

Police and Crime Panel: Ethics and Integrity

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Report by the Police and Crime Commissioner to the Panel

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Purpose of report

This report provides the Police and Crime Panel with an update on the work around ethics and integrity within Essex Police and the Office for the Police and Crime Commissioner, with reference to the Police Code of Ethics.

Background and the national context

The Code of Ethics¹ is a code of practice for the principles and standards of professional behaviour for the policing profession of England and Wales. It was introduced in 2014 following consultation by the College of Policing, and is the written guide to the principles that every member of the policing profession of England and Wales is expected to uphold and the standards of behaviour they are expected to meet.

When it was launched, it was the first time such principles and standards of behaviour had been set out in a single document. The Code of Ethics is intended to be used on a day-to-day basis to guide behaviour and decision-making for police officers and staff.

Police and Crime Commissioners were free to decide to adopt the Code of Ethics. The PCC for Essex adopted his own Ethics and Integrity Framework².

PCC's Ethics and Integrity Framework

The PCC's framework is built on the seven Nolan principles, and also applies to the Deputy PCC. The PCC for Essex is clear that ethics and integrity is at the heart of everything that he does in his role as Police Crime Commissioner for Essex. His framework is online³ and sets out:

- the standards and behaviours that the public can expect from the PCC, his Deputy and his Office;
- how he is accountable to the public, and how the public can in turn hold him to account; and
- how he holds the Chief Constable to account in the important areas of standards, public life and public service.

Delivery of the framework is supported by the PCC's Strategic Policing Board and its Ethics and Integrity Committee, which include 5 Independent Members⁴, and by the new Police Code of Ethics. The aim of the Ethics and Integrity Committee is to help set the highest standards of

¹ <http://www.college.police.uk/What-we-do/Ethics/Pages/Code-of-Ethics.aspx>

² <http://www.essex.pcc.police.uk/ethics-and-integrity-framework/>

³ See link above

⁴ <http://www.essex.pcc.police.uk/2014/05/keeping-essex-safe-now-and-in-the-future/>

policing professionalism in Essex by ensuring that senior officers are able to access views and approaches to ethics in other professional fields.

PCC blogs on Ethics

The PCC has written numerous blogs on the importance of ethics in policing⁵. These include the importance of reviewing complaints; of recording crime accurately; and of openness and transparency.

The PCC's view is that there is a need for a national police watchdog such as the Independent Police Complaints Commission to deal with the most serious cases; but also the PCC should hold oversight and scrutiny of police conduct matters locally, with the involvement of the PCC and his team. As one example, the PCC introduced a system whereby he receives a comprehensive quarterly report from the Chief Constable containing information about a range of different complaints, and a summary of management actions taken in response to the small number of more serious cases. This report is considered in depth by the DPCC and OPCC, who review the findings with the Head of Essex Police Professional Standards Department, and look at what improvements can be made as a result.

The PCC also reviews complaints across different areas of work, including a "dip sample" of around five per cent of all complaints received by Essex Police. Appeals are reviewed by the DPCC, and further actions taken following these reviews are decided on a case by case basis. In the future, it may be that the PCC has responsibility in law for hearing appeals as this is part of a set of reform to the complaints system that the Home Office is currently considering.

The PCC has made the importance of recording crime accurately a priority. He gave evidence at the Public Administration Select Committee in November 2013 on this subject. The PCC noted in his blog that, while recording crime accurately could appear an obscure issue, it is an important one.

Example 1 from PCC blog

If a police force is set a target of reducing house burglary by 20 per cent, then the evidence presented to the parliamentary Select Committee and information I have learned from conversations with many officers across the country suggests that this may lead to some of the following consequences.

Firstly, significant police resources may be taken from other policing activities and dedicated to tackling burglary. If there is a significant burglary problem in a county, then this may be the correct operational response, but in moving significant police resources there is always the danger that the Thin Blue Line becomes too thin and unable to meet other crucial policing tasks.

Secondly, there may be cultural pressure within a police force to reduce the number of incidents recorded as burglaries to increase the chances of meeting the performance target. For instance, an attempt to gain entry to a house via the front door or a window may be

⁵ <http://www.essex.pcc.police.uk/ethics-and-integrity-framework/>; and <http://www.essex.pcc.police.uk/2013/10/the-importance-of-integrity/>; and <http://www.essex.pcc.police.uk/2014/05/keeping-essex-safe-now-and-in-the-future/>; and <http://www.essex.pcc.police.uk/2013/11/recording-crime-correctly-matters/>; and <http://www.essex.pcc.police.uk/2014/11/pcc-welcomes-hmic-report-into-recording-crime-accurately/>; and <http://www.essex.pcc.police.uk/2013/07/transparency-and-openness-are-crucial-to-maintaining-confidence-in-police-integrity/>; and

recorded as criminal damage rather than an attempted burglary. This matters because officers should have the discretion and judgement to report crime accurately and ethically. It also matters because victims have a right to expect high quality service, and the victim of an attempted burglary will have the opportunity to receive specialist crime prevention advice which a victim of criminal damage would not necessarily obtain. Finally, it matters because police officers need the most accurate possible data about crime locations and criminal behaviour to catch and arrest burglars.

The evidence put before the Public Administration Select Committee strongly suggested that performance targets – whether imposed by politicians or police authorities – led to performance cultures developing in police forces across the country.

<http://www.essex.pcc.police.uk/2013/11/recording-crime-correctly-matters/>

Finally, the PCC has also written on the importance of openness and transparency as being 'crucial' to maintaining confidence in police integrity.

Example 2 from PCC blog

...There is an emerging national debate around pay, conditions and police allowances, for both new and existing officers. An article in [The Guardian](#) of July 1st draws attention to the remuneration packages for Chief Constables.

When Chief Constable Kavanagh was [appointed](#), I decided that it was right to be completely [open and transparent](#) about the remuneration package that he receives. Some elements of that package are nationally mandated, such as a housing allowance. Other elements are discretionary. The ability to change the remuneration package of a Chief Constable is strictly limited, and it is difficult to reward exceptional performance. This seems unnecessarily restrictive.

On Chief Constable Kavanagh's appointment, I stated that I would welcome a fundamental review of Chief Officer allowances and remuneration arrangements to ensure that they are both appropriate and sufficiently flexible for the times in which we live. I am happy to renew that call today, as I am aware that there appear to be a variety of different practices across the country. I believe there should be clearly laid out guidelines for best practice applicable to all forces in England and Wales.

As an example, the [Statement of Accounts for the Essex Police Authority for 2009-10](#) reveals that a previous Chief Constable of Essex Police was paid significant bonuses and allowances, although the detail is not always clear. For instance, in 2008-9, the then Chief Constable was paid £50,582 in bonuses and £25,982 in expenses allowances, taking his remuneration up to £215,896. In 2009-10, the Chief Constable received £37,105 in salary, but was awarded £60,071 in bonuses and £15,434 in expenses allowances. That Chief Constable retired from Essex Police in July 2009, but if he had served a full year, his salary plus bonuses and allowances would have totalled £220,015 according to the Statement of Accounts.

I am advised by Essex Police finance department that the then Chief Constable received two payments which were outside the national Police Negotiating Board agreements. These were described as "retention payments" amounting to £30,000 in each of 2008-9 and 2009-10, and formed part of the overall bonus figure. Those decisions were made by the then Police Authority. However, much of the rationale for their decision making is not in the public domain. In the interests of transparency and openness my judgement is that, in future, it should be.

As Police and Crime Commissioner for Essex, I consider it essential that we have complete openness and transparency about the remuneration we pay to all our officers, including Chief Officers. It is a vital part of ensuring the continuation of trust and respect on which our policing tradition is based.

In any future discussion about Chief Officer remuneration, I consider it important that all allowances and bonuses are included so we can make like-for-like comparisons across forces.

Therefore, I am renewing my call for a national review of Chief Officer allowances and bonuses to guarantee consistency and accountability, and reinforce public trust. I would also encourage all Police and Crime Commissioners and all Chief Constables to ensure that full details of our remuneration and allowances are published to demonstrate our integrity.

<http://www.essex.pcc.police.uk/2013/07/transparency-and-openness-are-crucial-to-maintaining-confidence-in-police-integrity/>

Essex Police and OPCC

A programme of training has been undertaken by Essex Police to deliver the Code of Ethics training to all colleagues by April 2016. A training package has been designed for leaders to use with their teams and in the spirit of co-operation and because part of the PCC Framework is underpinned by the Code of Ethics, the OPCC will also be trained in the Code of Ethics.

Presently, 127 officers and staff within Essex Police are trained in the Code, and the aim within Essex Police is to have trained half of all officers and staff by the end of January 2016, 95 per cent of all officers and staff by the end of March 2016, with a likely small remainder due to sickness or maternity leave, to be trained as soon as possible on return to work.

The OPCC has a training session on the Code to be delivered by the end of November 2015.

Her Majesty's Inspectorate of Constabulary's (HMIC) role in inspecting EP response to code

PEEL is an annual assessment of police forces in England and Wales carried out by HMIC, in which police forces are assessed on their effectiveness, efficiency and legitimacy. They are judged as outstanding, good, requires improvement or inadequate on these categories (or pillars) based on inspection findings, analysis and inspectors' professional judgment across the year.

The pillars each comprise three or four questions that focus on core areas of the work of the police. Judgments are also applied to these questions.

At the end of the PEEL year (February), all the judgments made throughout the year are brought together with other findings and information to produce a rounded annual assessment of each force.

The legitimacy element of PEEL covers four areas and these include ethics:

- To what extent does practice and behaviour reinforce the wellbeing of staff and an ethical culture?
- To what extent are forces recording crimes in accordance with the Home Office Counting Rules?

- How well does the force understand, engage with and treat fairly the people it serves to maintain and improve its legitimacy?
- To what extent are decisions taken on the use of Stop & Search and Taser fair and appropriate?

This inspection is not yet graded by HMIC⁶.

Role of the E and I committee and areas of work they have covered

As part of the PCC's Ethics and Integrity Framework, the PCC has established an Ethics and Integrity Committee. The purpose of the Committee is to inform the PCC and Chief Constable on matters relating to the ethics and integrity of policing in Essex. The committee comprises of 3 independent advisors from non-police professional backgrounds including academia, health and the law, who meet with the PCC, Chief Constable and senior police officers and staff to consider matters of ethics and integrity and advice on areas for development.

The committee meets three times a year and had its first meeting in July 2014. Areas for focus for the committee have included:

- Use of force
- Complaints handling
- Equalities and diversity
- Stop and Search
- Vetting
- Secondary employment
- Police Misconduct

Recent Committee for Standards in Public Life report and recommendations for PCCs

The Committee for Standards in Public Life interviewed the OPCC and PCC in Essex, as well as Essex Police and the Police and Crime Panel as part of their visits to different police areas in 2014. They have asked for a response to their recommendations by 29 November 2015 and when this is available, we will share it with the Police and Crime Panel.

⁶ <https://www.justiceinspectorates.gov.uk/hmic/peel-assessments/peel-2015/essex/legitimacy/>