



VERA BAIRD^{QC}
POLICE & CRIME COMMISSIONER

Lord Bew
Chairman - Committee on Standards in Public Life
Room GC.05
1 Horse Guards Road
London
SW1A 2HQ

Victory House
Balliol Business Park
Benton Lane
Newcastle upon Tyne
NE12 8EW

E:enquiries@northumbria-pcc.gov.uk
T: 0191 221 9800

26th November 2015

Dear Lord Bew

Tone from the top, Leadership, ethics and accountability in policing

I welcomed your report in the summer and as a PCC value improvements that can ensure and evidence transparency in accountability, particularly for local communities. Thank you for the opportunity to comment on the recommendations in relation to Police and Crime Commissioners and Chief Constables, I have provided these below and also included some local examples of how I have put these principles into action already to strengthen confidence in accountability.

In addition as a member of the Association of Police and Crime Commissioners I have some thoughts on the recommendations that have been made for national implementation which I have included, although I am aware that a comprehensive response will be made by the APCC direct to yourselves.

Recommendation 1 – APCC

Although the development of a national minimum Code of Conduct could in theory be done quite easily, however there is concern that this could be perceived as an overkill. PCCs are already subject to Nolan Principles, the Oath of Office, the Policing Protocol, Joint Corporate Governance Frameworks within their area, the Specified Information Order, which includes a requirement to produce a statement about PCC conduct, and a structured complaints regime through Police and Crime Panels. The APCC has no powers to bind its members, so a nationally applicable minimum code would require the agreement of all members, and could not be imposed by the APCC.

Recommendation 2 – PCCs only

I would agree that all newly elected PCCs should receive an 'ethical' component in their induction awareness or training on taking up the role.

This will be of particular value to PCCs who are not from a political background where there is a clear understanding already of the principles of public life. Briefings should as you say should include the seven principles of public life, the APCC Ethical Framework and the College of Policing Code of Ethics.

Following my election in 2012 I signed, along with my deputy at the time, a 'Code of Conduct' which is available on my website.

<https://www.northumbria-pcc.gov.uk/v2/wp-content/uploads/2013/10/PCC-DPCC-Code-of-Conduct.pdf>

This Code of Conduct and the commitments within it are founded on and endorse the Policing Protocol 2012 which provides that all parties will abide by the seven principles of public life, known as the Nolan Principles, as set out in the First Report of the Committee on Standards in Public Life, and also appropriate conduct in relation to disclosure and registration of interests, conflicts of interest, disclosure of information, transparency and decision making.

Recommendation 3 - PCCs only

I would fully support and endorse that a Deputy PCC should be subject a Code of Conduct in the same manner of as a PCC. I also support that along with this there should be a clear understanding of the relationship that the Deputy has with other employees of the PCC and that this should be made publically available.

Recommendation 4 – APCC

Developing a memorandum of understanding between Chief Constables and PCCs has some merit, although many PCCs already have local agreements, a single agreement would struggle to encompass the different ways of working across 43 PCCs and Chief Constables. I am unsure what the LGA would add to this other than a link to the role of statutory officers which would potentially change depending on the Home Office proposed legislation with regard to the complaints process. If the recommendation is made to eliminate conflicts of interest then most areas have already made suitable arrangements to deal with this.

Recommendation 5 - PCCs only

I am supportive of the recommendation that Joint Independent Audit Committees should publish an Annual Report in a publically accessible format setting out the external and internal audit work that they have carried out and assure the PCC, the Chief Constable and the public that the committee is indeed undertaking its responsibilities. The Joint Independent Audit Committee for Northumbria has published an Annual Report and this is available on my website. www.northumbria-pcc.gov.uk/v2/wp-content/uploads/2014/08/Annual-Report-of-the-Joint-Independent-Audit-Committee-2014-15.pdf

Recommendation 6 - PCCs only

Whilst the role of the PCC in ensuring an efficient and effective police force I do work to ensure that the Chief Constable promotes ethical behaviour in Northumbria Police. I would support the inclusion of this explicit requirement and my commitment to carrying out this accountability in my Police and Crime Plan, and will include this any future iteration of the document, and subsequent reporting in the Annual Report. My Plan has a key objective of Community Confidence and I consider this issue to be a key element.

Recommendation 8 –APCC

The narrative that supports this recommendation around a definition of 'key decision' causes concern, if this is linked to recommendation 10 and the publication of a forward plan this could change the nature of the panel's role from that of scrutiny to one which might inappropriately influence PCC decisions.

I understand that this was previously discussed by Parliament, who decided not to define the phrase to allow local flexibility.

Recommendation 10 - PCCs only

As a matter of good practice I would support that 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 should be taken, who will be consulted before the decision is taken and what reports or papers will be available for inspection. Obviously there is the proviso that in some cases a key decision will be subject to exemption from publication under Schedule 12A of the local government Local Government Act 1972. In addition, whilst every effort can be made to adhere to a published forward plan at any point, key decisions may need to be added/removed. In addition as outlined in Recommendation 8, the Panel must be clear that they have a scrutiny role only and have no role in influencing a decision to be made by a PCC.

It will also assist PCCs with forward planning if Police and Crime Panels provided PCCs with a forward plan specifying information that they require in order for them to carry out their work.

In Northumbria we have a forward plan for the Panel and reports are submitted to the panel in accordance with this plan whilst also responding to changes in local and national issues that may be relevant for the panel.

Recommendation 12 – APCC

Whilst in principle the publication of a national list of PCCs pay and rewards, gifts and hospitality and register of interests would appear to be a simple process, previously there has been concern that publication of this information in a national format would lead to a 'league table' mentality and not allow for local accountability and circumstances. In addition I am unsure that is it an appropriate use of APCC resources to collate data that is easily available and published as a result of the Specified Information Order on every PCC website across 43 forces.

Recommendation 13 PCCs & Chief Constables

This level of transparency is a key component of public confidence and I welcome the recommendation that arrangements for gifts, gratuities and hospitality registers together with notifiable interests are regularly reviewed and embedded in everyday practice. As a PCC I comply with the Elected Local Policing Bodies (Specified Information) Order 2011 and publish on my website information pertaining to my salary, allowances received, a register of gifts, hospitality personal interests. In addition Northumbria Police website contains information about expenses paid to the Command Team and a register of business interests across the whole force.

Recommendation 14 & 15 - PCCs & Chief Constables

In the interests of efficiency I have adopted a model where the Chief Finance Officer and a number of other key functions such as Communications are provided to my office under a service level agreement with Northumbria Police. This agreement includes a clause on conflict of interest and it is recognised that on occasion certain elements of service delivery may necessitate a degree of confidentiality and/or could place an individual in a position of a conflict of interest between the PCC and the Chief Constable. It is anticipated these circumstances would be rare, if at all, and would more likely involve senior personnel, typically the service lead. In such circumstances the individual must identify any concerns and bring these to the

attention of the Chief Executive of the OPCC and the relevant Assistant Chief Officer within Northumbria Police. In the interests of transparency officers can if necessary also direct concerns to the PCC or Chief Constable who will provide direction on the matter. In rare instances, it may be necessary for the PCC or CC to obtain independent advice. The Service Level Agreement is available on my website.

The recommendation to develop an explicit policy and appropriate controls seems to provide a 'belt and braces' solution to this business model and my office are exploring the development of such a policy for the relevant services to strengthen the Service Level Agreement. We will use the National Audit Office, Cross Government Conflicts of Interest Report published in January 2015 to help us to shape these policies.

Recommendation 16 - PCCs & Chief Constables

I would agree that there is a role for the Joint Independent Audit Committee to scrutinise crime data integrity and would expect their scrutiny of such to be a key component in their Annual Report (Ref recommendation 5). As local communities need to be reassured that crime data used by local police is high-quality data enabling them to establish where, when, and how often crime and anti-social behaviour (ASB) is happening. To enable the Joint Independent Audit Committee to be reassured about crime data integrity in Northumbria, reports are presented to the committee that provide an update on progress against delivery of the action plan developed following the latest HMIC inspection of Crime Data Integrity in August 2014 and details of current compliance levels.

Recommendation 17 - PCCs only

I support this recommendation and would be happy to commit to publish information about any significant public meetings where there may be external attempts to influence a public policy decision. It may however be useful for the committee to identify what it considers to be such a decision.

Recommendation 18 - PCCs & Chief Constables

I agree that transparency in respect of complaints is vital and my website includes a clear complaints policy that outlines who and where complaints should be directed to and rights of appeal. I have been at the forefront of discussions between the Home Office and the IPCC to demonstrate the effectiveness of local triage in addressing complaints against police forces. As A PCC I have always felt the investigation of police by police to be an anomaly which needs to be addressed by the Home Secretary, if this is achieved then we will have a much clearer system for local communities to understand and have trust in. I do not believe that PCCs should be responsible for monitoring local complaints and disciplinary, I believe that this comes under the remit of the Chief Constable who is responsible for their own officers, scrutiny by the PCC should focus on how effectively the Chief Constable carries out these duties. Complaints about the PCC are currently monitored by the Police and Crime Panel and this should continue to be the case.

Recommendation 20 - PCCs only

I support recommendation 20 and can confirm that when appointing a new Chief Constable earlier this year I met these requirements and can confirm that this did indeed provide a wholly transparent and inclusive recruitment process. As an addition I included stakeholder engagement which I detailed further on in this section and would propose that the committee consider including this in any future recommendation as I found it invaluable.

The appointment process is provided on my website for public information and as you can see mirrored the recommendation, I have provided further details below.

www.northumbria-pcc.gov.uk/transparency/key-decisions/chief-constable-recruitment-process.

Following receipt of formal applications a shortlisting process took place that include a Chief Constable from a neighbouring force and an independent panel member, Chief Executive of our Community Rehabilitation Company.

To reflect that the role of Chief Constable has a wider impact beyond direct delivery of policing services I felt that it was important that local authority leaders and key stakeholders from the business, health, community and voluntary sectors were given the opportunity to meet shortlisted candidates and provide a valuable input to assist in the deliberations on the appointment of a candidate. Following these stakeholders sessions they fed back their thoughts to me in person.

The formal interview, at which the panel consisted of the members who shortlisted the candidates and the appointment was made. The Police and Crime Panel then held their confirmation hearing and were provided with a letter from the independent member outlining that the process complied with the principles of merit, fairness and openness. The letter is also available on the website.

I trust that the comments made on your recommendations will support the work of your committee in their endeavours to enhance transparency and the examples of some of the work in Northumbria may help to further shape your recommendations in the final stages of this work. If you require any further information do not hesitate to contact me.

Yours sincerely

A handwritten signature in black ink, appearing to read 'V Baird', written in a cursive style.

Vera Baird QC
Police and crime Commissioner for Northumbria