

# **Home Office “Improving Police Integrity”**

**February 2015**

Committee on  
Standards in  
Public Life

## RESPONSE FROM THE COMMITTEE ON STANDARDS IN PUBLIC LIFE TO THE HOME OFFICE CONSULTATION “IMPROVING POLICE INTEGRITY: REFORMING THE POLICE COMPLAINTS AND DISCIPLINARY SYSTEMS”

### Introduction

1. The Committee on Standards in Public Life (‘the Committee’) is an independent advisory body to the Government, which monitors, reports and makes recommendations on all issues relating to standards in public life. The Committee promotes high ethical standards in public life in the UK and works to ensure that the Seven Principles of Public Life - selflessness, integrity, objectivity, accountability, openness, honesty and leadership – underpin all aspects of public life.
2. In 1994, when the Committee was established by the then Prime Minister, its terms of reference were ‘To examine current concerns about standards of conduct of all holders of public office, including arrangements relating to financial and commercial activities, and make recommendations as to any changes in present arrangements which might be required to ensure the highest standards of propriety in public life.’<sup>1</sup>
3. Those in public office were originally defined as ‘ministers, civil servants and advisers; Members of Parliament and UK Members of the European Parliament; members and senior officers of all non-departmental public bodies and of national health service bodies; non-ministerial office holders; members and other senior officers of other bodies discharging publicly-funded functions; and elected members and senior officers of local authorities.’<sup>2</sup> In 2013, the Committee’s remit was extended so that it ‘*can examine issues relating to the ethical standards of the delivery of public services by private and voluntary sector organisations, paid for by public funds, even where those delivering the services have not been appointed or elected to public office.*’<sup>3</sup>
4. The Committee is currently conducting an inquiry into *Local Policing – accountability, leadership and ethics* and will report on its findings after the 2015 General Election. The Committee will be considering the role of complaints handling in terms of maintaining ethical standards and meeting the Seven Principles of Public Life as part of that inquiry.

### Response

5. The Committee supports the statement of the Home Secretary that

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<sup>1</sup> First Report Standards in Public Life CM 2850-I May 1995

<sup>2</sup> Hansard (HC) 25 October 1994, col 758

<sup>3</sup> Hansard (HL), 28 February 2013, col WA347

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

6. In order for any complaints and disciplinary arrangements to be credible, the Committee considers that any such arrangements should be timely, proportionate and effective in dealing with non-compliance, act as a deterrent and, importantly, be capable of influencing positive individual behavioural change and organisational learning. These factors must be apparent, credible and demonstrable to the public in order to command respect. Those managing complaints administration and those conducting complaints investigations must observe the Seven Principles and must be able to give the public the assurance that those Principles are properly embedded and being followed. These factors have underpinned the Committee's response to consultation.
7. As a result of evidence submitted during our inquiry into Local Policing, and research commissioned by the Committee, two additional factors have informed the Committee's response. Firstly, we are aware that there is confusion amongst the public as to the remit and responsibilities of Police and Crime Commissioners (PCCs), particularly in relation to operational policing from which complaints stem. While low understanding of the boundary between operational responsibility and governance oversight is not in itself a new problem the Committee believes that, if these proposed reforms are introduced, all parties involved should be under an obligation to make clear and actively publicise where their responsibilities – especially in relation to actual investigations and their outcomes - begin and end. That is so that complainants, those under investigation and members of the public generally are clear on the processes and likely timescales to be followed, and are not under any misapprehension as to who is responsible for investigations and where the boundaries of 'independent' involvement lie.
8. Secondly, there is a degree of confusion about the current police complaints system, and the complaints system attaching to PCCs – the latter an issue not addressed in this current Home Office consultation. Clarity and transparency in complaints processes should be paramount. It is the Committee's position, therefore, that both systems should be 'customer focused, simple to understand and transparent throughout.' Moreover, it is important that PCCs undertaking complaints handling locally are protected, on the one hand, from misinformed or mischievous complaints about process matters by those dissatisfied by the outcome, and on the other, that they carry out these responsibilities with the utmost integrity, and are properly held to account for any lapses, in the same way that they are ensuring police officers can be called to account following public complaint.
9. The Committee has not addressed all questions asked in the consultation but limited itself to commenting on issues of principle.

### **Complaints and PCCs (Question 1)**

10. The Committee has no objection in principle to the proposal that PCCs be given the responsibility for taking on triage functions in relation to police complaints, so long as they do so with sufficient resources, capability and capacity. In theory PCCs are well placed to provide a single point of

contact for members of the public and to gain a strategic overview of broad issues of concern arising from complaints and drive improvements in response to those issues.

11. The Committee is concerned, however, that the PCC as the single face of police complaints to members of the public may result in the misapprehension that the PCCs are responsible for the operational conduct of complaints investigations – a responsibility that will remain with either the police or the IPCC where matters are not appropriate for local resolution. There is a risk that public confidence in policing generally, and the effectiveness of the complaints system, may be undermined by the public being put at one remove from those responsible for investigations, and being given updates by those who may not be in possession of sufficient information to provide public reassurance that their complaint is being addressed.
12. The Committee recognises the principle of freedom and local responsiveness attaching to PCCs which has resulted in the proposals for triage functions to be an option exercised by individual PCCs if they so choose. While, as noted earlier, there are potential gains to be made where the responsibility is exercised energetically and effectively there is, nevertheless, a risk that the absence of consistency arising from the optional element in the new proposal may, in fact, further undermine confidence in the effectiveness of the police complaints system and may well add to the existing confusion and complexity. Given the level of concern and shortcomings in the present system the implementation of changes will need to be monitored locally by PCCs and nationally to measure both improvements and new issues in an area that is vital for public trust in policing.
13. The tensions between the benefits of a locally delivered, public-facing system and local variation, plus the potential public confusion arising from a new triage system separated from operational responsibility, could be mitigated if whatever option is chosen is carried out with proper capability, timeliness, capacity and clear communication with the public.

### **Appeals (Questions 2 and 3)**

14. The Committee is concerned that one element of the proposals for appeals undermines one aspect of the rationale for the proposed changes, namely the introduction of more independence into the process. There is a fundamental conflict of interest, contrary to best practice and the principle of genuine independence, where an organisation responsible for the handling of a complaint is then responsible for the appeal against their handling of that complaint. While the Home Office notes that 'PCCs would need to ensure a degree of separation between decision and appeal to avoid a conflict of interest' the Committee would like more assurance that this aspect of the reforms has been sufficiently developed to meet the standards of probity and propriety expected by the public or this Committee. The consultation paper does not articulate how this separation should be achieved, which the Committee believes is a matter of sufficient seriousness not to be left solely to local choice and variation. We do not believe that PCCs should be given responsibility to consider appeals on the outcome of complaints dealt with through local resolution where PCCs themselves have been responsible for resolving complaints appropriate for local resolution.

15. With regard to the proposal for PCCs to have greater powers of scrutiny and challenge with regard to decisions made on cases investigated by the police, this would appear to be consonant with their strategic role in local policing. Any powers enabling them to access information and data should be balanced by appropriate safeguards that their use and handling of such information and data will be conducted in a legal and ethical manner and that there will be consequences for breaching these safeguards.
16. The Committee has significant concerns with the other proposals for appeals. Where it is proposed that the PCC be given responsibility for handling appeals on cases conducted by the police where the right of appeal has previously been to the IPCC, it is not clear what 'handling' means in this context and how conclusion and resolution of these appeals could be conducted without the PCC straying into operational territory. Furthermore the consultation is silent upon issues of capability for PCCs (e.g. sufficient levels of vetting appropriate to conducting sensitive appeals) and resourcing to conduct such appeals to the appropriate standard. At many levels in the proposed changes, the appeal point – i.e., the PCC – will have been involved in either resolving the complaint or communicating with the complainant on the conduct and progress of their complaint. It is difficult to see how independence and objectivity can be observed if the PCC is then responsible for appeals.
17. Finally, the Committee is unclear on how the Police and Crime Panel (PCP) fits into this picture. The PCP has responsibility for handling complaints by members of the public against PCCs, many of which are currently referred back to the OPCC for consideration. If the PCC has responsibility for resolving local police complaints, or appeals, and a member of the public complains about the PCCs conduct in respect to that responsibility, any referral back to the OPCC for consideration would be inappropriate, and the consultation is silent upon the role and responsibilities of the PCP.
18. The Committee considers that more details should be published on the detail of the appeals process before any reforms are introduced in this area.

#### **HMIC Inspection Powers (Question 4)**

19. In line with the principle of independent scrutiny, the Committee supports the proposal to extend HMIC's remit to include inspection and judgement of OPCC staff working for PCCs on complaints. It is unclear how HMIC will be able to deal with instances where the direct involvement of a PCC has a material effect on the OPCC's conduct of complaints management or resolution, or where, during the conduct of their inspection and judgement of OPCC staff, they come across information which it would be inappropriate to overlook. The Committee would welcome clarification from the Home Office on how these issues will be addressed in a way that supports the accountability and transparency of PCCs.

#### **Whistleblowing**

20. The Committee supports the proposals to strengthen protections for whistleblowers. A culture of openness needs to be encouraged and codes of practice on whistleblowing must be instituted and regularly reviewed to enable concerns to be raised. Staff must feel able to discuss potential

or actual ethical issues and play an effective role in identifying problems without needing to escalate concerns formally. They need to know exactly whom they can go to with concerns and that feel they will be listened to and supported if they do. Where formal concerns are raised, whistleblowers should be appropriately protected, and communicated with in a timely manner.

21. The College of Policing's Code of Ethics requires a positive approach to challenging and reporting unethical behaviour – an approach this Committee endorses. The recent HMIC report Integrity Matters noted that 'the arrangements for staff to report wrongdoing vary considerably between forces' and that 'internal confidential reporting methods are not trusted by a substantial proportion of officers and staff.' The Committee hopes that the proposals to strengthen protection for whistleblowers will help to address these concerns and start to build the positive culture of challenge and high standards promoted by the Code of Ethics.

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