

Committee on Standards in Public Life

Local Policing – accountability, leadership and ethics

Response Form

Consultation Questions

The Committee has commenced an inquiry on the public accountability structures of the police. We are looking at the structures in place for ensuring ethical standards in the conduct and performance of Police and Crime Panels, Police and Crime Commissioners, and Chief Constables.

The Committee would like to hear your views. Please use this form to answer some or all of the questions in the Issues and Questions paper available at: https://whitehall-admin.production.alpha.gov.co.uk/government/uploads/system/uploads/attachment_data/file/360941/Police_Accountability_Structures_-_Issues_and_Questions_Paper.pdf

How to respond

Completed response forms should be sent by email to public@standards.gsi.gov.uk or by post to the Secretary to the Committee on Standards in Public Life GC05 1 Horse Guards Road, London SW1A 2HQ.

<p>Name: Colin Ismay Contact address: PO Box 11, County Hall Chelmsford Postcode: CM1 1LX</p>

Contact Telephone: 033301 34571
E-mail: colin.ismay@essex.gov.uk

Please tick the appropriate response:

Are you responding: - *as a member of the public* ☐
 - *as a member of the police* ☐
 - *on behalf of another organisation* ☒

If you are responding on behalf of an organisation, please tell us your area of work, e.g police constabulary, regulator, trade union, think tank etc

Essex Police and Crime Panel

Local Policing – accountability, leadership and ethics

Current Accountability Structures

Consultation Questions

Question 1:

Are there any gaps in the existing mechanisms for holding PCCs to account?

Comments

As an elected official ultimately PCCs are accountable to the electorate who have the opportunity to make their views known once every four years.

In respect of conduct and standards issues, the Independent Police Complaints Commission has clear mechanisms for investigating allegations of criminal behaviour. For conduct and standards issues that do not involve allegations of criminal behaviour, the statutory role lies with police and crime panels. However, that role suggests more can be done to hold PCCs to account than can realistically be achieved. Panel's powers are limited: they cannot investigate complaints, can only seek an informal resolution and have no power to impose sanctions. Under these circumstances it would almost be better if Panels had no role to play in holding the Commissioner to account for conduct or standards issues. The alternative would require more resources to be made available for panels to have a meaningful role.

The situation in South Yorkshire has demonstrated what was known already, namely, just how difficult it is to compel an elected official to resign if they are not minded to do so, however compelling the case might be. Even so it is questionable whether a panel comprised largely of elected members should have the power to call for the resignation of another elected official.

Question 2:

What can PCCs do themselves to improve their accountability to the public in between elections? How well are these mechanisms working in practice?

Comments

PCCs are statutorily required to publish a record of decisions taken that are of "significant public interest" without there being a definition of what constitutes "significant public interest". So whilst some decisions are published once they have been taken there is no requirement to identify future decisions on a forward plan as there is for local government. Consideration could be given to amending the Elected Local Policing Bodies (Specific Information) Regulations 2011 to cover these points.

Question 3:

How are PCCs ensuring transparency in their decision making?

Comments

As a minimum decisions and declarations of interest are published on the Commissioner's website. See also the answer to question 2.

Question 4:

What information is being made available to the public to enable them to scrutinise the performance of their local police force and hold PCCs to account? To what extent is it easily accessible, understandable and reliable?

Comments

In Essex the Commissioner includes a large amount of information about how he holds the Chief Constable to account on his website. Additionally, quarterly police challenge meetings are held in public in different locations around the County. The police and crime panels are intended to offer an additional layer of transparency and scrutiny. The Essex Panel worked with the Commissioner to develop performance criteria for reporting on performance against the Police and Crime Plan on a regular basis to the Panel. The reports are in the public domain and the meetings when the reports are discussed are held in public. The Panel has the opportunity to challenge the reliability of the information.

The Commissioner also produces an Annual Report which provides a shorter, more focused summary of progress made in 2013/14, including achievements and challenges. It provides an accessible, public facing summary of delivery against the Police and Crime Plan, and a summary of the annual accounts. The look and feel of this year's Annual Report has been changed to make it more accessible and engaging to the public. The Panel commended the Commissioner on the clarity of the Report.

There is also information available from HMIC which is looking to improve the clarity of its findings.

Question 5:
What has worked best for PCCs in engaging with the public and local communities?

Comments

It is difficult for the Panel to comment on this although in Essex the Commissioner has made a real effort to engage with the public via an ongoing series of regular public meetings held around the County.

Question 6:
How well are Police and Crime Panels able to hold a PCC to account between elections?

Comments

<p>Experience on this seems to differ widely across the Country and depends to a large extent on the Commissioner themselves and on the relationship between the Commissioner and the panel. Some panels have had to adapt and respond to difficult and challenging events surrounding the Commissioner. The Essex Panel has a very good relationship with the Commissioner and is able to fulfill the statutory requirements of the role.</p> <p>The Government's expectation was that panels would provide light touch scrutiny and funded accordingly. Increasingly, it is difficult for panels to have a meaningful role on that basis and are looking to increase their involvement.</p> <p>The success of the Panels appears to depend too much on relationships between individuals rather than all concerned working to common aims and expectations.</p>

Question 6a:
Does the role of the Police and Crime Panel need any further clarification?

Comments

The role does not need further clarification: at a National level there needs to be greater acceptance and co-operation from Commissioners of what the role entails and of the artificiality of not being able to get involved to a degree with operational issues in order to be able to judge the Commissioner's effectiveness in holding the Chief Constable to account.

Question 6b:

How well are the current “balanced”¹ membership arrangements ensuring effective scrutiny and support of PCCs?

Comments

In Essex the political mix of the Panel and the inclusion of independent members has ensured that the Commissioner receives a range of views and objective criticism from the Panel when scrutinising and supporting his role.

Question 6c:

Are the current membership thresholds requiring a two thirds majority to veto a PCC’s level of precept and appointment of a Chief Constable proving practicable?

Comments

A two-thirds majority is a sizable figure to achieve and has not been successfully achieved in Essex. At the same time such decisions should not be taken lightly and so there should be a degree of difficulty involved.

Having said that where a two-thirds majority is achieved in vetoing the precept the Commissioner need only set a revised precept that differs by a penny in response. This seriously weakens the effectiveness of the veto as a tool for holding the Commissioner to account.

Question 6d:

Should Police and Crime Panels have the power to veto PCC appointments of senior staff where they believe the criteria for suitability were inappropriate or not satisfied?

Comments

¹ Schedule 6 paragraph 31 PRSRA sets out the duty to provide a balanced panel. The “balanced appointment objective” referred to in this paragraph is the objective that local authority members of a police and crime panel (when taken together)—

(a) represent all parts of the relevant police area;

(b) represent the political make-up of—

(i) the relevant local authority, or

(ii) the relevant local authorities (when taken together);

(c) have the skills, knowledge and experience necessary for the police and crime panel to discharge its functions effectively.

Yes.

Question 6e:

How should PCCs be held to account for their standards of personal conduct?
What role should Police and Crime Panels have in this?

Comments

Please see the answer to question 1.

Question 7:

Are the boundaries between the local roles and responsibilities of the PCC and Chief Constable being adequately communicated and understood by local communities? Is there evidence that they require any further clarification or guidance?

Comments

It is difficult for the Panel to respond to this.

Question 8:

According to the Financial Management Code, Audit Committees should 'advise the PCC and the Chief Constable according to good governance principles and to adopt appropriate risk management arrangements.' How well is this working in practice? Are there any examples of conflicts of interests arising from PCCs and Chief Constables having in some cases, a joint audit committee and/or a joint chief financial officer?

Comments

It is difficult for the Panel to respond to this.

Ethical Leadership

Consultation Questions

Question 9:

What do you see are the key responsibilities of PCCs as ethical leaders? Can you provide examples of PCCs managing those responsibilities well, or, if not, suggest what can be improved?

Comments

Ethics and integrity should be woven seamlessly into everything the Commissioner and the Police Force does, combined with transparency to ensure public confidence.

The Essex Commissioner has published an “Ethics and Integrity Framework”. The framework sets out:

- the standards and behaviours that the public can expect from him, 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 his new Strategic Policing Board and its Ethics and Integrity Committee, which include 5 Independent Members and by the new Police Code of Ethics.

He has declared his commitment to the ‘Nolan Principles’.

This is evidence of managing responsibilities well.

Going beyond this, commissioners need to match words to deeds.

Question 10:

What actions are PCCs taking to ensure that they and the police force they

hold to account maintain the highest ethical standards and embed the Policing Code of Ethics? In particular how are PCCs and Chief Constables as leaders promoting and sustaining the core values of policing in the face of all the other pressures on the force? How are any obstacles being overcome?

Comments

The Commissioner sets out on his website how he holds the Chief Constable to account in the areas of standards, public life and public service.

Police Code of Ethics, and monitoring of implementation and impact

Essex Police are guided by the new Police Code of Ethics. Supported by his Office and by the work of the Ethics and Integrity Committee, he monitors how well Essex Police are delivering against the Code and, working with the Chief Constable, use this to help drive improvements. In addition, Her Majesty's Inspectorate of Constabulary (HMIC) now inspects all police forces against the Police Code of Ethics.

Out of Court Disposals

An out of court disposal is a community sanction, or a formal warning, or a fine that a member of the public who has committed an offence agrees to accept from the Police in preference to being charged with an offence and appearing before a court of law. There is a requirement for the victim to be consulted and their wishes determined before an out of court disposal decision is made.

Essex Police were amongst the first Forces to establish an out of court disposal panel to review all disposals determined by the Police. The Deputy Commissioner chairs the Panel with membership of the panel including local magistrates, representatives from the voluntary and community sector etc. The Panel has no executive authority, but reviews cases and provides feedback to Essex Police around appropriateness of use of the sanction and review of the legality. Where the panel believes that the disposal was not appropriate they will submit a recommendation to Essex Police, accompanied by a request for a further review by an operational manager within the line management structure.

Monitoring of the Professional Standards Department, and of high professional standards

The Commissioner is committed to ensuring that the highest possible professional standards are embedded across Essex Police. Where misconduct or errors of judgement do occur, he will ensure a fair and rigorous disciplinary process.

He publishes a quarterly performance report on matters pertaining to police professional standards. His Office also reviews and scrutinises the outcomes of police officer and police staff members' misconduct cases. The Deputy

Commissioner and the Commissioner's Office also undertake regular dip sampling of complaints made by the public and the outcomes reached by Essex Police.

Question 11:

Is there sufficient transparency of propriety information from PCCs, for example published information on expenses, registers of interest, gifts and hospitality and external meetings?

Comments

The Essex Commissioner publishes the information on his web site.

Question 12:

What measures have proved helpful in supporting PCCs to identify and resolve conflicts of interest in discharging their duties? Are there sufficiently robust protocols and guidance in place locally to manage these in a transparent way?

Comments

It is difficult for the Panel to comment on this