the force deal with complaints and misconduct?

I would therefore question the need to replicate this locally as the PCC has a statutory duty to respond to HMIC's reports and any recommendations or comments will surely form the basis of discussions with the Chief Constable about any action plans required to address any concerns raised, or to offer external, independent, assurance that the force is indeed operating in an ethical manner.

I also sound a note of caution about over reliance on the Code of Ethics. Whilst this may be a fairly new framework, the types of behaviours are certainly not new within Derbyshire. In their 2014 PEEL Inspection HMIC found that '*Derbyshire Constabulary has invested in a wide range of measures to promote and instil ethical and professional behaviour.*' This is based on an assessment of the Force Values which were seen (and evidenced) throughout the organisation and which, I believe go above and beyond the Code of Ethics.

Recommendation 10

As a matter of good practice:

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

My office and decision making process is based around a Strategic Governance Board (SGB) meeting that occurs 11 times a year. An annual forward plan for areas of scrutiny and reporting is produced in conjunction with the Force and the next four months of the plan are reported to each SGB meeting. This includes any known decision making requirements. Papers for the meeting are published during the preceding week to an SGB so any related reports are available to the public for scrutiny (some full reports are excluded due to commercial sensitivities or issues relating to operational or covert policing, but in these cases an oversight report is available). All decisions are recorded on my website, along with accompanying reports (subject to the exclusions highlighted above). This is both a requirement of The Elected Local Policing Bodies (Specified Information) Order 2011 (amended 2012), but also as part of my commitment to the public of Derbyshire to ensure my decision making process is as open and transparent as possible.

<http://www.derbyshire-pcc.gov.uk/Transparency/PCC-Decison-Making/PCC-Decision-Making.aspx>

Whilst I am not in a position to comment on what requirements should be placed on Police and Crime Panels, I am able to say that locally we have worked closely with the Panel to design a performance framework that gives a timetable for areas of scrutiny. Fortunately my Police and Crime plan has six main objectives and the panel meets six times a year so we have been able to neatly fit the framework around the plan.

Recommendation 13

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

As I am sure you are already aware paragraphs 1(e) [business interests] and 2(e) [gifts & hospitality] of The Elected Local Policing Bodies (Specified Information) Order 2011 (SI 2011 No. 3050) already places a duty on PCCs to publish this information. (Compliance with this duty has previously been checked by the Home Office.) It is my belief that the Code of Ethics represents the core values of our work and I would sound a word of caution not to develop a discrete bureaucracy over the evidencing of compliance. I would strongly urge a common sense approach to this and hope that compliance with the Specified Information Order should satisfy the spirit of this recommendation.

Recommendation 14

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

I agree that there is a potential conflict of interest in a situation where there is a joint CFO. Whilst the drivers for CFOs for forces and PCCs are often similar they are not always the same. It is for this reason that in Derbyshire we have separate office holders. If a situation were to arise where there was a shared role I agree that regular oversight from our JARAC (Joint Audit Risk & Assurance Committee) would help manage any actual or perceived conflicts of interest.

Recommendation 15

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

As with Joint CFOs I believe that whilst the messages forces and PCCs want to get out there may often be complementary, there will be occasions where the messages are different. For this exact reason I have a separate Media and Comms lead for my office in Derbyshire. That is not to say that there are not occasions when the Force's media team work on behalf of my office – an example of this would be the issuing of joint statements.

With both Recommendation 14 and 15 I am mindful of the arrangements we have within the East Midlands around Legal Services. We have a well-established arrangement where all 5 of the East Midlands forces (Derbyshire, Leicestershire, Lincolnshire, Northamptonshire and Nottinghamshire) share a legal services department. This has delivered significant savings for all of the forces. The service also provides legal support to the 5 PCCs. It is, however, recognized that there may be occasions where there is a conflict in terms of advice to a Force or its PCC. In such circumstances we have an established protocol whereby Legal Services defaults to the Chief Constable/Force and the local PCC seeks

independent legal advice. By having a clearly defined process for such situations we have, to date, had no issues with the working arrangements.

Recommendation 16

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

Whilst I totally agree that there needs to be assurance that PCCs and the public can have faith in the integrity of crime data I am concerned that we are potentially developing an overcrowded landscape here. Sir Thomas Windsor, Her Majesty's Chief Inspector of Constabulary, has announced a program of unannounced inspections of crime recording standards. The PCC has a statutory responsibility to hold the Chief Constable to account for the delivery of an efficient and effective force, this will include ensuring that appropriate performance management processes are in place. In turn the PCC is held to account for their performance by the Police and Crime Panel. Whilst the JARAC (Audit Committee) will have an interest in the assurances given, I believe we need to be careful not to confuse who is responsible for what. The JARAC should be assured, or not, via the HMIC's independent, specialist, inspection of this very area, and may seek updates on progress on any recommendations HMIC may make as part of this inspection.

Recommendation 17

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

As the first PCC for Derbyshire there was a desire to share information about where the PCC was going/had been and with whom discussions had taken place. The difficulty is the sheer number of meetings, both formal and informal, that my deputy and I have attended. I have tried to keep the cost of my office to a minimum and am concerned that this would add a significant additional burden onto existing staff. For this reason I have not pursued this route. I do, however, usually have either my Chief Executive (and Monitoring Officer) or my Treasurer (s.151 Officer) present at any key meetings both to advise me and also to raise any potential issues of conflict of interest or ultra vires activity, and as statutory officers they also have a duty to report on any matters that cause them concern.

Recommendation 18

All parties with responsibility for complaints should make clear and actively advertise where their responsibilities – especially in relation to actual investigations and their outcomes – begin and end. The implementation of the proposed changes to the police complaints and disciplinary systems should be monitored locally by PCCs and nationally by the Home Office, IPCC and HMIC. Responsibility for handling police complaints through local resolution should not sit with those with appellate responsibilities in relation to the same complaints. The Home Office should consider whether or not complaints about PCCs should continue to be handled by the IPCC.

What this recommendation highlights is the sheer complexity surrounding the police complaints system. As someone who has previously Chaired the Professional Standards Committee of the Derbyshire Police Authority, I can testify to how labyrinthine the current system is. I regularly receive correspondence into my office from people wishing to complain about an aspect of the service they have received from the Force and I then have to write back explaining that their particular complaint or issue does not fall within my jurisdiction and that I have needed to pass their complaint onto the Force – what response do I get to this? A further letter asking what is the point of the PCC?! I understand the frustration of the public and my compliance and engagement team work closely with colleagues within the Force to try and ensure that anyone contacting either my office or the Force is clear on who is responsible for what and what they can expect from the process.

I am keeping a very close eye on the developments within police complaints and discipline. I welcome any moves that will move away from a process driven system that places compliance with timescales above the needs of the person making the complaint. I am hugely encouraged by the approach taken by our local Professional Standards Department that seeks to resolve issues rather than engage a complex complaints process, and I am proud of the high regard in which peers within the Police Service regard our approach in Derbyshire.

Whilst I see the rationale behind separating local resolution from an appellate responsibility, I am unsure as to how this might work on a practical level. It may be possible to develop reciprocal arrangements whereby partner forces could act as an appeals body, but this may be difficult to arrange as such a responsibility should not put a disproportionate or unfair burden on forces.

In relation to the handling of complaints by the IPCC, it shouldn't be forgotten that the Police and Crime Panel also have a responsibility in this area and they should probably remain the 'first line of defence'. A more fundamental issue in my opinion, and one I know the Government has been wrestling with, is the limited outcomes there are should a complaint be upheld. Clearly there is the 'ultimate sanction' of not re-electing an individual but as terms of office last 4 years this may not inspire confidence in the public. This in turn raises the very thorny issue of how it might be possible to remove a democratically elected individual from their role.

Recommendation 20

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

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

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

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

In terms of appointments I totally agree with the recommendation. During the recruitment process for my Chief Executive Officer the panel included an independent member, and this was reported in the report recommending the appointment of my CEO. In terms of the Nolan Principles, I believe that our process covered the seven principles, but have taken on board that we could potentially be more explicit in our questioning in this area and I will ensure that this is fed into any future senior appointments processes. It should not be forgotten of course that the Police and Crime Panel also have a scrutiny role in relation to senior appointments, and can, in fact, veto the appointment of a Chief Constable upon a two-thirds majority.

I am aware that there has been discussion about the issue of deputy PCCs and disclosure of intention to appoint one. The situation for the forthcoming PCC elections in May 2016 is somewhat different to my election in 2012 as the role and the scale of workload of the PCC is now better understood and it may be easier to judge if a deputy may be needed. That said it is an individual decision for PCCs and my concern would be that PCC candidates may genuinely feel they don't want a deputy at the time of the election and may then later decide that they need the additional support. As it stands the legislation (Police Reform and Social Responsibility Act 2011) allows a PCC to appoint an individual to the role without a selection process. In Derbyshire I ran an open and transparent process in order to recruit my deputy, Hardyal Dhindsa. It was my view that this was necessary in order that the public and partners had faith in my deputy.

Regarding decisions of significant public interest I totally agree with this part of the recommendation. Fortunately I have neither needed to suspend, nor accept the resignation of my Chief Constable. I have however appointed a deputy and a report and decision record was made through my Strategic Governance Board. My deputy was also subject to a confirmation hearing by the Police and Crime Panel, as required by the Police Reform and Social Responsibility Act 2011.

(Agenda Item 7A: <http://www.derbyshire-pcc.gov.uk/Document-Library/Meetings/SGB-Meetings/21-January-2013/Complete-set-of-reports-for-SGB-Meeting---with-amended-reports.pdf>)

I hope that this satisfies your request. Should you require any additional information, or wish to discuss any of the points I have made, please do not hesitate to get in touch. In the first instance you may wish to contact my Chief Executive, Mr David Peet, who should be able to answer any questions, or arrange for us to communicate directly. His contact details are as follows:

David Peet
Chief Executive
Derbyshire OPCC
Butterley Hall
RIPLEY
Derbyshire
DE5 3RS

Direct Line: 0300 122 6021
PA: 0300 122 6000 (Kirsty Holding)
Email: david.peet.16406@derbyshire.pnn.police.uk

Yours sincerely,

A handwritten signature in blue ink that reads "Alan Charles". The signature is written in a cursive style with a large initial 'A' and 'C'.

Alan Charles
Police & Crime Commissioner for Derbyshire

Lord Bew
Chair, Committee on Standards in Public Life
Room GC.05
1 Horse Guards Road
London
SW1A 2HQ

26 November 2015

Dear Lord Bew

Tone from the Top – leadership, ethics and accountability in policing

Further to your letter of 27 July 2015 I am writing to formally respond to the relevant recommendations from the 'Tone from the Top' report on behalf of the Office of the Police and Crime Commissioner (OPCC) for Dorset.

In responding to you I have fully consulted with the Police and Crime Commissioner (PCC), Martyn Underhill, the Deputy Police and Crime Commissioner (DPCC), Colin Pipe, the Chief Constable, Debbie Simpson, and with members of our Joint Independent Audit Committee (JIAC). We all welcome and support the principles set out in the report and I have attached our detailed responses to the relevant recommendations to this letter.

Yours sincerely



Dan Steadman
Chief Executive and Monitoring Officer

PCC's and the functions of the OPCC

Recommendation 2

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

Upon taking office the PCC swore an oath of office and also signed up to a PCC Code of Conduct, based on the Seven Principles of Public Life. More recently, the College of Policing have developed and implemented the Code of Ethics which the PCC and OPCC staff have signed up to alongside our Dorset Police colleagues.

Planning is underway for the next PCC election and should there be a change in PCC a formal induction programme will be implemented for the new incumbent, incorporating ethical issues as part of this process.

Should the current PCC be re-elected, then he will be required to reaffirm their commitment to the ethical values referred to as they undertake their term of office.

The conditions of employment for the Deputy PCC include a requirement to behave in accordance with the Seven Principles of Public Life, the Code of Ethics and the PCC Code of Conduct.

Recommendation 3

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

The Police Reform and Social Responsibility Act (PRERA) 2011 already places an obligation on Deputy PCCs to be covered by the same code of conduct as PCCs and to adhere to the Nolan Principles of Standards in Public Life.

The Police and Crime Panel were required to consider the proposal to appoint a Deputy PCC and this took place in September 2015. Panel meetings are open to the public and meeting papers and reports published accordingly. The report to the Panel on the appointment of the Deputy PCC outlined the reasons behind the decision to appoint, the role and responsibilities, required skills, and conditions of employment. This includes confirmation that the Deputy PCC has no line management responsibilities over any member of OPCC staff.

Recommendation 5

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

The Joint Independent Audit Committee (JIAC) publishes an Annual Report. All meeting papers (other than items restricted under the Government Protective Marking Scheme (GPMS)) are published on the PCC website.

Recommendation 6

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

The current Police and Crime Plan does make reference to the Code of Ethics and the PCC role in holding the Chief Constable to account for its implementation across Dorset Police. The PCC and Chief Constable jointly chair the Standards and Ethics Board which provides strategic oversight for the Code of Ethics. The PCC also specifically holds the Chief Constable to account on ethical issues through the Personal Development Review (PDR) process, both in terms of her own conduct and that of the wider Force.

The Ethics and Appeals Sub-Committee -a sub-committee of the Joint Independent Audit Committee (JIAC)- also provides some independent scrutiny of these arrangements and the opportunity to provide advice to the Chief Constable and the PCC accordingly.

The Annual Report is a statutory requirement and seeks to demonstrate progress against Police and Crime Plan priorities.

A Police and Crime Plan for the period 2017-2021 will be developed following the next PCC elections in May 2016 and ethical considerations will form part of the process in pulling this document together.

Recommendation 10

As a matter of good practice:

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

There is a statutory duty for PCCs to publish details of their decisions and this is currently discharged on the PCC website on a quarterly basis. Supporting material behind these decisions is provided where possible. Key decisions are also reported to the quarterly meetings of the Police and Crime Panel.

We do not currently have a forward plan for decisions and will consider how we might be able to adopt such an approach in the future. Some decisions, such as the setting of the annual policing precept element of council tax, would be straightforward to include in a forward plan. Other decisions however, are of a more ad hoc basis and would be difficult to anticipate in such a way. As always, there is a clear balance to be struck between openness and transparency without creating undue bureaucracy. Plans and decisions will always be made in the context of actual, proportionate and reasonably expected resources.

Recommendation 17

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

The Elected Local Policing Bodies (Specified Information) Order 2011 (as amended) already sets out a number of requirements with regard to decisions made by the PCC, including the publication of a record of each decision of significant public interest and supporting details and material for any relevant or associated meetings.

These requirements are primarily discharged through the publication of a Decision Log on the PCC website. The PCC Diary section of our website also provides details of meetings, events and appointments. These can be searched or viewed by date or month, subject matter, or attendee. The Deputy PCC has only recently been appointed and will be added to this section of the website in due course.

In addition, a quarterly report on progress against the Police and Crime Plan is routinely submitted to the Police and Crime Panel. This report includes updates on key decisions taken during the reporting period, along with updates on commissioning, partnership and community engagement activity – including meetings and events attended by the PCC or members of OPCC staff.

Recommendation 20

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

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

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

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

These measures have already been adopted in the formal recruitment processes undertaken by the PCC since taking office in November 2012 (recruitment of Chief Constable and the statutory officers of Chief Executive and Treasurer), including the use of an independent interview panel member and the inclusion of a Police and Crime Panel member as a silent observer for the appointment process.

The Police and Crime Panel are required to hold a confirmation hearing for the consideration of any proposed appointments by the PCC. Where this has occurred in Dorset, detailed reports on the recruitment and appointment process have been submitted to the Panel and published online. Confirmation hearings have generally formed part of the regular programme of quarterly Panel meetings which are also open to the public to attend.

These processes will continue to be regularly reviewed to ensure that all of the recommendations made by the CSPL are adopted for any future recruitment.

A clear distinction does need to be made around the OPCC role in supporting the serving PCC of the day, but not undertaking any role in supporting candidate campaigns ahead of PCC elections.

With that in mind, it would be for a serving PCC to decide for themselves whether or not to disclose details around their intended Deputy at the time of an election, rather than staff of the OPCC. Clearly neither the serving PCC, nor staff within the OPCC, would be in a position to influence the decision of other candidates to disclose details of any intended Deputy at election time.

However, for clarity, the current PCC in Dorset, Martyn Underhill, has stated his intention to stand again for election in May 2016 and confirmed that Mr Colin Pipe (the current Deputy PCC) will be his Deputy should he be re-elected.

PCCs and Chief Constables

Recommendation 13

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

Both Dorset Police and the OPCC maintain gifts and hospitality registers and registers of business interests. In line with statutory requirements, we publish our gifts and hospitality register and the register of disclosable interests for the PCC on our website. The register of disclosable interests for the Deputy PCC is in the process of being added following his recent appointment.

The Ethics and Appeals Sub-Committee also regularly reviews both gifts and hospitality and disclosable interests registers for both Dorset Police and the PCC/OPCC.

Recommendation 14

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

Dorset Police and the OPCC currently operate with their own, separate, Chief Financial Officer. There are currently no plans to change this approach, but should a Joint Officer be appointed in the future then appropriate control measures will be adopted, following full consultation with JIAC members.

Recommendation 15

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

Dorset Police and the OPCC currently operate with their own, separate press/media staff and arrangements. There are currently no plans to change this approach, but should a Joint Officer be appointed in the future then appropriate control measures will be adopted, following full consultation with JIAC members.

Recommendation 16

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

This is already in place locally. The Ethics and Appeals Sub-Committee of the Joint Independent Audit Committee (JIAC) receives quarterly reports on Crime Data Quality Compliance, which includes details of internal audit findings of Force compliance with the National Crime Recording Standards (NCRS), Home Office Counting Rules (HOCR) and the National Standard for Incident Recording (NSIR).

Recommendation 18

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

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

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

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

Information relating to complaints, and our respective roles and responsibilities, are published on both the Dorset Police and PCC websites.

We are of course aware of the recent Home Office consultation on possible changes to the police complaints and disciplinary system and await the formal outcome and proposals from this consultation. Once the position becomes clearer we can work on establishing the PCC/OPCC role within any new police complaints system and developing the necessary processes to support this.

Currently, the Standards and Ethics Board, jointly chaired by the Chief Constable and PCC, provides scrutiny and oversight to Dorset Police complaints handling and resolution processes. The Ethics and Appeals Sub-Committee also provides independent scrutiny of police complaints arrangements, including a quarterly dip-sampling of random complaints and in-house appeals files to assess their handling against stated procedures.

Consultation response: from Carly Fry, Assistant Director of Performance and Scrutiny on behalf of the Police and Crime Commissioner for Essex

On the matter of: *Tone from the top – leadership, ethics and accountability in policing (a report by the Committee on Standards in Public Life)*

Date: 23 November 2015

The PCC for Essex is grateful for the opportunity to respond to the proposals set out in *Tone from the top – leadership, ethics and accountability in policing*, a report by the Committee on Standards in Public Life. We have responded to the relevant proposals below.

Recommendation 1: The Association of Police and Crime Commissioners, working with the Association of Policing and Crime Chief Executives should develop a nationally agreed minimum code of conduct by the end of 2015, which all current PCCs should publicly sign up to by then, and all future PCCs on taking up office.

The PCC supports this recommendation but believes that it should incorporate the Seven Principles of Public Life. For information, the PCC has included these principles within his own ethics framework which applies to the PCC and DPCC¹.

Recommendation 2: PCCs and their Deputies should receive an ethical component as an essential part of their induction. While this should be locally tailored and delivered it should cover the Seven Principles of Public Life, the Association of Police and Crime Commissioners Ethical Framework and the College of Policing’s Code of Ethics. This is to provide an understanding of ethics in practice and the role of PCCs as ethical leaders, promoting and modelling the high standards of conduct for which they hold others to account.

The PCC and DPCC support this recommendation.

Recommendation 3: A Deputy PCC should be subject to the same mandatory national minimum code of conduct as PCCs and publicly available protocols should be in place for their relationships with other employees of the PCC.

The PCC and DPCC support this recommendation. In order to ensure openness and transparency, and to assure the public, both roles were included under the PCC’s ethics framework.

Recommendation 4: The Association of Police and Crime Commissioners, Association of Policing and Crime Chief Executives, the National Police Chiefs’ Council and Local Government Association should work collaboratively to produce a model Memorandum of Understanding between the PCC and Chief Constable to include working arrangements, recognition of the role of statutory officers and a supporting statutory officer protocol.

¹ <http://www.essex.pcc.police.uk/ethics-and-integrity-framework/>

The PCC supports this but does not support the inclusion of the LGA in delivering this recommendation, as there is no clear requirement for them to be involved. Further, the APCC and NPCC are not routinely involved in local government affairs.

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

The PCC supports this recommendation. In Essex, the JAC is presently making plans for the production of such a report.

Recommendation 6: PCCs' responsibility for holding Chief Constables to account on behalf of the public should explicitly include holding the Chief Constable to account for promoting ethical behaviour and embedding the College of Policing's Code of Ethics. Each PCC's Police and Crime Plan should set out how they intend to do this, and their Annual Report should show delivery against the objectives set out in the plan.

For reasons of practicality and accessibility, the PCC does not support this recommendation. It would give rise to the question of setting out detailed other methods of holding the Chief Constable to account across the entire range of matters contained within the Police and Crime Plan and Annual Report, which would render both documents especially lengthy and inaccessible to the public.

Recommendation 7: The Police and Crime Commissioner Elections Order should be amended so that all candidates for the post of PCC should be required to publish their responses to the Committee's Ethical Checklist. For the May 2016 elections all candidates should be asked to consider and answer the Checklist and the Committee will be encouraging relevant media outlets to play their part in seeking out and publicising their responses.

The PCC does not support this recommendation because there are already a number of checks and balances in place for those who can apply to stand for election. These include: not being permitted to stand if the person has ever been convicted of an imprisonable offence (even where that person was not imprisoned); if the person is the subject of a bankruptcy restrictions order or interim order; and if the person has been disqualified under the Representation of the People Act 1983, if the person has been convicted or has been reported guilty of a corrupt or illegal electoral practice or of an offence relating to donations, or under the Audit Commission Act 1998.

Recommendation 8: Drawing on existing good practice and experience, the Association of Police and Crime Commissioners, Association of Policing and Crime Chief Executives and the Local Government Association should work together to develop national guidance on the meaning of a decision of 'significant public interest', so that it is better understood when PCCs should publish records of such decisions.

The PCC supports this but does not support the inclusion of the LGA in delivering this recommendation, as there is no clear requirement for them to be involved. Most importantly, the involvement of the LGA in matters which they properly have no interest in, such as what a PCC determines a decision of significant public interest to be, interferes in the democratic accountability of that PCC. Local authorities have a wide range of such interpretations (for example, what senior officers and councillors can spend without recourse to a committee

such as cabinet) because they determine their local priorities and councillors are accountable at the ballot box. PCCs should be no different and should not be subject to outside and improper interference.

Recommendation 9: Police and Crime Panels should review the PCC's Annual Report in public session attended by the PCC as part of their annual scrutiny programme and make any recommendations as appropriate.

The PCC supports this recommendation and this currently does happen in Essex.

Recommendation 10: As a matter of good practice:

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

In Essex, decisions made by the PCC are published. The PCC understands the reasoning behind this recommendation. However, this would mark a significant shift for PCCs and for forces. This would, in effect, require PCCs to function in the same way as local government. While there is some attraction to this proposal, it should also be noted that such requirements in local government can cause delays in decision making. Decision making in policing-related matters, by their very nature, are often subject to changes, and would also often necessarily be 'Part B' decisions that cannot be made public for reasons related to the sensitivity of the decision in hand. Therefore, the PCC for Essex does not support this recommendation.

We do not propose to comment on the recommendation for Police and Crime Panels as this is for those panels to respond to. However, we note that this does happen in Essex.

Recommendation 11: The Home Secretary should conduct an urgent review of whether there are sufficient powers available to take action against a PCC whose conduct falls below the standards expected of public office holders.

We do not propose to comment on this recommendation as this is for the Home Secretary to respond to.

Recommendation 12: To demonstrate an equivalent level of transparency and accountability to the Chief Constables that they oversee, the Association of Police and Crime Commissioners and Association of Policing and Crime Chief Executives should work together to host and make publicly available a list of PCCs' pay and rewards, gifts and hospitality and outside business interests, including notifiable memberships, in an easily accessible format.

The PCC for Essex already publishes this information on his website; however, it is unclear if the CSPL view would be that such information should not then be published on individual PCC websites. The PCC is required by law to publish a set of information under the Specified Information Order, which covers much of the recommendation. The PCC's view is that the Specified Information Order would need to be amended, and that this would be as part of a Home Office-led consultation on that order.

Recommendation 13: Chief Constables and PCCs should keep the arrangements for gifts, gratuities and hospitality registers and business interests, including notifiable memberships, and other employment under regular review as part of ensuring and evidencing that the Code of Ethics remains embedded in everyday practice.

The PCC's information as published is kept under regular review.

Recommendation 14: Where a Joint Chief Financial Officer is appointed, an explicit policy and appropriate controls should be put in place to manage any potential conflicts of interest; be made publicly available; and regularly monitored by the Joint Audit Committee.

The PCC for Essex does not have a joint CFO and so does not propose to comment on this proposal.

Recommendation 15: Where a Joint Press/Media Officer is appointed, an explicit policy and appropriate controls should be put in place to manage any potential conflicts of interest, be made publicly available, and regularly monitored by the Joint Audit Committee.

The PCC for Essex does not have a joint press or media officer with Essex Police. The PCC for Essex recognises that Essex Police and the OPCC Communications function should be independent, and thus has his own communications team who maintain open channels with Essex Police.

Recommendation 16: The Joint Audit Committee should scrutinise the basis of the assurances provided as to the integrity of crime data, including the related performance management systems.

While this is a recommendation for the JAC, the PCC notes that this could undermine the role of HMIC in this area, which the PCC for Essex made a priority on taking up office. It is not clear that the JAC has, or would be able to draw upon, the expertise necessary to gain such assurance. HMIC is, in the view of the PCC, the correct body to provide both the PCC and the JAC with such information for their scrutiny in their respective roles.

Recommendation 17: PCCs and their Deputies should publish a register of meetings with external stakeholders and routinely publish information about all significant meetings involving external attempts to influence a public policy decision. The published information should include dates of meetings, details of attendances and meaningful descriptors of subject matter. It should normally be published within one month on their website in an easily accessible format.

The PCC is required by law to publish a set of information under the Specified Information Order, which covers much of the recommendation. The PCC's view is that the Specified Information Order would need to be amended, and that this would be as part of a Home Office-led consultation on that order.

Recommendation 18: All parties with responsibility for complaints should make clear and actively publicise where their responsibilities – especially in relation to actual investigations and their outcomes – begin and end.

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

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

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

The PCC does publicise information on his responsibilities in relation to complaints. Where individuals try to make complaints that ought properly to be made to Essex Police, or are subject to appeal (as the proper route) to the IPCC, we advise complainants of this.

We understand that any changes (which are still under discussion) would be monitored locally by PCCs and nationally by the Home Office, IPCC and HMIC.

The PCC for Essex did not support having responsibility for handling police complaints through local resolution in addition to having responsibility for holding the appellate responsibility in relation to the same complaints. This was because it would be difficult to show openness and transparency.

It is not clear if: *'The Home Office should consider whether or not complaints about PCCs should continue to be handled by the IPCC'* refers to complaints about criminal matters which is the current way of working, or if it refers to all complaints, which would remove responsibility for complaints from Police and Crime Panels.

Finally, this recommendation would be helpfully expanded by including the need for a national set of guidelines for Police and Crime Panels on their role and remit within the complaints system, to be drawn up by the Home Office.

Recommendation 19: The Committee endorses the Home Affairs Committee's recommendations that:

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

This is an endorsement by the Committee on Standards in Public Life of the recommendations of another Committee, as such the PCC has no particular recommendation to make.

Conclusion

We are grateful for the opportunity to respond to this consultation. Any queries about this response should be directed, in the first instance, to: carly.fry@essex.pnn.police.uk

Lord Bew
Chair, Committee on Standards in Public Life
Room GC.05
1 Horse Guards Road
London, SW1A 2HQ

Phone 0161 604 7711
Fax 0161 604 7722
Email info@gmpcc.org.uk
Web www.gmpcc.org.uk
Ref CO/1072

26th November 2015

Dear

I write in response to your letter dated 27th July 2015 and the request for an update from the recommendations outlined in the 'Tone from the top – leadership, ethics and accountability in policing' report.

I understand that a response from Greater Manchester Police will be issued separately, however I wanted to provide an update on behalf of the Police and Crime Commissioner's Office. I will take each recommendation in turn.

Recommendation 13 - Chief Constables and PCCs should keep the arrangements for gifts, gratuities and hospitality registers and business interests, including notifiable memberships, and other employment under regular review as part of ensuring and evidencing that the Code of Ethics remains embedded in everyday practice.

I can confirm that a register of interests is maintained for the Police and Crime Commissioner and the Deputy Commissioner and separate gift and hospitality registers for the Commissioner, Deputy Commissioner and the secretariat are all published on the website: <http://www.gmpcc.org.uk/about/how-we-work/freedom-of-information/>

Recommendations 14 and 15 - Where a Joint Chief Financial Officer or Joint Press/Media Officer is appointed, an explicit policy and appropriate controls should be put in place to manage any potential conflicts of interest; be made publicly available; and regularly monitored by the Joint Audit Committee.

GMPCC/GMP do not have joint posts for either the Chief Finance Officer or Press/Media Officer posts, therefore such controls are not required.

Postal address: GMPCC, GMP Openshaw Complex, Lawton Street, Openshaw, Manchester, M11 2NS

Tel: 0161 604 7711
Fax: 0161 604 7722

Web: gmpcc.org.uk
Email: info@gmpcc.org.uk

Facebook.com/gmpcc
Twitter.com/gmpcc

Recommendation 16 - The Joint Audit Committee should scrutinise the basis of the assurances provided as to the integrity of crime data, including the related performance management systems.

The terms of reference for the Joint Audit Committee include a requirement to: 'Consider the effectiveness of the internal control systems of the Police and Crime Commissioner and Chief Constable, including systems for monitoring compliance with relevant laws and regulations'. The Committee receives copies of all audit reports as completed. In respect of crime recording, a review of 'Crime Statistics' was submitted in May 2014 and reviewed levels of compliance with the Home Office Counting Rules and National Crime Recording Standards, following feedback from a recent HMIC Inspection. A follow up 'Post Implementation Review', which set out to provide assurance that GMP had addressed the issues raised within the HMIC and internal audit reports, has recently been completed and will report to the Joint Committee shortly.

Recommendation 18 - All parties with responsibility for complaints should make clear and actively publicise where their responsibilities – especially in relation to actual investigations and their outcomes – begin and end. The implementation of the proposed changes to the police complaints and disciplinary systems should be monitored locally by PCCs and nationally by the Home Office, IPCC and HMIC. Responsibility for handling police complaints through local resolution should not sit with those with appellate responsibility in relation to the same complaints. The Home Office should consider whether or not complaints about PCCs should continue to be handled by the IPCC.

I can confirm that roles and responsibilities in relation to complaint handling, are clearly detailed on our website, supported with relevant signposting to other responsible agencies: <http://www.gmpcc.org.uk/about/how-we-work/complaints/>. In respect of the proposed changes to the police complaints and disciplinary procedures, representatives from this Office have met with relevant Home Office officials to provide feedback on the current reform proposals and have requested to be included on a working group to help shape and refine the details ahead of piloting.

Should you require any further detail on the above please do not hesitate to contact me.



Adam Allen
Chief Executive, Police and Crime Commissioner's Office for Greater Manchester

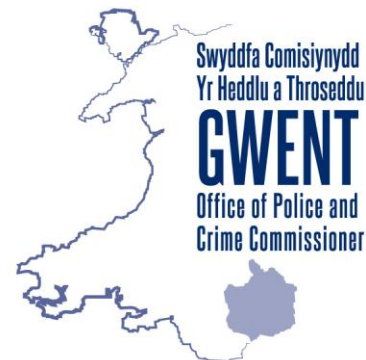
Swyddfa Comisiynydd yr Heddlu a Throseddu, Gwent
Office of Police and Crime Commissioner, Gwent

Pencadlys Heddlu Gwent | Gwent Police Headquarters,
Croesyceiliog, Cwmbrân, NP44 2XJ

Ffôn | Tel: 01633 642 200

Ebost | Email: commissioner@gwent.pnn.police.uk

We | Web: www.gwent.pcc.police.uk



Comisiynydd yr Heddlu a Throseddu ar gyfer Gwent | Police and Crime Commissioner for Gwent:
Ian Johnston QPM

23 October 2015

Lord Bew
Chair
Committee on Standards in Public Life
Room GC.05
1 Horse Guards Road
London
SW1A 2HQ

Dear Lord Bew

Further to your letter dated 27 July 2015, please find attached my responses to both sets of recommendations.

Please note that it is my understanding that Chief Constable Cheer is responding on behalf of the Chief Constables.

If you require any further information, please do not hesitate to contact me.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Ian Johnston', with a horizontal line underneath.

Ian Johnston QPM
Police and Crime Commissioner for Gwent

The Committee’s key recommendations:

Number	Recommendation	Action Proposed/ Lead / Deadline
2	PCCs and their Deputies should receive an ethical component as an essential part of their induction. While this should be locally tailored and delivered it should cover the Seven Principles of Public Life, the Association of Police and Crime Commissioners Ethical Framework and the College of Policing’s Code of Ethics. This is to provide an understanding of ethics in practice and the role of PCCs as ethical leaders, promoting and modelling the high standards of conduct for which they hold others to account.	PCCs will be required to undertake induction training and this will include ethical issues relating to the Nolan Principles and code of ethics.
3	A Deputy PCC should be subject to the same mandatory national minimum code of conduct as PCCs and publicly available protocols should be in place for their relationships with other employees of the PCC.	Agreed.
5	Joint Audit Committees should publish an Annual Report in a form that is easily accessible to the public.	CIPFA notes this as Good practice; but for local decision. In Gwent the Audit Committee has produced an annual report.
6	PCCs’ responsibility for holding Chief Constables to account on behalf of the public should explicitly include holding the Chief Constable to account for promoting ethical behaviour and embedding the College of Policing’s Code of Ethics. Each PCC’s Police and Crime Plan should set out how they intend to do this, and their Annual Report should show delivery against the objectives set out in the plan.	Agreed, but the mechanism for holding to account needs to be left to local decision as does the inclusion of these issues in the Police and Crime Plan.
10	<p>As a matter of good practice:</p> <ul style="list-style-type: none"> • PCCs should publish a forward plan of decisions identifying the subject matter of the decision, why it is key, the meeting at which the decision is due to be taken, who will be consulted before the decision is taken and what reports/papers will be available for inspection; and • Police and Crime Panels should produce a forward plan of work specifying, as appropriate, the information required from PCCs in order for them to carry out that work. 	<p>PCC -This could be achieved in relation to statutory decisions, but this would be impossible in relation to most day to day business and I would not support this.</p> <p>PCP – this is a matter for the local PCP. In Gwent a forward plan is published.</p>
17	PCCs and their Deputies should publish a register of meetings with external stakeholders and routinely publish information about all significant meetings involving external attempts to influence a public policy decision. The published information should include dates of meetings, details of attendances and meaningful descriptors of subject matter. It should normally be published within one month on their website in an easily accessible format.	In Gwent we have developed an APP which details the OPCC meetings for the coming week. This information is also available on the website. Further information requirements would be a huge administrative burden. There is no requirement for Ministers to do this so I would not support this.
20	<p>PCCs’ appointment procedures should comply with open and transparent appointment processes including:</p> <ul style="list-style-type: none"> • a requirement for there to be an independent member on the appointment panel set up to oversee the appointments process for Chief Constables and senior Office of PCC staff; and • a requirement that a criterion for selection be that the panel is satisfied that the candidates can 	Appointment of Chief Constables is already covered but College of Policing guidance which included these requirements and the post is then subject to a confirmation hearing held in public which will be recorded.

Committee for Standards in Public Life – ‘Tone from the Top’

	<p>meet the standards of the Seven Principles of Public Life.</p> <ul style="list-style-type: none">• details of the independent panel member should be published. <p>Where a PCC intends to appoint a deputy PCC the PCC should disclose that fact and the intended Deputy (if known) at the time of the election.</p> <p>A decision to suspend or accept a resignation of a Chief Constable or to appoint a Deputy PCC should be regarded as a decision of ‘significant public interest’.</p>	<p>There is no comparable process across the public sector for other chief executives of chief finance officers so I would not support this part of the recommendation.</p>
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Item 5

The Committee’s key recommendations:

Number	Recommendation	Action Proposed/ Lead / Deadline
13	Chief Constables and PCCs should keep the arrangements for gifts, gratuities and hospitality registers and business interests, including notifiable memberships, and other employment under regular review as part of ensuring and evidencing that the Code of Ethics remains embedded in everyday practice.	These processes are already in place.
14	Where a Joint Chief Financial Officer is appointed, an explicit policy and appropriate controls should be put in place to manage any potential conflicts of interest; be made publicly available; and regularly monitored by the Joint Audit Committee.	These processes are already in place.
15	Where a Joint Press/Media Officer is appointed, an explicit policy and appropriate controls should be put in place to manage any potential conflicts of interest, be made publicly available, and regularly monitored by the Joint Audit Committee.	N/A
16	The Joint Audit Committee should scrutinise the basis of the assurances provided as to the integrity of crime data, including the related performance management systems.	Joint Audit Committee do monitor audit reports but this is a matter that is subject to scrutiny via HMIC. There is no need to duplicate this area. Do not agree with this recommendation.
18	<p>All parties with responsibility for complaints should make clear and actively publicise where their responsibilities – especially in relation to actual investigations and their outcomes – begin and end.</p> <p>The implementation of the proposed changes to the police complaints and disciplinary systems should be monitored locally by PCCs and nationally by the Home Office, IPCC and HMIC.</p> <p>Responsibility for handling police complaints through local resolution should not sit with those with appellate responsibility in relation to the same complaints.</p> <p>The Home Office should consider whether or not complaints about PCCs should continue to be handled by the IPCC.</p>	Currently under review by the Home Office and we are awaiting the outcome of their deliberations
19	<p>The Committee endorses the Home Affairs Committee’s recommendations that:</p> <ul style="list-style-type: none"> • the Home Office bring forward proposals to amend the powers of commissioners to suspend or remove chief constables under Section 38(2) and 38(3) of the Police Reform and Social Responsibility Act 2011 by stipulating the grounds on which they may do so. • the Home Office should also provide guidance to commissioners on the use of their powers in both respects. In the case of a suspension there should also be a clear system of safeguards similar to those which guide suspension in respect of conduct. 	Currently under review by the Home Office and we are awaiting the outcome of their deliberations

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	<ul style="list-style-type: none">• Police and Crime Panels inquire and report into the circumstances whenever a chief constable's service is brought to an end irrespective of whether the Schedule 8 scrutiny process is formally engaged.• The Home Office bring forward proposals to extend the Schedule 8 process to include scrutiny by the police and crime panel where a commissioner chooses not to agree to an extension of the chief constables' contract to bring it in line with the process for the removal of a chief constable.	
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**Office of the Police and Crime Commissioner for Humberside
Committee on Standards in Public Life
Leadership, Ethics and Accountability in Policing**

This is the response of the Police and Crime Commissioner for Humberside to the Committee's Recommendations.

Set out below are the comments and actions of the Police and Crime Commissioner for Humberside to the recommendations set out in the report 'Tone from the top: Leadership, ethics and accountability in policing' produced by the Committee on Standards in Public Life.

Recommendation 1:

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

Response:

Agreed – we await a nationally agreed minimum Code of Conduct and will adopt accordingly. Locally we already have a Code of Conduct for the PCC/DPCC which is signed and published on our local web-site (<http://www.humberside-pcc.gov.uk/Working-for-you/Who-We-are-and-What-We-Do/Ethical-Framework.aspx>). The Chief Executive will ensure that any incoming PCC/DPCC signs our Local Code of Conduct.

Recommendation 2:

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

Response:

Agreed – we will incorporate an ethical component in future PCC induction process.

Recommendation 3:

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

Response:

Agreed – the DPCC is subject to Police Staff Council standards of professional behaviour locally. As per Recommendation 1, both the PCC/DPCC are already signed up to our local Code of Conduct and an ethical framework).

Recommendation 4:

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

Response:

Agreed – action is required from the organisations in the recommendation.

Recommendation 5:

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

Response:

Agreed – the Chair of the Humberside Joint Independent Audit Committee (JIAC) and the full Committee members have agreed that there should be an annual report in future. The first report is in the process of being completed by the Chair of the JIAC and will cover the period from the appointment of the JIAC (from its first meeting in March 2013). It will be based on reports they receive in relation to various issues including complaints, misconduct hearings, and so on.

Recommendation 6:

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

Response:

Agreed – this will be incorporated into a future revision of our Police and Crime Plan. Our revised Police and Crime Plan will mention the need to hold the Chief Constable to account for promoting ethical behaviour – the Force will similarly need to incorporate this into their plans. The key must be to not just incorporate it, but to ensure it is a central function of both organisations, i.e. that it is clear action rather than mere words. There is a need for all PCCs to also check whether a Chief Constable's PDR objectives (and arguably the whole force) cover the promotion of ethical behaviour and whether any local assurance frameworks are capable of assessing progress.

Recommendation 7:

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

Response:

Agreed – although we need to understand that specific media publicity is in the hands of the media and not the current PCC and/or candidates.

Recommendation 8:

No comments.

Recommendation 9:

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

Response:

Agreed – this good practice is already being followed locally. We will continue to encourage our local Police and Crime Panel to review the PCC’s Annual Report and make recommendations.

Recommendation 10:

As a matter of good practice:

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

Response:

Agreed – this good practice is already being followed locally. The OPCC has developed a Forecast of Events to compliment decision making, which is monitored by the Chief Executive regularly. This allows us to plan key future decisions, assign resources and de-conflict where necessary. The Police and Crime Panel have a forward plan of work, which was established and developed between the Chief Executive and the Police and Crime Panel Secretariat.

Recommendation 11:

No comments.

Recommendation 12:

No comments.

Recommendation 13:

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

Response:

Agreed – locally registers are already in place and discussed at weekly submissions sessions with the PCC/Deputy PCC (gifts and hospitality only) and then published on the website. We agree that arrangements for review of registers does need to be more regularised, documented and published locally. We are also looking at whether the Financial Regulations need to be strengthened/amended.

Recommendation 14:

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

Response:

Agreed – we do not currently have a Joint Chief Financial Officer, so this does not relate to our local situation. However, we feel it would be useful for the Financial Regulations to incorporate specific reference to this.

Recommendation 15:

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

Response:

Agreed – locally we do not have a Joint Press/Media Officer – our approach has always been to create a clear separation between the Media/Press Officers for the PCC and the Chief Constable. We also will not therefore need the Joint Audit Committee to monitor this.

Recommendation 16:

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

Response:

Agreed – locally our Joint Independent Audit Committee (JIAC) standard agenda includes provision to review the arrangements in place for testing/audit/assurance re crime data integrity. However, there is a need for everyone to ensure that the ‘scrutiny’ role you are proposing relates to any Joint Audit Committee being ‘assured’ in relation to ‘processes’ that the PCC has in place for their assurance, and not for them to become immersed in the detail.

Recommendation 17:

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

Response:

Good practice is already being followed locally, with both the PCC and Deputy PCC diaries being published on our website. Arrangements are also in place for the declaration of interests and Decision Records, which are published on our website along with the minutes of local governance meetings.

Recommendation 18:

All parties with responsibility for complaints should make clear and actively publicise where their responsibilities, especially in relation to actual investigations and their outcomes, begin and end. The implementation of the proposed changes to the police complaints and disciplinary systems should be monitored locally by PCCs and nationally by the Home Office, IPCC and HMIC. Responsibility for handling police complaints through local resolution should not sit with those with appellate responsibility in relation to the same complaints. The Home Office should consider whether or not complaints about PCCs should continue to be handled by the IPCC.

Response:

This recommendation requires further discussion nationally. Locally we already have details on our website regarding who deals with which complaints. In respect of changes to the complaints and disciplinary systems, consultation was recently concluded by the Home Office, with changes in legislation expected next year.

Recommendation 19:

No comments.

Recommendation 20:

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

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

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

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

Response:

Agreed – locally for the PCC, we have procedures in place that reflect these requirements, together with the arrangements for consideration and confirmation of appointments by the Police and Crime Panel. However, it is worthy of note that Schedule 1 para. 8(4) to the Police Reform and Social Responsibility Act 2011 states that "*Section 7 of the Local Govt and Housing Act 1989 (appointment of staff on merit) does not apply to the DPCC*", so we are not sure how open and transparent an appointment process could be on that basis, unless there are plans for this to be removed from the PRSRA. The recommendation does however highlight the difficulties surrounding any Deputy PCC appointment, including whether they are a member of paid staff or not, how effective the arrangements are in practice, and so on.

Tone from the top - leadership, ethics and accountability in policing

Response to recommendations from the Office of the Kent Police and Crime Commissioner

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

- The first question is who would 'locally tailor and deliver' this? Would it be the CEO/Chief of Staff? Would it be a College of Policing product, and would we have an input in its creation? Whilst this is essentially unobjectionable, the tone and content would have to be well crafted so as to add value and avoid being patronising.

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

- Agreed

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

- Agreed; in Kent, this takes the form of an Annual Review which is published and monitored as per the other Audit Committee papers.

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

- Generally agreed. However, to require PCCs to carry this out does appear to stray into the territory of directing the actions of elected officials, which is against the spirit of localism and would set PCCs apart from local councillors, MPs, etc, who are not subject to central direction on how to carry out their role. Is the proposal to amend the PRSRA/Policing Protocol to make this requirement one of the 'formal functions' of a PCC?

10 *As a matter of good practice:*

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

- No. There is an entirely correct requirement that PCCs publish significant decisions when taken to allow scrutiny by the public and PCPs. PCCs are not local government committees: they do not need to act like them. Part of the benefit of having a single elected individual is that they are less encumbered by bureaucracy, and as long as they are subject to an appropriate level of scrutiny (which they currently are), do not need to assume a quasi-local government committee system.
- A matter for PCPs.

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

- Yes. This is already in place in Kent.

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

- In Kent it is felt that to have a joint officer is inappropriate, and we have separate ones. It is felt that this should not be an option, given that the role is statutory and the OPCC CFO is required to be in a position of oversight/governance.

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

- Agreed; there is a similar position in Kent. Unlike the above, this is not a significant issue as it is not a statutory role and does not require the OPCC individual to exercise oversight. However, it does not need to be monitored by the JAC; this is far too low-level for such a committee.

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

- Kent has lead on this issue nationally, given the Commissioner called in HMIC to carry out the first inspection of crime data, and the Force's success in dealing with this is noted in 4.46. The scrutiny of this data takes place at all levels, and across a significant number of boards, not least the Audit committee. This recommendation could be considered both too prescriptive and restrictive; scrutiny should be broader and on-going, whilst being proportionate to the scale of the issue in each individual Force area.

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

- Whilst agreeing with the principle that PCCs should publish information about upcoming and recent meetings, there is no apparent need to be as prescriptive as this. PCCs already maintain a register of interests and a gifts/hospitality register (and in Kent a PCC diary is published) and in communicating with the public most will have arrangements similar to Kent.

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

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

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

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

- Agreed; in a complicated landscape, it is extremely important that clarity is provided to the public/complainants. More could and should be done; however, given the complexity of the situation, the number of parties involved, and the fact that it is changing, it is difficult for practitioners, let alone the public. Kent OPCC makes it clear on the website, and in correspondence, who does what; however, this only reduces, and does not eliminate, the confusion.
- Agreed, and this is in place in Kent.
- Agreed. In Kent, we were deeply uneasy at these proposals and welcome the fact they are now off the table in terms of the Government's proposals. However, it remains in place for 'immediate resolution'.
- The entire system of PCC complaints requires revision. A complaints process for individual elected members, based on the Police complaints system, administered by a local government committee, and with the involvement of the IPCC, does not and will not work.

20 *PCCs' appointment procedures should comply with open and transparent appointment processes including:*

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

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

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

- The process for the appointment of the Chief Constable in Kent was open, transparent, and met all the requirements expected. There was an independent member appointed from the national list; two independent members; an observer from the Panel; and two HR advisors. We agree that as a minimum, there should be independent members on all the appointment panels. We also had an independent member on the appointment panel for the Chief of Staff and the CFO.
- Agreed; a demonstrable commitment to the highest standards, and a willingness to lead on ethical matters formed part of the questioning in Kent. We agree this should be standard practice.
- Agreed.
- Agreed
- Agreed.

The Police and Crime Commissioner for Lincolnshire

Committee on Standards in Public Life report 'Tone from the top - leadership, ethics and accountability in policing'

This document sets out the comments and actions of the Police and Crime Commissioner for Lincolnshire to recommendations set out in the "*Tone from the Top: Leadership, Ethics and Accountability in Policing*" report published by the Committee on Standards in Public Life.

The Committee will be pleased to note that the majority of recommendations are already in place in Lincolnshire. I would also highlight the professional guidance and advice that I receive from my Monitoring Officer in supporting and promoting high ethical standards.

Recommendation 2

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

Comment

On his first day in office following his election, the PCC received a briefing from his Monitoring Officer on ethical standards and voluntarily adopted a Code of Conduct based on the Nolan Principles. The PCC was also inducted on the College of Policing Code of Ethics upon its introduction.

Action

An ethical component will be included in future PCC inductions to encompass the Seven Principles of Public Life, the Association of Police and Crime Commissioner's Ethical Framework and the College of Policing's Code of Ethics.

Recommendation 3

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

Comment

A Deputy PCC has not been appointed for Lincolnshire.

Action

The recommendation is accepted and noted for future reference.

Recommendation 5

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

Comment

The Chairman is required to undertake an annual review of the effectiveness of the Joint Independent Audit Committee (JIAC) and to ensure that all aspects of business have been adequately covered in line with its Terms of Reference and Forward Plan. In addition, the Chairman meets the PCC, Chief Constable and their respective Chief Finance Officers after each Committee meeting to plan and review the Committee's activities. Public reports considered by the JIAC and the Minutes of all meetings are made available on the Commissioner's website for public scrutiny.

Action

Having regard to the Financial Management Code of Practice for the Police Service and locally agreed approach to reviewing the effectiveness of the JIAC (which is considered proportionate), no further action is considered necessary without additional legislation / guidance on future reporting requirements.

Recommendation 6

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

Comment

The current iteration of the PCC's Police and Crime Plan for 2013 – 2017 does not make explicit reference to holding the Chief Constable to account for promoting and embedding the Code of Ethics. However, the requirement to embed the Code is reflected in the Force People Strategy (2016 -2019), which is approved by the PCC. The promotion and embedding of the Code is also a standing item for consideration and review at the PCC's Professional Standards Governance (PSG) meetings held on a bi-monthly basis with the Deputy Chief Constable and Head of Professional Standards. The purpose of PSG meetings is set out in its terms of reference, as follows:

“To exercise oversight over the way complaints, integrity, ethics and professional standards issues are handled by the Force and in so doing, help develop greater confidence and trust in the police within the community and ensure that Lincolnshire Police observes clear ethical standards and achieves higher levels of integrity and professional standards of service delivery.”

Under the terms of reference, PSG has specific responsibility to:

“Consider issues concerning professional standards, integrity and ethics in accordance with the principles and standards set out in the ‘Code of Ethics’ published by the College of Policing.”

Action

It will be a matter for the incoming PCC to determine whether the existing arrangements for holding the Chief Constable to account are maintained or changed. Articulating those arrangements in the Police and Crime Plan / Annual Report will also be brought to their attention.

Recommendation 10

As a matter of good practice:

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

Comment

The arrangements for how the PCC makes decisions is clearly set out in his Policy Statement and associated procedure, which are published on the PCC's website. A Forward Plan is published on a monthly basis giving advance notice of decisions of significant public interest that are scheduled to be taken over the following three month period. The Plan is also made available on the PCC's website giving the public and other interested parties, such as the Police and Crime Panel, the opportunity to comment on forthcoming decisions. The Plan details the date on which decisions will be made, the subject matter of each decision, the decision to be taken and contact details for the responsible officer.

Action

Having regard to statutory requirements and local practices already in place, which are considered proportionate, open and transparent, no further action is considered necessary without further legislation / guidance on the introduction of additional reporting requirements.

Recommendation 13

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

Comment

The arrangements for gifts, gratuities and hospitality registers and business interests are kept under periodic review by the PCC. The Force Register of Gifts and Hospitality is reviewed bi-annually and Policy on Gifts and Hospitality annually by the PCC at Professional Standards governance meetings attended by the Deputy Chief Constable and Head of Professional Standards.

Action

No action required.

Recommendation 14

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

Comment

The PCC and Chief Constable have appointed their own Chief Finance Officers.

Action

The action is accepted and noted for future reference.

Recommendation 15

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

Comment

The PCC and Chief Constable have a shared service approach to communications and public affairs. In taking this approach both parties agreed that in the normal course of business there should be very few occasions where conflicts of interest arise between the two corporations sole; both have the same goals in terms of shared priorities for the people of Lincolnshire. However, should a conflict arise, the protocol would be that the Head of Communications would support the PCC and the Communications and Public Affairs Manager would support the Chief Constable.

Action

As the local arrangement provides for a situation where there could be a clear separation of duties between two individuals (i.e. a single joint press/media officer has not been appointed), no action is required.

Recommendation 16

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

Comment

Her Majesty's Inspector of Constabulary (HMIC) provided an independent report on Crime Data Integrity in relation to Lincolnshire Police in November 2014. Following that report, an Action Plan was developed by Lincolnshire Police to address recommendations made following the Inspection. Scrutiny of the Action Plan was discharged through the Force PEEL Board chaired by the Deputy Chief Constable, on which the PCC is represented. Updates on progress with this and other Inspection reports are presented for review by the Joint Independent Audit Committee in order to gain assurance.

Action

In view of the processes in place and actions taken to date no further action to implement the recommendation is considered necessary.

Recommendation 17

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

Comment

The PCC publishes on his website a schedule of meetings/engagements on a monthly basis, including meetings with external stakeholders. Information published includes the month the meeting is held and name of the attendee. This information is also reported to the Police and Crime Panel on a quarterly basis.

Action

The PCC will, with effect from 1 January 2016 enhance the level of information already provided about meetings with key stakeholders by introducing a register as described in the recommendation.

Recommendation 18

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

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

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

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

Comment

The PCC publishes information on his website explaining who has responsibility for the various types of complaints that might arise (e.g. complaints against the PCC, the Chief Constable, members of the PCC's staff, and police officers / staff). There are links to the relevant complaint procedures and contact details for making a complaint. Lincolnshire Police also publishes guidance on its website about who can complain and how to make a complaint, including contact details.

The PCC holds bi-monthly Professional Standards Governance meetings with the Deputy Chief Constable and Head of Professional Standards. This forum is currently monitoring implementation of proposed changes to the police complaints and disciplinary systems. As changes are made nationally, information provided to the public via the PCC and Force websites will be updated as necessary.

The PCC is responsible for the on-going scrutiny and oversight of police complaints to ensure (and be assured) that complaints are being dealt with rigorously and fairly, in line with IPCC Statutory Guidance and Force policies / procedures. Where there are

complaint cases which (on their facts and outcomes) indicate a consistent area for concern, they will be reviewed in conjunction with Lincolnshire Police to see where wider lessons can be learned and implemented.

Action

The extent of information provided to the public by the PCC and Chief Constable through their respective websites will be constantly reviewed as changes occur.

Recommendation 20

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

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

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

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

Comment

The PCC followed the College of Policing's guidance for the Appointment of Chief Officers when he appointed the Chief Constable in 2013. Indeed the College was engaged to manage the selection and appointment's process. The PCC appointed an Independent Member from a pool of accredited Independent Members/Assessors maintained by the College. The appointment was made against a series of key personal competencies set locally and the personal competences from the National Policing Professional Network. This included the competence of professionalism whereby an officer is required to "*act with integrity in line with the values and ethical standards of the Police Service*". Details of the selection and appointment process, including composition of the Appointment Panel were published on the PCC's website and a full report upon the process and all relevant aspects of it was supplied to assist the Police and Crime Panel reach its decision at the Confirmation Hearing.

It has not as yet been necessary to instigate formal selection and appointment processes for senior members of the PCC's staff. The decision made by the PCC to suspend the Temporary Chief Constable in 2013 was made as a decision of significant public interest and published on the PCC's website.

The PCC has not appointed a deputy.

Action

The recommendation is accepted and noted for future reference.

27 November 2015



OFFICE OF THE POLICE & CRIME
COMMISSIONER FOR NORFOLK

Tel: (01953) 424455
Fax: (01953) 424462
Email: OPCCN@norfolk.pnn.police.uk
www.norfolk-pcc.gov.uk

Building 8, Jubilee House, Falconers Chase
Wymondham, Norfolk NR18 0WW

Lord Bew
Chair, Committee on Standards in Public Life
Room GC.05
1 Horse Guards Road
London SW1A 2HQ

Our Ref: PCC/SL/CSPL
Reply to:
Direct Dial: 01953 425599

27 November 2015

Dear Lord Bew

In response to your letter dated 27 July 2015 seeking my response to the recommendations published within the Committee for Standards in Public Life report 'Tone from the Top – leadership, ethics and accountability in policing'.

Recommendation 2:

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

Response to Recommendation 2:

The Office of the Police and Crime Commissioner for Norfolk accepts this recommendation and will develop the induction programme delivered to PCCs to ensure all aspects of this recommendation are captured.

Recommendation 3:

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

Response to Recommendation 3:

The Office of the Police and Crime Commissioner for Norfolk accepts this recommendation. The Deputy PCC for Norfolk has signed the code of conduct and is subject to the same minimum requirements as the PCC. This information is published on the OPCCN website and any new appointment would be subject to the same processes.

Recommendation 5:

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

Response to Recommendation 5:

The Office of the Police and Crime Commissioner for Norfolk accepts this recommendation. A Joint Audit Committee annual report for 2015/16 will be produced and published during 2016.

Recommendation 6:

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

Response to Recommendation 6:

The Office of the Police and Crime Commissioner for Norfolk accepts this recommendation.

All public performance papers from 2016 onwards will include at regular intervals an update from the Constabulary on the progress being made with embedding the College of Policing Code of Ethics. The PCCs 2014/15 Annual Report highlighted that the PCC is represented at the Integrity Working Group and Ethics committee which monitor compliance with the Code of Ethics for police officers and staff. The next Police and Crime Plan will make specific reference to a strategic objectives to monitor compliance in this area

Recommendation 10:

As a matter of good practice:

** PCCs should publish a forward plan of decisions identifying the subject matter of the decision, why it is key, the meeting at which the decision is due to be taken, who will be consulted before the decision is taken and what reports/papers will be available for inspection; and*

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

Response to Recommendation 10:

The Office of the Police and Crime Commissioner for Norfolk accepts this recommendation and is in the process of developing a forward plan of all the decisions in conjunction with the Norfolk Police and Crime Panel.

The Norfolk Police and Crime Panel produces a detailed forward work programme and this is utilised by the OPCCN when planning their work.

Recommendation 13:

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

Response to Recommendation 13:

The Office of the Police and Crime Commissioner for Norfolk accepts this recommendation.

The OPCCN maintains the appropriate registers to record these and they are regularly monitored. The registers and associated policies are also published on the OPCCN website.

Recommendation 14:

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

Response to Recommendation 14:

The Office of the Police and Crime Commissioner for Norfolk accepts this recommendation.

Arrangements for the appointment of a Joint Chief Finance Officer in Norfolk is articulated within the Scheme of Governance and Consent and described in the Annual Governance Statement. This information is publicly available on the OPCCN website. Routine monitoring is undertaken by the Joint Audit Committee

Recommendation 15:

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

Response to Recommendation 15:

The Office of the Police and Crime Commissioner for Norfolk accepts this recommendation.

If a joint appointment was made in the future there are processes in place to ensure that the policy and management controls would be exercised and monitored through the Joint Audit Committee.

Recommendation 16:

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

Response to Recommendation 16:

The Office of the Police and Crime Commissioner for Norfolk accepts this recommendation.

An annual paper has now be tabled at the Joint Audit Committee to assess crime data integrity and NCRS compliance.

Recommendation 17:

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

Response to Recommendation 17:

The Office of the Police and Crime Commissioner for Norfolk accepts this recommendation.

The OPCCN publishes an events section on its website which highlights meetings attended by the PCC and the Deputy PCC. This includes the dates of the meetings and details of who is attending and a brief description of the meeting. The events section is updated weekly. For ease and accessibility public events are displayed in green and non-public events in orange. Ahead of key public meetings and events press releases are published and social and digital media are also utilised.

Recommendation 18:

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

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

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

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

Response to Recommendation 18:

The Office of the Police and Crime Commissioner for Norfolk accepts this recommendation and has complaints policies and procedures published on the OPCCN website.

Police Integrity Reforms in relation to the changes made to the police disciplinary system is being monitored and the Eastern Region PCCs have recruited a pool of legally qualified chairs.

The OPCCN is a key stakeholder on the Home Office workshops around the new Police and Criminal Justice Bill in relation to police complaints and police disciplinary procedures.

The OPCCN welcomes the changes being introduced and the appellant function for local resolution of complaints in Norfolk will transfer across to the PCC.

Recommendation 20:

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

** a requirement for there to be an independent member on the appointment panel set up to oversee the appointments process for Chief Constables and Senior Office of PCC staff; and*

** a requirement that a criterion for selection be that the panel is satisfied that the candidates can meet the standards of the Seven Principles of Public Life*

** details of the independent panel member should be published*

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

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

Response to Recommendation 20:

The Office of the Police and Crime Commissioner for Norfolk accepts this recommendation.

*The OPCCN accepts this recommendation and there is a process in place to utilise an independent member on any appointments panel.

*The Seven Principles of Public Life criterion will be built into the existing process and captured in any induction programme for new appointments.

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*The OPCCN accepts this recommendation and details of any independent member are published.

*The OPCCN accepts this recommendation and would publish any such decision.

Yours sincerely

A handwritten signature in cursive script that reads "Stephen Bett".

Stephen Bett
Police and Crime Commissioner for Norfolk



Lord Paul Bew
Room GC.05
1 Horse Guards Room
London
SW14 2HQ

Our ref: RB/853

September 2015

Dear Lord Bew

Thank you very much for taking the time to write to me and to outline your recommendations.

I wanted to inform you that the APCC will be responding in full on the behalf of Police and Crime Commissioners.

Please let me know if there is anything else I can do to help.

Yours sincerely

Julia Mulligan
Police and Crime Commissioner for North Yorkshire

Label
To note *LB 1110*



Lord Bew
Chair
Committee on Standards in Public Life
BY EMAIL

18th September 2015

Dear Lord Bew

Response to 'Tone from the Top – Leadership, ethics and accountability in policing'

Thank you for providing the opportunity to comment on the recommendations of the Committee in the above report.

My overriding comment is that PCC's should, of course, be expected to demonstrate leadership, transparency and accountability in an ethical way. However I do not think it is right that PCC's are held to a different standard to other elected officials and representatives. I think a fundamental question should be whether Councillors or Members of Parliament are subject to the same expectations as a PCC. Some of the proposals in the report would result in inconsistency between PCCs and other elected officials, unless the expectations of those officials are also changed, and therefore I would urge the government to guard against creating a two-tier system.

Recommendation 2 – PCCs and their deputies should receive an ethical component as an essential part of their induction.

I understand the purpose of seeking to make this a component of any induction for PCCs. Of course PCCs have a key role in being the visible and public leadership for police and crime prevention within their area and therefore modelling high standards of conduct is vital. In principle this makes sense for a public servant. As stated above, I would be cautious of creating a different expectation of PCCs to other elected officials.

Recommendation 3 – A Deputy PCC should be subject to the same mandatory national minimum code of conduct as PCCs and publicly available protocols should be in place for their relationships with other employees of the PCC

Northamptonshire Police and Crime Commissioner

Wootton Hall, Northampton, NN4 0JQ

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I do not have a deputy within Northamptonshire. However in principle where deputies are employed, they should have the same checks and balances in place as PCCs.

Recommendation 5 – Joint Audit Committees should publish an annual report in a form that is easily accessible to the public

Audit Committees need to be independent of PCCs and Forces. Therefore I would be content with this recommendation provided consideration is given to how the Committee prepare the report in a way that maintains that independence.

Recommendation 6 – PCCs’ responsibility for holding Chief Constables to account on behalf of the public should explicitly include holding the Chief Constable to account for promoting ethical behaviour and embedding the College of Policing’s Code of ethics. Each PCC’s Police and Crime Plan should set out how they intend to this, and their annual report should show delivery against the objectives set out in the plan

The principle of the PCC holding the Chief Constable to account for all aspects of running the police force within an area are already established in legislation. Therefore the ability for PCCs to hold the Chief Constable to account for ethical behaviour is already in place and of course this should be an expectation on any public servant.

However, I am not sure that expecting the PCC to set out in the Police and Crime Plan how they intend to do this specifically is helpful. Police and Crime Plans are designed for the PCC to set out the strategic direction for the Force and wider partners across the police and crime landscape. The role of the PCC is therefore much more than to hold the Chief Constable to account. The role provides a directly accountable person to the public within an area and for the PCC to hear public concerns and make them into reality. So whilst upholding high standards is, of course, important, I do not think that the Police and Crime Plan is the place through which to ensure this.

Recommendation 10 - As a matter of good practice:

- **PCC should publish a forward plan of decisions identifying the subject matter of the decision, why it is key, the meeting at which the decision is due to be taken, who will be consulted before a decision is taken and what reports/papers are available for inspection**

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Wootton Hall, Northampton, NN4 0JQ

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

In principle, publishing a forward plan of key decisions should be aspired to by every PCC. However, I would want this to be kept less prescriptive than the recommendation currently suggest. The change from the Police Authority to the PCC enabled new approaches to decision making to be taken. No longer do decisions need to wait for a set piece meeting. Decisions can be taken in a more timely fashion and at the appropriate moment rather than needing to delay decision making for a set piece meeting. I feel this is a major advantage to the current model and one that I would not want to see changed by this recommendation.

Recommendation 13 – Chief Constables and PCCs should keep the arrangements for gifts, gratuities and hospitality registers and business interests, including notifiable memberships, and other employment under regular review as part of ensuring and evidencing that the Code of Ethics remains embedded in everyday practice

This is already required of PCCs through the Elected Local Policing Bodies (Specified Information) Order 2011. It is therefore something that PCCs should already be keeping under regular review.

Recommendation 14 – Where a Joint Chief Finance Officer is appointed, an explicit policy and appropriate controls should be put in place to manage any potential conflicts of interest; be made publicly available; and regularly monitored by the Joint Audit Committee

I do not have this arrangement in Northamptonshire and do not believe that this is the most appropriate way to run two corporations sole that require one to hold the other to account for the appropriate use of public money. However, whilst it is allowed in practice then this recommendation should be followed.

Recommendation 15 – Where a joint press/media officer is appointed, an explicit policy and appropriate controls should be put in place to manage any potential conflicts of interest, be made publicly available, and regularly monitored by the Joint Audit Committee

In Northamptonshire we have shared the Communications team during my term of office. At no stage have we had such a conflict of interest arise and

Northamptonshire Police and Crime Commissioner

Wootton Hall, Northampton, NN4 0JQ

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any minor differences have been resolved less formally. However, I have no objections to the recommendation

Recommendation 16 – The Joint Audit Committee should scrutinise the basis of the assurances provided as to the integrity of crime data, including the related performance management systems

It appears fair that the Joint Audit Committee should scrutinise the basis of the assurances provided as to the integrity of crime data.

Recommendation 17 – PCCs and their Deputies should publish a register of meetings with external stakeholders and routinely publish information about all significant meetings involving external attempts to influence a public policy decision. The published information should include dates of meetings, details of attendances and meaningful descriptors of subject matter. It should normally be published within one month on their website in an easily accessible format

PCCs already routinely publish information on meetings of public interest. The principle of the recommendation is sound. Care does need to be taken though that PCCs are not being asked to hold a higher standard than other public servants. For example, meetings with Ministers under this proposal would need to be published by a PCC but not by the Minister. I think care should be taken to avoid a two tier system.

Recommendation 18 – All parties with responsibility for complaints should make clear and actively publicise where their responsibilities – especially in relation to actual investigations and their outcomes – begin and end. The implementation of the proposed changes to the police complaints and disciplinary systems should be monitored locally by PCCs and nationally by the Home Office, IPCC and HMIC. Responsibility for handling police complaints through local resolution should not sit with those with appellate responsibility in relation to the same complaints. The Home Office should consider whether or not complaints about PCCS should continue to be handled by the IPCC.

This recommendation is supported. The final part on IPCC investigations into PCCs is particularly important given the length of time that the IPCC take to investigate PCCs, leaving PCCs and the public without any certainty on the outcomes. Those in public office should be dealt with quickly to ensure clarity for all.

Northamptonshire Police and Crime Commissioner

Wootton Hall, Northampton, NN4 0JQ

www.northantspcc.org.uk



Recommendation 20

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

A requirement for there to be an independent member on the appointment panel set up to oversee the appointments process for Chief Constables and senior Office of the PCC staff

A requirement that a criterion for selection be that the panel is satisfied that the candidates can meet the standards of the Seven Principles of Public Life

Details of the independent panel members should be published

Where the PCC intends to appoint a deputy the PCC should disclose the fact and the intended Deputy at the time of the election

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

I recently appointed a new Chief Constable and included an independent member on the panel, which was reported to the Police and Crime Panel as required. I do not think that this recommendation adds anything to the already significant requirements with regards senior appointments that are included within legislation.

It should be noted that PCCs are already bound to abide by the Seven Principles of Public Life through the Policing Protocol Order 2011.

I trust that this response is helpful.

Yours sincerely

Adam Simmonds
Northamptonshire Police and Crime Commissioner

Northamptonshire Police and Crime Commissioner

Wootton Hall, Northampton, NN4 0JQ

www.northantspcc.org.uk



VERA BAIRD^{QC}
POLICE & CRIME COMMISSIONER

Lord Bew
Chairman - Committee on Standards in Public Life
Room GC.05
1 Horse Guards Road
London
SW1A 2HQ

Victory House
Balliol Business Park
Benton Lane
Newcastle upon Tyne
NE12 8EW

E:enquiries@northumbria-pcc.gov.uk
T: 0191 221 9800

26th November 2015

Dear Lord Bew

Tone from the top, Leadership, ethics and accountability in policing

I welcomed your report in the summer and as a PCC value improvements that can ensure and evidence transparency in accountability, particularly for local communities. Thank you for the opportunity to comment on the recommendations in relation to Police and Crime Commissioners and Chief Constables, I have provided these below and also included some local examples of how I have put these principles into action already to strengthen confidence in accountability.

In addition as a member of the Association of Police and Crime Commissioners I have some thoughts on the recommendations that have been made for national implementation which I have included, although I am aware that a comprehensive response will be made by the APCC direct to yourselves.

Recommendation 1 – APCC

Although the development of a national minimum Code of Conduct could in theory be done quite easily, however there is concern that this could be perceived as an overkill. PCCs are already subject to Nolan Principles, the Oath of Office, the Policing Protocol, Joint Corporate Governance Frameworks within their area, the Specified Information Order, which includes a requirement to produce a statement about PCC conduct, and a structured complaints regime through Police and Crime Panels. The APCC has no powers to bind its members, so a nationally applicable minimum code would require the agreement of all members, and could not be imposed by the APCC.

Recommendation 2 – PCCs only

I would agree that all newly elected PCCs should receive an 'ethical' component in their induction awareness or training on taking up the role.

This will be of particular value to PCCs who are not from a political background where there is a clear understanding already of the principles of public life. Briefings should as you say should include the seven principles of public life, the APCC Ethical Framework and the College of Policing Code of Ethics.

Following my election in 2012 I signed, along with my deputy at the time, a 'Code of Conduct' which is available on my website.

<https://www.northumbria-pcc.gov.uk/v2/wp-content/uploads/2013/10/PCC-DPCC-Code-of-Conduct.pdf>

This Code of Conduct and the commitments within it are founded on and endorse the Policing Protocol 2012 which provides that all parties will abide by the seven principles of public life, known as the Nolan Principles, as set out in the First Report of the Committee on Standards in Public Life, and also appropriate conduct in relation to disclosure and registration of interests, conflicts of interest, disclosure of information, transparency and decision making.

Recommendation 3 - PCCs only

I would fully support and endorse that a Deputy PCC should be subject a Code of Conduct in the same manner of as a PCC. I also support that along with this there should be a clear understanding of the relationship that the Deputy has with other employees of the PCC and that this should be made publically available.

Recommendation 4 – APCC

Developing a memorandum of understanding between Chief Constables and PCCs has some merit, although many PCCs already have local agreements, a single agreement would struggle to encompass the different ways of working across 43 PCCs and Chief Constables. I am unsure what the LGA would add to this other than a link to the role of statutory officers which would potentially change depending on the Home Office proposed legislation with regard to the complaints process. If the recommendation is made to eliminate conflicts of interest then most areas have already made suitable arrangements to deal with this.

Recommendation 5 - PCCs only

I am supportive of the recommendation that Joint Independent Audit Committees should publish an Annual Report in a publically accessible format setting out the external and internal audit work that they have carried out and assure the PCC, the Chief Constable and the public that the committee is indeed undertaking its responsibilities. The Joint Independent Audit Committee for Northumbria has published an Annual Report and this is available on my website. www.northumbria-pcc.gov.uk/v2/wp-content/uploads/2014/08/Annual-Report-of-the-Joint-Independent-Audit-Committee-2014-15.pdf

Recommendation 6 - PCCs only

Whilst the role of the PCC in ensuring an efficient and effective police force I do work to ensure that the Chief Constable promotes ethical behaviour in Northumbria Police. I would support the inclusion of this explicit requirement and my commitment to carrying out this accountability in my Police and Crime Plan, and will include this any future iteration of the document, and subsequent reporting in the Annual Report. My Plan has a key objective of Community Confidence and I consider this issue to be a key element.

Recommendation 8 –APCC

The narrative that supports this recommendation around a definition of 'key decision' causes concern, if this is linked to recommendation 10 and the publication of a forward plan this could change the nature of the panel's role from that of scrutiny to one which might inappropriately influence PCC decisions.

I understand that this was previously discussed by Parliament, who decided not to define the phrase to allow local flexibility.

Recommendation 10 - PCCs only

As a matter of good practice I would support that PCCS should publish a forward plan of decisions identifying the subject matter of the decision, why it is key, the meeting at which the decision should be taken, who will be consulted before the decision is taken and what reports or papers will be available for inspection. Obviously there is the proviso that in some cases a key decision will be subject to exemption from publication under Schedule 12A of the local government Local Government Act 1972. In addition, whilst every effort can be made to adhere to a published forward plan at any point, key decisions may need to be added/removed. In addition as outlined in Recommendation 8, the Panel must be clear that they have a scrutiny role only and have no role in influencing a decision to be made by a PCC.

It will also assist PCCs with forward planning if Police and Crime Panels provided PCCs with a forward plan specifying information that they require in order for them to carry out their work.

In Northumbria we have a forward plan for the Panel and reports are submitted to the panel in accordance with this plan whilst also responding to changes in local and national issues that may be relevant for the panel.

Recommendation 12 – APCC

Whilst in principle the publication of a national list of PCCs pay and rewards, gifts and hospitality and register of interests would appear to be a simple process, previously there has been concern that publication of this information in a national format would lead to a 'league table' mentality and not allow for local accountability and circumstances. In addition I am unsure that is it an appropriate use of APCC resources to collate data that is easily available and published as a result of the Specified Information Order on every PCC website across 43 forces.

Recommendation 13 PCCs & Chief Constables

This level of transparency is a key component of public confidence and I welcome the recommendation that arrangements for gifts, gratuities and hospitality registers together with notifiable interests are regularly reviewed and embedded in everyday practice. As a PCC I comply with the Elected Local Policing Bodies (Specified Information) Order 2011 and publish on my website information pertaining to my salary, allowances received, a register of gifts, hospitality personal interests. In addition Northumbria Police website contains information about expenses paid to the Command Team and a register of business interests across the whole force.

Recommendation 14 & 15 - PCCs & Chief Constables

In the interests of efficiency I have adopted a model where the Chief Finance Officer and a number of other key functions such as Communications are provided to my office under a service level agreement with Northumbria Police. This agreement includes a clause on conflict of interest and it is recognised that on occasion certain elements of service delivery may necessitate a degree of confidentiality and/or could place an individual in a position of a conflict of interest between the PCC and the Chief Constable. It is anticipated these circumstances would be rare, if at all, and would more likely involve senior personnel, typically the service lead. In such circumstances the individual must identify any concerns and bring these to the

attention of the Chief Executive of the OPCC and the relevant Assistant Chief Officer within Northumbria Police. In the interests of transparency officers can if necessary also direct concerns to the PCC or Chief Constable who will provide direction on the matter. In rare instances, it may be necessary for the PCC or CC to obtain independent advice. The Service Level Agreement is available on my website.

The recommendation to develop an explicit policy and appropriate controls seems to provide a 'belt and braces' solution to this business model and my office are exploring the development of such a policy for the relevant services to strengthen the Service Level Agreement. We will use the National Audit Office, Cross Government Conflicts of Interest Report published in January 2015 to help us to shape these policies.

Recommendation 16 - PCCs & Chief Constables

I would agree that there is a role for the Joint Independent Audit Committee to scrutinise crime data integrity and would expect their scrutiny of such to be a key component in their Annual Report (Ref recommendation 5). As local communities need to be reassured that crime data used by local police is high-quality data enabling them to establish where, when, and how often crime and anti-social behaviour (ASB) is happening. To enable the Joint Independent Audit Committee to be reassured about crime data integrity in Northumbria, reports are presented to the committee that provide an update on progress against delivery of the action plan developed following the latest HMIC inspection of Crime Data Integrity in August 2014 and details of current compliance levels.

Recommendation 17 - PCCs only

I support this recommendation and would be happy to commit to publish information about any significant public meetings where there may be external attempts to influence a public policy decision. It may however be useful for the committee to identify what it considers to be such a decision.

Recommendation 18 - PCCs & Chief Constables

I agree that transparency in respect of complaints is vital and my website includes a clear complaints policy that outlines who and where complaints should be directed to and rights of appeal. I have been at the forefront of discussions between the Home Office and the IPCC to demonstrate the effectiveness of local triage in addressing complaints against police forces. As A PCC I have always felt the investigation of police by police to be an anomaly which needs to be addressed by the Home Secretary, if this is achieved then we will have a much clearer system for local communities to understand and have trust in. I do not believe that PCCs should be responsible for monitoring local complaints and disciplinary, I believe that this comes under the remit of the Chief Constable who is responsible for their own officers, scrutiny by the PCC should focus on how effectively the Chief Constable carries out these duties. Complaints about the PCC are currently monitored by the Police and Crime Panel and this should continue to be the case.

Recommendation 20 - PCCs only

I support recommendation 20 and can confirm that when appointing a new Chief Constable earlier this year I met these requirements and can confirm that this did indeed provide a wholly transparent and inclusive recruitment process. As an addition I included stakeholder engagement which I detailed further on in this section and would propose that the committee consider including this in any future recommendation as I found it invaluable.

The appointment process is provided on my website for public information and as you can see mirrored the recommendation, I have provided further details below.

www.northumbria-pcc.gov.uk/transparency/key-decisions/chief-constable-recruitment-process.

Following receipt of formal applications a shortlisting process took place that include a Chief Constable from a neighbouring force and an independent panel member, Chief Executive of our Community Rehabilitation Company.

To reflect that the role of Chief Constable has a wider impact beyond direct delivery of policing services I felt that it was important that local authority leaders and key stakeholders from the business, health, community and voluntary sectors were given the opportunity to meet shortlisted candidates and provide a valuable input to assist in the deliberations on the appointment of a candidate. Following these stakeholders sessions they fed back their thoughts to me in person.

The formal interview, at which the panel consisted of the members who shortlisted the candidates and the appointment was made. The Police and Crime Panel then held their confirmation hearing and were provided with a letter from the independent member outlining that the process complied with the principles of merit, fairness and openness. The letter is also available on the website.

I trust that the comments made on your recommendations will support the work of your committee in their endeavours to enhance transparency and the examples of some of the work in Northumbria may help to further shape your recommendations in the final stages of this work. If you require any further information do not hesitate to contact me.

Yours sincerely

A handwritten signature in black ink, appearing to read 'V Baird', written in a cursive style.

Vera Baird QC
Police and crime Commissioner for Northumbria

Response to the Committee for Standards in Public Life report ‘Tone from the Top – leadership, ethics and accountability in policing’ recommendations:

Thank you for the opportunity to comment on the recommendations proposed in the Committee for Standards in Public Life report ‘Tone from the Top – leadership, ethics and accountability in policing’.

Please see the response from the Office of the Police and Crime Commissioner for South Yorkshire detailed below.

Recommendation 1: The Association of Police and Crime Commissioners, working with the Association of Policing and Crime Chief Executives should develop a nationally agreed minimum code of conduct by the end of 2015, which all current PCCs should publicly sign up to by then, and all future PCCs on taking up office.

Whilst we accept PCCs should adhere to high standards of conduct similar the Nolan principles, encouragement should be made to continually achieve the highest standards, not merely achieve the minimum standards set. There is potential danger that setting a minimum guideline will not reinforce this.

Recommendation 2 - PCCs and their Deputies should receive an ethical component as an essential part of their induction. While this should be locally tailored and delivered it should cover the Seven Principles of Public Life, the Association of Police and Crime Commissioners Ethical Framework and the College of Policing’s Code of Ethics. This is to provide an understanding of ethics in practice and the role of PCCs as ethical leaders, promoting and modelling the high standards of conduct for which they hold others to account.

The Police and Crime Commissioner signs the ‘Code of Conduct’ when being sworn into office. In it they declare ‘I embrace the new national Code of Ethics for Policing (expanding the *Seven Principles of Public Life (the Nolan Principles)* set out in *The Policing Protocol Order 2011*), and these are central to the conduct and behaviour of me and my staff.’ This is then published on the OPCC website.

Recommendation 3 - A Deputy PCC should be subject to the same mandatory national minimum code of conduct as PCCs and publicly available protocols should be in place for their relationships with other employees of the PCC.

Though there is no Deputy PCC in South Yorkshire currently, any future incoming Deputy will also be asked to sign the ‘Code of Conduct’ and abide by this whilst in office.

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

The Joint Audit Committee already produce an Annual Report which then is published on the OPCC website.

Recommendation 6 - PCCs' responsibility for holding Chief Constables to account on behalf of the public should explicitly include holding the Chief Constable to account for promoting ethical behaviour and embedding the College of Policing's Code of Ethics. Each PCC's Police and Crime Plan should set out how they intend to do this, and their Annual Report should show delivery against the objectives set out in the plan.

This is a standing item on the Independent Ethics Panel agenda, and is fed in to the PCC's wider Governance and Assurance Board (GAB) meeting, which takes place monthly. This supports the Commissioner in making decisions that have strategic relevance and helps inform policy direction. It is also where the Chief Constable is held to account. The promotion of ethical behaviour and the embedding of the Code of Ethics is detailed in South Yorkshire's Police and Crime Plan under 'Fair Treatment'. The Annual Report shows delivery against the objectives set in the Plan.

As part of promoting ethical behaviour, PCCs should hold Chief Constables to account for promoting whistleblowing policies within force, and protecting those who identify unethical behaviour and choose to report this.

Recommendation 7 - The Police and Crime Commissioner Elections Order should be amended so that all candidates for the post of PCC should be required to publish their responses to the Committee's Ethical Checklist. For the May 2016 elections all candidates should be asked to consider and answer the Checklist and the Committee will be encouraging relevant media outlets to play their part in seeking out and publicising their responses.

This is for the the local authority responsible for local elections, however on principle it would seem appropriate for what is suggested to be considered by the local authority Monitoring Officer.

Recommendation 8 - Drawing on existing good practice and experience, the Association of Police and Crime Commissioners, Association of Policing and Crime Chief Executives and the Local Government Association should work together to develop national guidance on the meaning of a decision of 'significant public interest', so that it is better understood when PCCs should publish records of such decisions.

Whilst it would be beneficial to have guidance on a minimum level of what a decision of 'significant public interest' would be, this should be balanced with the understanding that what is important is subjective depending on the audience. What is of importance nationally may not be important or of interest locally. Local authorities have produced and published Forward Plans for a number of years, each tailored locally, without issue.

Recommendation 9 - Police and Crime Panels should review the PCC's Annual Report in public session attended by the PCC as part of their annual scrutiny programme and make any recommendations as appropriate.

This takes place in South Yorkshire.

Recommendation 10 - As a matter of good practice:

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

The content of the Forward Plan identifies decisions of significant public interest, and would be published in advance. In South Yorkshire all decisions made by the PCC are published on the website, not just those of significant public interest. Governance and Assurance Board meetings are monthly and are conducted publicly with a work plan shared at each meeting. Though this meeting is the main decision making arena, some urgent decisions are made outside this meeting and noted and reported at the next GAB meeting. The intention within South Yorkshire is to involve the public and stakeholders in future decision making.

It should be determined locally what decisions are of significant public interest.

Recommendation 11 - The Home Secretary should conduct an urgent review of whether there are sufficient powers available to take action against a PCC whose conduct falls below the standards expected of public office holders.

There are sufficient powers available to take action against a PCC whose conduct falls below the standards expected of public office holders that are akin to those of other public officials. However, as experienced within South Yorkshire, there is no legislation to cover where a PCC has lost public and/or stakeholder confidence.

Any review conducted by the Home Secretary should also include the loss of public confidence.

Recommendation 12 - To demonstrate an equivalent level of transparency and accountability to the Chief Constables that they oversee, the Association of Police and Crime Commissioners and Association of Policing and Crime Chief Executives should work together to host and make publicly available a list of PCCs' pay and rewards, gifts and hospitality and outside business interests, including notifiable memberships, in an easily accessible format.

South Yorkshire PCCs pay and rewards, gifts and hospitality and outside business interests, including notifiable memberships, are published on the OPCC website. It is for APACE and APCC to decide if they wish to publish this information centrally for all PCCs.

Recommendation 13 - Chief Constables and PCCs should keep the arrangements for gifts, gratuities and hospitality registers and business interests, including notifiable memberships, and other employment under regular review as part of ensuring and evidencing that the Code of Ethics remains embedded in everyday practice.

OPCC policies are in place and are reviewed on an annual basis to ensure they are fit for purpose and being adhered to.

Recommendation 14 - Where a Joint Chief Financial Officer is appointed, an explicit policy and appropriate controls should be put in place to manage any potential conflicts of interest; be made publicly available; and regularly monitored by the Joint Audit Committee.

The OPCC for South Yorkshire and South Yorkshire Police do not have a Joint Chief Financial Officer. We remain unconvinced protocols can address this conflict of interest.

Recommendation 15 - Where a Joint Press/Media Officer is appointed, an explicit policy and appropriate controls should be put in place to manage any potential conflicts of interest, be made publicly available, and regularly monitored by the Joint Audit Committee.

The OPCC for South Yorkshire and South Yorkshire Police do not have a Joint Press/Media Officer. We remain unconvinced protocols can address this conflict of interest.

Recommendation 16 - The Joint Audit Committee should scrutinise the basis of the assurances provided as to the integrity of crime data, including the related performance management systems.

The Joint Audit Committee monitors integrity analysis activity. The Independent Ethics Panel has responsibility for overall integrity. The Governance and Assurance Board seeks assurances from the Chief Constable around the forces' internal performance framework, including crime data and wider HMIC activity. It may benefit to bring together the two together to provide greater oversight.

Recommendation 17 - PCCs and their Deputies should publish a register of meetings with external stakeholders and routinely publish information about all significant meetings involving external attempts to influence a public policy decision. The published information should include dates of meetings, details of attendances and meaningful descriptors of subject matter. It should normally be published within one month on their website in an easily accessible format.

It is the intention of the South Yorkshire PCC to increase dialogue with the public and stakeholders to influence policy and decision making. It is anticipated the Forward Plan will provide information to support this intention.

Work is undergoing within the OPCC to publish the PCCs diary on the OPCC website, which will be updated on a weekly basis.

Care should be taken not to duplicate work done by partner agencies. Instead, links to minutes of meetings published on partner websites should take place.

Recommendation 18 - All parties with responsibility for complaints should make clear and actively publicise where their responsibilities – especially in relation to actual investigations and their outcomes – begin and end.

We agree all parties with responsibility for complaints should make clear and actively publicise where their responsibilities begin and end. This is published on the OPCC website.

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

We agree with the above statement.

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

There is dissatisfaction indicated from the public in South Yorkshire that appeals are handled by the force. We welcome the national review on this process.

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

Complaints about PCCs should continue to be handled by the IPCC where there is a criminal element, however, as with recommendation 11, loss of public confidence in a PCC should also be taken into consideration. There must be parity in the way complaints against elected officials are handled.

Recommendation 19 - The Committee endorses the Home Affairs Committee's recommendations that:

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

There is no clear cut answer to the above recommendations. Any stipulation of grounds of which a PCC may suspend or remove a chief constable may not cover all the aspects of each case. Any circumstances resulting in the need to suspend or remove a chief constable must be taken on individual merit.

Recommendation 20 - PCCs' appointment procedures should comply with open and transparent appointment processes including:

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

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

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

There has not been recruitment of a Chief Constable within South Yorkshire during the PCC's term of office, however we would support a requirement for there to be an independent member on any future appointment panel. As partners and stakeholders will have a vested interest in who is employed as chief constable, it is important to involve them in the appointment process, as well as the Chair of the Independent Ethics Panel.

A member of the Independent Ethics Panel has been involved in the appointment of senior staff within South Yorkshire Police.

We also agree that any known details about a Deputy should be announced at the time of PCC elections. We agree that the decision to suspend or accept the resignation of a Chief Constable, or to appoint a Deputy PCC, should be regarded as a decision of significant public interest.



Making Suffolk a safer place to live, work, travel and invest

Christopher Jackson LLB LLM MBA Solicitor
Chief Executive
Police Headquarters, Martlesham Heath
Ipswich, Suffolk, IP5 3QS

Your Ref:
Our Ref: CJ/kc/062
Telephone No. 01473 782770
Email: christopher.jackson@suffolk.pnn.police.uk

Date: 11 September 2015

Dear Lord Bew,

I refer to your letter of 27 July 2015 to the PCC and Chief Constable. As requested I enclose a copy of the response that has been produced by the PCC and Chief Constable here in Suffolk in response to the recommendations. This response has today been published via the PCC's website alongside the Committee's report.

Yours sincerely



Christopher Jackson
Chief Executive

Lord Bew
Chair, Committee on Standards in Public Life
Room GC.05
1 Horse Guards Road
London
SW1A 2HQ

COMMITTEE ON STANDARDS IN PUBLIC LIFE – JUNE 2015

LEADERSHIP, ETHICS AND ACCOUNTABILITY IN POLICING

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

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

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

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

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

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

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

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

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

Comment: There is no current Deputy PCC in Suffolk.

Action: Action noted if required.

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

Comment: Action is required from the organisations identified above.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- 10) As a matter of good practice:

■ PCCs should publish a forward plan of decisions identifying the subject matter of the decision, why it is key, the meeting at which the decision is due to be taken, who will be consulted before the decision is taken and what reports/papers will be available for inspection; and

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

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

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

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

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

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

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

Comment: This is a matter for the Home Secretary.

Action: No PCC action required.

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

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

Action: No further action required from the PCC.

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

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

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

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

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

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

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

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

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

Action: The recommendation is noted.

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

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

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

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

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

Comment: The recommendation is noted.

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

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

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

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

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

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

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

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

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

- 19) The Committee endorses the Home Affairs Committee's recommendations that:

■ the Home Office bring forward proposals to amend the powers of commissioners to suspend or remove chief constables under Section 38(2) and 38(3) of the Police Reform and Social Responsibility Act 2011 by stipulating the grounds on which they may do so.

■ the Home Office should also provide guidance to commissioners on the use of their powers in both respects. In the case of a suspension there should also be a clear system of safeguards similar to those which guide suspension in respect of conduct.

■ Police and Crime Panels inquire and report into the circumstances whenever a chief constable's service is brought to an end irrespective of whether the Schedule 8 scrutiny process is formally engaged.

■ the Home Office bring forward proposals to extend the Schedule 8 process to include scrutiny by the police and crime panel where a commissioner chooses not to agree to an extension of the chief constables' contract to bring it in line with the process for the removal of a chief constable.

Comment: Noted

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

20) PCCs' appointment procedures should comply with open and transparent appointment processes including:

■ a requirement for there to be an independent member on the appointment panel set up to oversee the appointments process for Chief Constables and senior Office of PCC staff; and

■ a requirement that a criterion for selection be that the panel is satisfied that the candidates can meet the standards of the Seven Principles of Public Life.

■ details of the independent panel member should be published.

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

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

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

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

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

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

Action: The recommendations will be noted for future reference.

11 September 2015

Ethical Checklist for PCCs

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

**REPORT OF THE COMMITTEE ON STANDARDS IN PUBLIC LIFE:
'TONE FROM THE TOP – LEADERSHIP, ETHICS AND
ACCOUNTABILITY IN POLICING'**

**RESPONSE OF THE POLICE AND CRIME COMMISSIONER
FOR THAMES VALLEY**

RECOMMENDATIONS AND RESPONSES	
No.	
1	<p>The Association of Police and Crime Commissioners, working with the Association of Policing and Crime Chief Executives should develop a nationally agreed minimum code of conduct by the end of 2015, which all current PCCs should publicly sign up to by then, and all future PCCs on taking up office.</p>
	<p>PCC Response:</p> <p>Noted</p> <p>However, the Committee should note and acknowledge that upon being elected PCCs are already required to swear the 'Oath', i.e. the Declaration of Acceptance of Office, which incorporates a pledge to act with integrity and diligence, and to ensure transparency of decision making to allow them to be properly held to account by the public.</p> <p>Furthermore</p> <ul style="list-style-type: none"> • all PCCs and chief constables are required to act in accordance with their respective roles and responsibilities as set out in The Policing Protocol Order 2011, and • most if not all PCCs and their Chief Constables will have signed up to a joint Corporate Governance Framework (developed in part by the Association of Policing and Crime Chief Executives) applicable to their respective Offices and forces that incorporates and adopts the 'Nolan Principles' of good governance standards for public services. <p>This recommendation, therefore, appears to represent a duplication of existing governance safeguards.</p>
2	<p>PCCs and their Deputies should receive an ethical component as an essential part of their induction. While this should be locally tailored and delivered it</p>

	<p>should cover the Seven Principles of Public Life, the Association of Police and Crime Commissioners Ethical Framework and the College of Policing's Code of Ethics. This is to provide an understanding of ethics in practice and the role of PCCs as ethical leaders, promoting and modelling the high standards of conduct for which they hold others to account.</p>
	<p>PCC Response:</p> <p>Agreed.</p> <p>The Office of the PCC will incorporate this component within the PCC/Deputy PCC induction programme.</p>
3	<p>A Deputy PCC should be subject to the same mandatory national minimum code of conduct as PCCs and publicly available protocols should be in place for their relationships with other employees of the PCC.</p>
	<p>PCC Response:</p> <p>It is accepted that the Deputy PCC should be subject to the same ethics, integrity and governance standards that apply to the PCC.</p> <p>However, see response to Q1 regarding whether a Deputy PCC should be subject to a mandatory national minimum code of conduct.</p>
4	<p>The Association of Police and Crime Commissioners, Association of Policing and Crime Chief Executives, the National Police Chiefs' Council and Local Government Association should work collaboratively to produce a model Memorandum of Understanding between the PCC and Chief Constable to include working arrangements, recognition of the role of statutory officers and a supporting statutory officer protocol.</p>
	<p>PCC Response:</p> <p>Agreed – <i>except for</i> the recommended inclusion of the Local Government Association in developing the model, which would be inappropriate.</p> <p>This latter body has no relevant responsibility or role to play in developing a Memorandum of Understanding between a PCC and their respective Chief Constable.</p>
5	<p>Joint Audit Committees should publish an Annual Report in a form that is easily accessible to the public.</p>
	<p>PCC Response:</p> <p>Agreed</p> <p>(NB This recommendation replicates existing CIPFA guidance and the Thames Valley 'Joint Independent Audit Committee' already produces an</p>

	'Annual Assurance Report' for the PCC and Chief Constable which is published on the PCC's website)
6	PCCs' responsibility for holding Chief Constables to account on behalf of the public should explicitly include holding the Chief Constable to account for promoting ethical behaviour and embedding the College of Policing's Code of Ethics. Each PCC's Police and Crime Plan should set out how they intend to do this, and their Annual Report should show delivery against the objectives set out in the plan.
	<p>PCC Response:</p> <p>Noted</p> <p>However, I am concerned that this recommendation appears to represent an inappropriate attempt to over-prescribe the functions of the PCC in a way that is not matched by requirements applicable to other elected public office holders.</p> <p>Furthermore, this recommended requirement also appears to represent a duplication of the extant 'joint Corporate Governance Framework' signed up to by PCCs and their chief constables (see response to Recommendation 1, above).</p>
7	The Police and Crime Commissioner Elections Order should be amended so that all candidates for the post of PCC should be required to publish their responses to the Committee's Ethical Checklist. For the May 2016 elections all candidates should be asked to consider and answer the Checklist and the Committee will be encouraging relevant media outlets to play their part in seeking out and publicising their responses.
	<p>PCC Response:</p> <p>Noted</p> <p>However, I am concerned that this recommendation appears to represent an inappropriate attempt to over-prescribe the PCC election process in a way that is not matched by requirements applicable to candidates in elections for other public office positions</p>
8	Drawing on existing good practice and experience, the Association of Police and Crime Commissioners, Association of Policing and Crime Chief Executives and the Local Government Association should work together to develop national guidance on the meaning of a decision of 'significant public interest', so that it is better understood when PCCs should publish records of such decisions.
	<p>PCC Response:</p> <p>Agreed</p>

9	Police and Crime Panels should review the PCC's Annual Report in public session attended by the PCC as part of their annual scrutiny programme and make any recommendations as appropriate.
	<p>PCC Response:</p> <p>Agreed</p> <p>(NB This recommendation replicates an existing statutory requirement)</p>
10	<p>As a matter of good practice:</p> <p>a) PCCs should publish a forward plan of decisions identifying the subject matter of the decision, why it is key, the meeting at which the decision is due to be taken, who will be consulted before the decision is taken and what reports/papers will be available for inspection; and</p> <p>b) Police and Crime Panels should produce a forward plan of work specifying, as appropriate, the information required from PCCs in order for them to carry out that work.</p>
	<p>PCC Response:</p> <p>a) Not agreed</p> <p>My concern is that this recommendation is not practical. It appears to be based on a local government model of decision making (e.g. cabinet and/or committee meetings, scrutiny committees, etc) which does not reflect the model and actuality of PCC decision making practices, as promoted by the Home Office (e.g. dynamic and timely, proactive and reactive, as necessary and appropriate), or the statutory requirements per legislation applicable to PCCs.</p> <p>b) Agreed</p> <p>(NB The Thames Valley Police and Crime Panel already publishes a forward plan of work)</p>
11	The Home Secretary should conduct an urgent review of whether there are sufficient powers available to take action against a PCC whose conduct falls below the standards expected of public office holders.
	PCC Response: (not applicable)
12	To demonstrate an equivalent level of transparency and accountability to the Chief Constables that they oversee, the Association of Police and Crime Commissioners and Association of Policing and Crime Chief Executives should work together to host and make publicly available a list of PCCs' pay and rewards, gifts and hospitality and outside business interests, including notifiable memberships, in an easily accessible format.

	<p>PCC Response:</p> <p>Agreed</p> <p>The development of a reporting format that is consistent between PCCs and with the requirements of the ‘Elected Local Policing Bodies (Specified Information) Order 2011’ would be beneficial.</p>
13	Chief Constables and PCCs should keep the arrangements for gifts, gratuities and hospitality registers and business interests, including notifiable memberships, and other employment under regular review as part of ensuring and evidencing that the Code of Ethics remains embedded in everyday practice.
	<p>PCC Response:</p> <p>Agreed</p>
14	Where a Joint Chief Financial Officer is appointed, an explicit policy and appropriate controls should be put in place to manage any potential conflicts of interest; be made publicly available; and regularly monitored by the Joint Audit Committee.
	<p>PCC Response:</p> <p>Agreed</p> <p>(NB This recommendation reiterates existing CIPFA guidance)</p>
15	Where a Joint Press/Media Officer is appointed, an explicit policy and appropriate controls should be put in place to manage any potential conflicts of interest, be made publicly available, and regularly monitored by the Joint Audit Committee.
	<p>PCC Response:</p> <p>Agreed</p>
16	The Joint Audit Committee should scrutinise the basis of the assurances provided as to the integrity of crime data, including the related performance management systems.
	<p>PCC Response:</p> <p>Agreed</p>
17	PCCs and their Deputies should publish a register of meetings with external stakeholders and routinely publish information about all significant meetings

	<p>involving external attempts to influence a public policy decision. The published information should include dates of meetings, details of attendances and meaningful descriptors of subject matter. It should normally be published within one month on their website in an easily accessible format.</p>
	<p>PCC Response:</p> <p>Noted</p> <p>However, my concerns about this recommendation are twofold:</p> <ul style="list-style-type: none"> (i) Publication of information by PCCs is already subject to the requirements of the ‘Elected Local Policing Bodies (Specified Information) Order 2011’. (ii) The recommendation would not be practical to implement and enforce in practice due to the nature of the role and operational business model of the PCC and Deputy PCC, i.e. a model that does not involve a ‘local government cabinet / scrutiny committee’ format and process for policy development and conducting business.
18	<p>All parties with responsibility for complaints should make clear and actively publicise where their responsibilities – especially in relation to actual investigations and their outcomes – begin and end.</p> <p>The implementation of the proposed changes to the police complaints and disciplinary systems should be monitored locally by PCCs and nationally by the Home Office, IPCC and HMIC.</p> <p>Responsibility for handling police complaints through local resolution should not sit with those with appellate responsibility in relation to the same complaints.</p> <p>The Home Office should consider whether or not complaints about PCCs should continue to be handled by the IPCC.</p>
	<p>PCC Response:</p> <p>Agreed</p> <p>(NB We await the Home Office announcements, due later this year, for the reform of the police complaints system)</p>
19	<p>The Committee endorses the Home Affairs Committee’s recommendations that:</p> <ul style="list-style-type: none"> a) the Home Office bring forward proposals to amend the powers of commissioners to suspend or remove chief constables under Section 38(2) and 38(3) of the Police Reform and Social Responsibility Act 2011 by stipulating the

	<p>grounds on which they may do so.</p> <p>b) the Home Office should also provide guidance to commissioners on the use of their powers in both respects. In the case of a suspension there should also be a clear system of safeguards similar to those which guide suspension in respect of conduct.</p> <p>c) Police and Crime Panels inquire and report into the circumstances whenever a chief constable's service is brought to an end irrespective of whether the Schedule 8 scrutiny process is formally engaged.</p> <p>d) the Home Office bring forward proposals to extend the Schedule 8 process to include scrutiny by the police and crime panel where a commissioner chooses not to agree to an extension of the chief constables' contract to bring it in line with the process for the removal of a chief constable.</p>
	<p>PCC Response:</p> <p>Noted</p>
<p>20</p>	<p>PCCs' appointment procedures should comply with open and transparent appointment processes including:</p> <p>a) a requirement for there to be an independent member on the appointment panel set up to oversee the appointments process for Chief Constables and senior Office of PCC staff; and</p> <p>b) a requirement that a criterion for selection be that the panel is satisfied that the candidates can meet the standards of the Seven Principles of Public Life.</p> <p>c) details of the independent panel member should be published.</p> <p>Where a PCC intends to appoint a deputy PCC the PCC should disclose that fact and the intended Deputy (if known) at the time of the election.</p> <p>A decision to suspend or accept a resignation of a Chief Constable or to appoint a Deputy PCC should be regarded as a decision of 'significant public interest'.</p>
	<p>PCC Response:</p> <p>Agreed that appointment procedures should be open and transparent. However, my concerns/comments about these specific recommendations are as follows:</p> <p>a) Independent Members on appointment panels:</p> <p>Recommendation noted, but:</p> <ul style="list-style-type: none"> • Chief Constables - the recruitment and selection process, as set out in Home Office Circular 20/2012 and the College of Policing

	<p>guidance, already requires an independent member on the appointment panel.</p> <ul style="list-style-type: none"> • Senior Office of PCC staff - there is no such equivalent requirement for an independent member on the appointment panel (nor is there such a requirement for equivalent senior local government posts). • Deputy PCC – the post of ‘Deputy PCC’ is not a ‘politically restricted’ post within the terms of the Local Government and Housing Act 1989 and Local Government (Political Restrictions) Regulations 1990 and so the selection and appointment of a Deputy PCC by a PCC to deputise for them may be for political and personal reasons as much as based on merit. <p>b) Selection criteria - Seven Principles of Public Life:</p> <p style="padding-left: 40px;">Recommendation agreed</p> <p>c) Publication of details of the independent member:</p> <p style="padding-left: 40px;">Recommendation agreed – where relevant</p> <p>d) Disclosure of intended appointment and name of Deputy PCC:</p> <p style="padding-left: 40px;">Recommendation agreed</p> <p>e) Designation of decisions of ‘significant public interest’:</p> <p style="padding-left: 40px;">Recommendation agreed – but please note that the appointment of a Deputy PCC is already subject to a statutory ‘confirmation hearing’ held by the Police and Crime Panel</p>

Anthony Stansfeld

Police and Crime Commissioner for Thames Valley

Lord Bew
Chair, Committee on Standards in Public Life
Room GC.05
1 Horse Guards Road
London SW1A 2HQ

public@public-standards.gov.uk



**Bill Longmore
Police and Crime Commissioner
West Mercia**

18 September 2015

Dear Lord Bew,

Thank you for your letters dated 27 July 2015 inviting me to consider and respond to the recommendations relating to Police and Crime Commissioners contained within the Committee on Standards in Public Life report, 'Tone from the top – leadership, ethics and accountability in policing'. My response to the recommendations is set out below.

Recommendation 2

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

Response: Agreed.

Recommendation 3

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

Response: Agreed.

Recommendation 5

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

Response: Agreed – this is the practice of the Alliance Joint Audit Committee in compliance with CIPFA guidance

Recommendation 6

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

Response: This is a matter for Parliament and not one for Police and Crime Commissioners or Chief Constables to resolve. In the West Mercia/Warwickshire Alliance this already part of the role of the Trust, Integrity and Ethics (TIE) Committee and is already covered in the 'Governance' section of the West Mercia Police and Crime Plan and the 'holding force to account' section of Annual Report.

Recommendation 10

As a matter of good practice:

- PCCs should publish a forward plan of decisions identifying the subject matter of the decision, why it is key, the meeting at which the decision is due to be taken, who will be consulted before the decision is taken and what reports/papers will be available for inspection;

Response: Not agreed. This is only practical in a very small number of decisions (Police and Crime Plan, Annual Report, Precept and budget setting). Other decision can not be predicted. These ones are part of the West Mercia PCP forward plan.
and

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

Response: Agreed, based upon the Police and Crime Plan. This is the practice of the West Mercia PCP.

Recommendation 13

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

Response: Agreed.

Recommendation 14

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

Response: Agreed (not applicable to West Mercia).

Recommendation 15

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

Response: Agreed (not applicable to West Mercia).

Recommendation 16

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

Response: The recommendation should be that this should be scrutinised independently by those with the right skill set, but need not specify who by. In West Mercia and Warwickshire this function is undertaken by the TIE Committee and informed by HMIC and internal inspections.

Recommendation 17

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

Response: Not agreed. This is not practical, and if proposed should also apply to all Councillors, MPs Mayors and Ministers, which at present it does not. Police and Crime Commissioners should not be singled out from other public decision makers.

Recommendation 18

All parties with responsibility for complaints should make clear and actively publicise where their responsibilities – especially in relation to actual investigations and their outcomes – begin and end. The implementation of the proposed changes to the police complaints and disciplinary systems should be monitored locally by PCCs and nationally by the Home Office, IPCC and HMIC. Responsibility for handling police complaints through local resolution should not sit with those with appellate responsibility in relation to the same complaints. The Home Office should consider whether or not complaints about PCCs should continue to be handled by the IPCC.

Response: This is currently under review by the Home Office. It should be noted that initial complaints about the PCC are handled now by the Police and Crime Panel, and only referred to the IPCC if the allegations are of criminal behaviour.

Recommendation 20

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

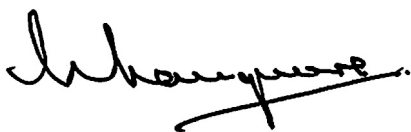
- a requirement for there to be an independent member on the appointment panel set up to oversee the appointments process for Chief Constables and senior Office of PCC staff; and
- a requirement that a criterion for selection be that the panel is satisfied that the candidates can meet the standards of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

Response: Agreed. This is already part of the Guidance for appointment of Chief Constables set by the College of Policing and has been adopted by many PCCs in the appointment of their senior staff (including both Chief Executive and Chief Finance Officer in West Mercia). This recommendation is also already fulfilled by the existing statutory process of confirmation hearings in front of an independent Police and Crime Panel.

and
Where a PCC intends to appoint a deputy PCC the PCC should disclose that fact and the intended Deputy (if known) at the time of the election. A decision to suspend or accept a resignation of a Chief Constable or to appoint a Deputy PCC should be regarded as a decision of 'significant public interest'

Response: Agreed.

Yours sincerely



Bill Longmore
Police and Crime Commissioner for West Mercia