

PCC Ethical Good Practice Framework

Background

Police and Crime Commissioners (PCCs) decided at their General Meeting on 9 July 2013 to form a working group to examine various aspects of integrity in policing, including producing some principles or framework about PCCs own ethical approach.

This followed some initial discussions with the Committee on Standards in Public Life (CSPL), which is an advisory body which reports to the Prime Minister and oversees standards of conduct in public office to ensure the highest standards of propriety. The intention is that the PCC ethical framework should be led and developed by Police and Crime Commissioners themselves. Whilst the CSPL is willing to provide guidance and information about good practice in other sectors it reserves the right to hold an enquiry at a later stage if circumstances warrant. The Committee stresses the need for proportionality, and comments that developing a Code is relatively easy, whereas the real challenge is to embed high standards throughout an organisation and its processes, and to monitor whether they are being met in daily business.

The PCC Integrity Working Group at a further meeting with CSPL on 5 November 2013, decided that an ethical framework should be:

- Based on Nolan principles
- Drawn on good practice in the public sector
- Capable of being adapted by PCCs to meet local needs

Existing Legislation

The existing legislation which covers the ethical standards of PCCs is summarised as follows:-

1. Section 31 and Schedule 7 of the Police Reform and Social Responsibility Act 2011 deal with conduct and complaints, but this is phrased largely around the complaints process for PCCs, and does not set out any standards beyond confirming that the Nolan principles apply.
2. The Schedule to the Local Policing Bodies (Specified Information Order) 2011 (as amended in 2012) requires PCC, at paragraph 6(a) requires PCCs to publish “a statement of the policy of the elected local policing body in relation to the conduct of relevant office holders, including procedures for the handling of qualifying complaints and conduct matters.”
3. The Police and Crime Commissioner Elections (Declaration of Acceptance of Office) Order 2012 sets out the oath of office which PCCs take, which includes promises to act with integrity, give the public a voice, be transparent and be accountable to the public.
4. There is a range of other legislation which applies to PCCs and deals with specific aspects or matters which would be covered in any ethics framework, including issues such as whistleblowing procedures, data protection and information disclosure.

Nolan Principles

The 'Nolan Principles' (properly the Seven Principles of Public Life) apply to all holders of public office and set some key ethical principles. They are:

- Selflessness
- Integrity
- Objectivity
- Accountability
- Openness
- Honesty
- Leadership

Rationale for Framework

The legislation is concerned largely with high level statements or complaints procedures and provides little guidance to PCCs on ethical principles. Whilst this approach is consistent with greater local autonomy, the lack of detail about key principles of behaviour could expose PCCs to significant reputational risk which might have a detrimental impact on public confidence.

As leaders of their local policing bodies PCCs are critical to setting the culture of transparency and ethical behaviour in which the public can have trust across the criminal justice system in their area, and it is hoped this framework will prompt thinking about how PCCs might fulfil this leadership role and enable them to lead by example in this respect.

A copy of the framework is attached at **Annex A** and PCCs will see that it is drawn in general terms, which allow for local adaptation. An example of how a local framework can be developed from the generic framework has kindly been provided by Dyfed Powys and is attached at **Annex B**.

APCC Secretariat
March 2014

Annex A

Ethical Framework for Police and Crime Commissioners

This document sets out the key principles of ethical behaviour, which Police and Crime Commissioners may wish to apply locally, with suitable adaptations, to meet their obligation under the Local Policing Bodies (Specified Information Order) 2011 (as amended in 2012) to publish “a statement of the policy of the elected local policing body in relation to the conduct of relevant office holders, including procedures for the handling of qualifying complaints and conduct matters.”

Selflessness

- Taking decisions in the public interest, not for personal gain or that of family and friends
- Putting local communities (including victims, witnesses and vulnerable people) at the heart of what PCCs do
- Standing up for principles and local people

Integrity

- Not placing oneself under any financial or other obligation to external entities that might seek to influence the performance of official duties
- Not engaging in activity which is not demonstrably in the public interest
- Maintain appropriate transparency on approaches by lobbyists and ensure a balance of views in decision making
- Putting effective whistle-blowing procedures in place in the organisations for which the PCC is responsible

Objectivity

- Choices should be based on merit and objective criteria in:
 - making public appointments
 - awarding contracts
 - recommending individuals for awards and benefits; or
 - otherwise carrying out public business.
- Promoting and monitoring ethical standards through the procurement/commissioning process to ensure good standards of behaviour in organisations with which PCCs contract
- Ensuring appointees' commitment to ethical standards
- Acting fairly, irrespective of race, religion, gender, etc

Accountability

- Demonstrating accountability for decisions and actions to the public
- Submitting themselves to scrutiny by the public, police and crime panels, Parliament, or other appropriate bodies
- Promoting greater accountability in the organisations for which PCCs are responsible, especially the police, by holding them to account effectively on behalf of the public
- Improving public trust and confidence through promoting accountability.

Openness

- Being as open as possible about all the decisions and actions that PCCs take, including giving reasons for decisions.
- Restricting information about the PCC's office only when the wider public interest clearly demands it.
- Being as open as possible about the organisations for which PCCs are responsible, except where information would not be in the public interest.
- Being as open as possible with the media, without breaching the privacy or confidence of others, or giving them inappropriate access to restricted information

Honesty

- Declaring any private interests in relation to public duties and decisions in a regular and easily accessible format
- Taking steps to resolve any conflicts and mitigate risks arising in a way that protects the public interest, particularly in relation to:
 - Personal/prejudicial or financial interests
 - Use of resources
 - PCC expenses, gifts and hospitality
 - Procurement/commissioning process
- Being honest in dealings with the public and promoting greater trust in the office of the PCC.

Leadership

- Promoting and supporting these principles by leadership and example, since as leaders of local policing bodies PCCs are critical to setting the culture of transparency and ethical behaviour in which the public can have trust across the criminal justice system in their area,
- Setting an ethical vision and approach as a leader and ensuring it makes a difference to the culture of the organisations for which PCC is responsible
- Not bringing their office into disrepute
- Treating the public with dignity, respect and fairness to increase their confidence in the criminal justice system

Complaints Process

Complaints about the behaviour of Police and Crime Commissioners are dealt with by local Police and Crime Panels. If the matter is a serious complaint (an allegation of criminal behaviour against the PCC), the Panel will refer it on to the Independent Police Complaints Commission to deal with. If it is a less serious matter, the Panel is responsible for resolving the problem and seeking a satisfactory outcome. For instance, this might be an explanation or apology from the PCC, or an agreement to prevent or improve a problem in the future.

The administration of the complaint is dealt with by the Monitoring Officer for the Police and Crime Panel. The Monitoring Officer handles the paperwork about the complaint and may be asked to provide advice about the law in relation to complaints. Monitoring officers need to ensure the details of the complaint are recorded properly, but they are not involved in making any decision about the outcome of the complaint.

In some cases Police and Crime Panels will have asked one of the PCC's staff to act as their Monitoring Officer, in other cases it may be a member of staff of a local authority – but in any event a Monitoring Officer is under a statutory duty to act fairly and objectively in this role. For this reason, in some cases, Police and Crime Panels may ask complainants to contact a member of staff of the Police and Crime Commissioner with details of the complaint.

Local ethical statements will need to set out appropriate contact details for their Police and Crime Panel.

Annex B

Dyfed-Powys Police and Crime Commissioner Ethical Framework

As Dyfed-Powys Police and Crime Commissioner I have agreed to abide by seven standards of conduct recognised as the Nolan Principles. This Ethical Framework allows transparency in all areas of my work as a Police and Crime Commissioner. These principles encompass my work locally and whilst representing my communities in national forums. The codes are listed below with relevant case studies attached. I wish to demonstrate how I am working to provide a public voice to Policing in Dyfed-Powys.

Selflessness

Police and Crime Commissioners should take decisions solely in terms of the public interest. They should not do so in order to gain financial or other material benefits for themselves, their family, or their friends.

Gifts and hospitality that are accepted as well as declined are fully noted on my website in a clear spreadsheet so that the public are fully aware of any gifts and engagements I attend. This makes the process open and transparent and avoids any misrepresentation.

This is continually updated by my office, and scrutinised by the monitoring officer.

- [Register of Gifts and Hospitality](#)

Integrity

Police and Crime Commissioners should not place themselves under any financial or other obligation to outside individuals or organisations that might influence them in the performance of their official duties.

On my appointment 20 November 2012 I pledged my oath to represent ‘all sections of the public without fear or favour.’

In the eventuality where the interests of exercising the functions of my office might conflict with any disclosable or other interest, which has become known to me, I shall as soon as possible declare such conflict and take necessary action.

- [Commissioner’s Oath](#)

Objectivity

Police and Crime Commissioners carrying out public business, including making public appointments, awarding contracts or recommending individuals for rewards and benefits, holders of public office should make choices on merit.

All appointments to office have been made following an open and transparent process.

The people of Dyfed-Powys play a key role as to how my 2013-18 Police and Crime Plan is put into practice. My plan lays out how I and the Chief Constable aim to make the communities of Dyfed-Powys Police safer.

I hold public surgeries across the Force area; the surgeries are open to all and ensure I hear from a broad spectrum of communities. The surgeries are routinely advertised online. Arrangements for attending can also be made through the Office of the Police and Crime Commissioner.

- [2013-18 Dyfed-Powys Police and Crime Plan](#)
- [Surgeries news](#)

Accountability

Police and Crime Commissioners are accountable for their decisions and actions to the public and must submit themselves to whatever scrutiny is appropriate to their office.

The strategic decisions I make are published in the form of decision logs on my website. Decision logs are a concurrent record of the development of policing services and the reasons for those decisions made. In every decision I make, I confirm that I have considered whether or I have any personal or prejudicial interest in the matter and take the decision in compliance with the NOLAN principles for conduct in Public Life.

I have established a Policing Board which allows both the Chief Constable and I to exercise our respective roles in a transparent manner. All meeting minutes are published. This promotes transparency and allows the public to be aware of the developments within the force.

- [Commissioner's Decisions](#)
- [Policing Board Minutes](#)

Openness

Police and Crime Commissioners should be as open as possible about all the decisions and actions that they take. They should give reasons for their decisions and restrict information only when the wider public interest clearly demands.

My website is compliant with the Local Policing Bodies (Specified Information Order) 2011. There is a range of information accessible on the website, including confidential reporting policy and information disclosure.

My office came third nationally for its efforts to share information in accordance with the 2011 Order.

I keep my communities informed through social media as well as through public engagements. My office issues regular proactive press releases about the work I conduct and responds rapidly to other media enquiries.

- [Transparency Award](#)
- [Latest News](#)

Honesty

Police and Crime Commissioners have a duty to declare any private interests relating to their public duties and to take steps to resolve any conflicts arising in a way that protects the public interest.

I act solely in the public interest whilst exercising the functions of my office. My website is accessible to members of the public and I openly publish a register of disclosable interests. I have no outside interests as shown in that document.

- [Notification of Disclosable Interests](#)

Leadership

Police and Crime Commissioners should promote leadership and support the Nolan Principles by leadership and example.

By establishing clearer and more transparent terms for senior officers I have reduced costs to the taxpayer and set an example to the organisation. I ensure full public accountability, so people can check on my progress and that of my office.

- [Appointments News](#)