



**OFFICE OF THE POLICE & CRIME
COMMISSIONER FOR THAMES VALLEY**

**INFORMATION REPORT TO THE THAMES VALLEY POLICE AND CRIME PANEL
27TH November 2015**

**‘TONE FROM THE TOP’
- REPORT OF THE COMMITTEE ON STANDARDS IN PUBLIC LIFE -
RESPONSE OF THE POLICE & CRIME COMMISSIONER FOR THAMES VALLEY**

Executive Summary

In October 2014 the Committee on Standards in Public Life began an inquiry into local policing accountability in England and Wales, as to whether the accountability model was effective in supporting and promoting high ethical standards. In June 2015 it published its report ‘*Tone from the top – Leadership, ethics and accountability in policing*’.

The report made 20 recommendations to the Home Office, police and crime commissioners, police and crime panels and relevant Associations, calling for “...*greater energy and consistency to be applied to promoting high ethical standards and for a more robust set of checks and balances in the accountability structures of local policing*”.

The Committee wrote to all police and crime commissioners requesting they provide a “...*full and considered response*” to relevant recommendations by 29 November 2015 at the latest.

At its previous meeting held on 25 September 2015, the Police and Crime Panel received a report from its own Committee Adviser addressing those recommendations contained in the ‘Tone from the top’ report that were relevant to the Panel’s relationship with the PCC, setting out the current arrangements for the Panel and the PCC together with proposed ‘Actions’ in response to the recommendations.

However, the Panel deferred consideration of the Committee Adviser’s report and proposed Actions pending sight of the formal response of the Police and Crime Commissioner (PCC) to the Committee on Standards in Public Life.

Accordingly, a copy of the response of the PCC for Thames Valley to the Committee on Standards in Public Life is attached for members’ consideration.

Recommendation to the Police and Crime Panel

That the Panel note the attached response of the Police and Crime Commissioner.

Police and Crime Commissioner

Signature

Date 17 November 2015



**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 PCC 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	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>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	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 – except for 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	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 is published on the PCC’s website)</p>
6	<p>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>
	<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	<p>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>
	<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 (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.
	PCC Response: Agreed 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.
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 Response: Agreed
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.
	PCC Response: Agreed (NB This recommendation reiterates existing CIPFA guidance)
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.
	PCC Response: Agreed

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> <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 (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 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. 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 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. <p>b) Selection criteria - Seven Principles of Public Life:</p> <p>Recommendation agreed</p> <p>c) Publication of details of the independent member:</p> <p>Recommendation agreed – where relevant</p> <p>d) Disclosure of intended appointment and name of Deputy PCC:</p> <p>Recommendation agreed</p> <p>e) Designation of decisions of ‘significant public interest’:</p> <p>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