

## **Executive summary**

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1. The public expects high ethical standards from the police that serve them. Trust in the police is vital – from the Chief Constable to the most junior police officer. Police ethics – their honesty, their integrity, their impartiality, their openness – should be beyond reproach. Above all, this requires effective accountability and leadership to create a culture where high standards of behaviour are the norm. High standards – of both conduct and accountability – also need to be demonstrated by those charged with holding the police to account.
2. The Police Reform and Social Responsibility Act 2011 (the Act) created elected Police and Crime Commissioners (PCCs) to “ensure the police respond to local priorities and are directly accountable to the public.”<sup>1</sup> PCCs set the strategic direction and aims of the police force and have responsibility for delivering community safety and reducing crime and delivering value for money. PCCs control over £12bn of police force funding.<sup>2</sup> They have the statutory responsibility to appoint a Chief Constable as well as for their removal. In addition to the PCCs’ local role, they have a regional and national role to ensure cross border resilience and capability and to meet national threats such as terrorism or organised crime. PCCs can and have entered into collaboration agreements with other PCCs and organisations to improve the efficiency or effectiveness of policing, for example by sharing back office functions. The Act also provided for the establishment of local Police and Crime Panels who have a dual scrutiny and support role in respect of the PCC and have some powers of veto on budgets and on the appointment of a Chief Constable.
3. PCCs represent a deliberate and substantial strengthening of the locally elected element of the tripartite arrangements for policing accountability. The model is one of democratic accountability “replacing bureaucratic accountability with democratic accountability” where “the public will have elected Police and Crime Commissioners and will be holding them to account for how policing is delivered through their force.”<sup>3</sup> The model is primarily reliant on the cycle of elections as the main means of holding PCCs to account. The average turnout for the PCC election in 2012 was 15.1%. The Committee’s public research has found that knowledge of the policing accountability arrangements is not very high<sup>4</sup> and there is a very low level of public interest in policing – 60% of respondents said they were not interested in finding out about policing issues in their local area<sup>5</sup>. Rather, for the public, the key accountability mechanism is the ability to question or challenge “their” local beat team or commander on specific areas of concern.
4. The statutory Policing Protocol,<sup>6</sup> which sets out to all PCCs, Chief Constables and Police and Crime Panels how their functions will be exercised in relation to each other, makes clear that all parties will abide by the Seven Principles of Public Life – Selflessness, Integrity, Objectivity, Accountability, Openness, Honesty and Leadership.

1 Home Office. White Paper Policing in the 21st Century: Reconnecting police and the people. Cm 7925. July 2010

2 National Audit Office. Police accountability: landscape review. HC 963 Session 2013-14. 22 January 2014. p.4

3 Ibid

4 Ipsos MORI. Public Awareness of Police Accountability. December 2014. Analysed in Public Awareness of Police Accountability prepared for the Committee on Standards in Public Life by Chris Prosser and the Committee’s Research Advisory Board, using data collected by Ipsos MORI through the Capibus OmniBus survey, 2015

5 Ibid

6 The Policing Protocol Order. 2011

5. The Committee believes that any accountability and governance framework for policing should similarly reflect the Seven Principles of Public Life, and operate in a way which is capable of ensuring ethical behaviour, reducing ethical risks and providing effective accountability in order to command public confidence.
6. This matters because our policing system relies on policing by consent in a way that meets the differing needs and priorities of communities. It also relies on the operational independence of the police. But operational independence does not mean that there can be exceptionalism for the police – the public is clear on what the ethical standards should be and is consistent in its expectation that those in public life should abide by them. Year on year the public has affirmed that the definition of standards set out in the Seven Principles is still relevant and should continue to apply to public office holders and all those delivering public services.
7. The Committee recognises that the role of police officer is a unique and valuable one. It does not underestimate the challenging and often unexpected situations the police face every day. “Police officers are expected to make quick but finely-calibrated judgements about when, how and how much of their power it is justified to use”<sup>7</sup> and the vast majority of police officers do so with integrity. They are operating in a fast moving landscape with changing demands of crime where increased accountability, professionalisation and ethical behaviour will be key to ensuring public confidence.
8. The Committee’s surveys tell us that public experience of core policing values is generally positive. They show that the majority of respondents thought senior police officers could be trusted to tell the truth and the large majority of respondents thought they would be treated fairly as a victim of crime reporting it to the police.<sup>8</sup> This view is reinforced by other surveys which showed that 65% of respondents thought police officers could be trusted to tell the truth,<sup>9</sup> and 63% of adults gave positive ratings of local police.<sup>10</sup> Research carried out specifically for this inquiry showed that the majority of respondents believed that the police are held to account for their actions and that police deal with crime and anti-social behaviour issues that matter in their local area<sup>11</sup>.
9. The democratic accountability of the PCC must not negate oversight of those who hold public office. As the government acknowledged:

*“the public need to have the right information to judge the Commissioner’s performance and they need to know the Commissioner can be called to account with effective scrutiny and appropriate checks and balances, in particular at a local level.”<sup>12</sup>*

10. Accountability should be tested between elections by demonstrable compliance with standards of conduct, propriety and performance. It should be tested and verified by independent scrutiny, with failure addressed with appropriate and timely sanctions.
11. The Committee is conscious that all those involved in the new local accountability arrangements have had to adapt to new relationships and ways of working, with relatively little guidance and support from central Government. PCCs in particular faced a huge task to develop their Police and Crime Plans setting out their priorities and establish their offices in a short space of time after delayed elections. The Committee has borne this in mind throughout the course of the inquiry.

7 London Policing Ethics Panel. Ethical challenges of Policing in London. 2014. <https://www.london.gov.uk/sites/default/files/LPEP%20-%20Ethical%20Challenges%20of%20Policing%20in%20London%20October%202014.pdf>

8 Committee on Standards in Public Life. Survey of public attitudes towards conduct in public life. 2012-2013

9 Ipsos MORI. Trust in Professions. 2013

10 Office for National Statistics. Crime Statistics, Focus on Public Perceptions of Crime and the Police, and the Personal Well-being of Victims. 2013 – 2014. <http://www.ons.gov.uk/ons/rel/crime-stats/crime-statistics/focus-on-public-perceptions-of-crime-and-the-police--and-the-personal-well-being-of-victims--2013-to-2014/index.html>

11 Ipsos MORI. Public Awareness of Police Accountability. December 2014. Analysed in Public Awareness of Police Accountability prepared for the Committee on Standards in Public Life by Chris Prosser and the Committee’s Research Advisory Board, using data collected by Ipsos MORI through the Capibus OmniBus survey. 2015

12 Home Office. White Paper Policing in the 21st Century: Reconnecting police and the people. Cm 7925. July 2010. para 2.25

- 12.** The Committee has found evidence of:
- a. recognition of the importance of the College of Policing’s Code of Ethics and core policing values and diverse good practice in implementing and embedding the Code within police forces;
  - b. increased professionalism that is ethically based and an acknowledgement of the importance of leadership in policing to support high ethical standards;
  - c. increased visibility, greater focus on victim support and local public engagement by PCCs in comparison to the Police Authorities they replaced, but questions around the wider impact of that engagement;
  - d. the existence of various mechanisms, of varying effectiveness, to support high standards of behaviour and propriety such as information transparency, audit committees, ethical frameworks, scrutiny plans, controls to manage conflicts of interests and arrangements to engage, promote and monitor best practice – these arrangements will need to be consistently and actively implemented with regular monitoring of compliance and impact.
- 13.** The Committee has also identified significant standards risks including:
- a. confusion amongst the public and the participants about roles and responsibilities, especially in relation to where operational independence and governance oversight begin and end;
  - b. a significant absence of a clear process to take action against a PCC whose conduct falls below the standards expected of public office holders, resulting in that behaviour going unchallenged and uncensured;
  - c. concerns about the robustness of current selection processes for chief officers;
  - d. PCCs not encountering sufficient constructive challenge or active support in exercising decision making powers;
  - e. barriers to the effective operation of Police and Crime Panels as scrutinisers including support, resources and the consistency and credibility of representative membership;
  - f. a lack of timely and accessible information being provided to Police and Crime Panels by PCCs affecting Police and Crime Panels’ ability to scrutinise and support the PCC;
  - g. potential for high risk conflict of interests in roles jointly appointed by PCCs and Chief Constables (which although relatively rare, may increase in number) and risks inherent in the combined role of Chief Executive and Monitoring Officer to the PCC;
  - h. confusion between, and inherent tensions in the current police complaints system and the complaints system attaching to PCCs, and a gap in the expectations of the public in how complaints against PCCs would be resolved, especially when this involved unethical but not criminal behaviour.
- 14.** Combined, these factors impact on the ability of Police and Crime Panels to ensure, “that decisions of PCCs are tested on behalf of the public on a regular basis.”<sup>13</sup> There are benefits for PCCs in active engagement with Police and Crime Panels as a source of local knowledge, political support and leverage. PCCs need to play their part in sustaining open and trusting relationships. There is also scope for Police and Crime Panels to develop a more strategic future focus with better forward planning.

<sup>13</sup> Stuart Lister. Scrutinising the role of the Police and Crime Panel in the new era of police governance in England and Wales. SAFER COMMUNITIES. 2014. 13 (1), p. 22-31

15. The operational and strategic roles of the Chief Constable and PCC respectively are not clearly defined and this has created confusion in the minds of the public which has fed into the complaints system. The evidence has also shown that success or failure in the current framework depends not only on the skills and experience but also on the personalities of and the relationship between the Chief Constable and the PCC. Whilst this is not a substantially new issue – constructive relationships were an important factor when Chief Constables were accountable to Police Authorities – it becomes critical when it is a one-on-one relationship.
16. The risk that the balance of power will become asymmetric or dysfunctional argues for transparency in working relationships and appropriate checks and balances. The Committee is not convinced that the existing safeguards in the framework are sufficient, given that the PCC as a single individual directly controls local policing, crime strategy and a significant budget. This matters because policing in times of austerity may mean that Chief Constables will increasingly be making difficult operational decisions which may not be supported by the public or the PCC.
17. The Committee considers a minimum code of conduct for PCCs an essential component in ensuring there is clarity as to the standards of conduct and behaviour expected from the individuals concerned and in providing the public with certainty as to what is and is not acceptable conduct. This will in turn increase transparency in the complaints system and produce a common standard of conduct which could be relied upon in any future power of recall.
18. The Committee noted the establishment of Ethics Committees in some areas, but considers they are an adjunct to, not an answer to, embedding a standards culture. Nor are they part of the formal accountability for holding Chief Constables to account. The Committee believes the remit of Ethics Committees needs to be sharply focussed and clearly differentiated from other groups such as Independent Advisory Groups. As new bodies in an already crowded landscape, their effectiveness should be regularly reviewed.
19. The Committee has concluded that to provide assurance that high ethical standards of behaviour are capable of being upheld and to sustain core policing values<sup>14</sup> there needs to be a strong and continuing focus on:
  - **clarity of responsibility and accountability;**
  - **developing a sustainable culture of embedding high ethical standards; and**
  - **robust effective ethical leadership.**
20. The Committee's key recommendations in summary are:

### **For the Home Office:**

- **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.**

### **For Police and Crime Commissioners:**

- **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.**

<sup>14</sup> See recommendation to Committee on Standards in Public Life from Public Administration Select Committee – Caught red-handed: Why we can't count on Police Recorded Crime statistics. Thirteenth Report of Session 2013-14. HC 760. 9 April 2014. Para 91

- PCCs and their Deputies should be subject to a mandatory national minimum code of conduct.
- 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.

### **For the Police and Crime Panel:**

- 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.

### **For the Associations:**

- 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.
- 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.

21. In particular, the Committee has considered how best to harness democratic accountability as a means of encouraging all current and future PCCs to adopt and take seriously the best practice that lies at the heart of all the recommendations in this report. The Committee has produced an Ethical Checklist, set out overleaf, to be used at PCC elections starting with the forthcoming elections in April 2016. This checklist will inform the public about the ethical approach of all candidates seeking election to the post of PCC. If the tone and culture of policing is set by those at the top, then the public is entitled to know that the person they vote for will promote, support and sustain high standards.

## Ethical Checklist

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?

## Our recommendations in full:

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

Number	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.
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.
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.
10	<p>As a matter of good practice:</p> <ul style="list-style-type: none"> <li>■ 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</li> <li>■ 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.</li> </ul>
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.
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.
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.
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.
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.
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.



Number	Recommendation
17	<p>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>
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>
19	<p>The Committee endorses the Home Affairs Committee’s recommendations that:</p> <ul style="list-style-type: none"> <li>■ 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.</li> <li>■ 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.</li> <li>■ 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.</li> <li>■ 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.</li> </ul>

Number	Recommendation
20	<p>PCCs' appointment procedures should comply with open and transparent appointment processes including:</p> <ul style="list-style-type: none"><li>■ 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</li><li>■ 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.</li><li>■ details of the independent panel member should be published.</li></ul> <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>