

Introduction and background

Police integrity has been the subject of media coverage in recent months based on a small number of high profile cases amongst police officers. When police officers and staff fall short of the standards expected, it can have a damaging effect on public confidence in policing.

On 15 June 2014, a new Code of Ethics across the police service, introduced by the College of Policing, and approved by Parliament came into force. The Code applies to all police officers and staff; Special Constables in Lancashire Constabulary; staff in the Office of the Police and Crime Commissioner (OPCC); contractors and volunteers. Its objective is to support each individual to deliver the highest professional standards in serving the public.

In Lancashire, to help build trust and public confidence, the Police and Crime Commissioner and the Chief Constable have previously agreed, in principle, to establish a Combined Ethics Committee, to support the embedding of the Code, provide assurance on the handling of complaints and disciplinary matters, provide strategic and expert support and guidance to senior leadership teams and facilitate public scrutiny and encourage public debate in the complex area of police ethics.

By establishing an Ethics Committee, the Police and Crime Commissioner and the Chief Constable are also making an explicit and public commitment to transparent, ethical policing in Lancashire that is subjected to rigorous independent scrutiny.

Further, as part of the process of embedding the Code of Ethics within the Constabulary and its on-going influence on service delivery it is also proposed to establish an internal ethics panel (tactical group) comprising of police officers and staff at all ranks to influence ethical decision making at each and every opportunity. The importance of this programme in ensuring that officers continue to police by consent and enhance public confidence at this most difficult and challenging time, cannot be underestimated. It is important that we invest in this group. They will support and educate their colleagues in relation to ethical decision making thus providing the confidence to address ethical dilemmas in the right manner.

This report asks the Commissioner and Chief Constable to formally approve the establishment of an Ethics Committee and the draft terms of reference.

PROPOSED CONSTITUTION AND TERMS OF REFERENCE

It is proposed that the Committee will comprise of an independent Chair (who will have extensive knowledge of dealing with ethical dilemmas along with the experience of implementing ethical programmes), and five members who are independent of the Police and Crime Commissioner and Chief Constable, have a good understanding of the communities of Lancashire (so must either live or work in the area), can work together and who have significant key skills and attributes. Their focus would be to support the Police and Crime Commissioner and the Chief Constable in ensuring that correct procedures and practices are adhered to in the police decision-making process, so that outcomes produced are both legally correct and in the public interest.

Draft Terms of Reference have been prepared to reflect the full range of responsibilities (copy attached at Annex A).

The committee will meet four times a year, but members may be required to be available outside the times of the formal meetings. Candidates who are successful at interview will be required to provide references and will be subject to further checks, including criminal vetting.

The Head of Professional Standards (Constabulary) and the PCC's legal adviser / monitoring officer will be required to attend each meeting of the Committee.

Proposed Timetable

Appoint Chair: November 2014

Applications open: 8 November 2014

Applications close: 30 November 2014

Interviews: dates in January 2015

The committee's first meeting is likely to be in early March 2015

Administration

It is suggested that the administration of the Ethics Committee should be independent of the Constabulary. Therefore, in the short term this function would be undertaken by the OPCC and would be considered as part the review of the OPCC.

Financial Comments

- As part of the process of embedding the Code of Ethics within the Constabulary and its on-going influence on service delivery the Constabulary is also seeking approval for £20K for the training and delivery of the ethics programme from within the Transition Reserve.
- The ongoing costs of related training will be met from the Constabulary budget.
- Recruitment expenses will be met from within the PCC budget.
- Allowances and expenses will be met from within the PCC budget. It is proposed that Committee members will be paid an allowance and the initial term of office will be two years. Committee members will receive an annual allowance of £1,000 (*£1,500 for the chair*) and an attendance allowance of £211.50 for a full day or £104.50 for four hours or less. The attendance allowance is in line with that paid to the Members of the Audit Committee.
- PCC liability insurance will extend to cover members of the Combined Ethics Committee as they are working for the PCC (within a predefined role), in terms of discharging their duties.

Consultation

The Chair of the Combined Audit Committee has been consulted and supports the proposal.

Equality Comments

The Commissioner's team will be mindful of the need to ensure that due regard is given to the equality duties when undertaking the recruitment processes.

COMBINED ETHICS COMMITTEE –PROPOSED TERMS OF REFERENCE

Purpose

The Combined Ethics Committee is responsible for enhancing trust and confidence in the ethical governance and actions of Lancashire Constabulary and the Office of the Police and Crime Commissioner. Responsibility is both internal and external in focus and may include representation from strategic partners.

It will discharge responsibilities by;

- Promoting the highest standards of ethical conduct.
- Provide a focus for education into ethical issues.
- Providing a source of support to others.
- Support compliance with organisational values.
- Promote confidence in the community.

Responsibilities

- 1) To advise the Commissioner and the Chief Constable on the effectiveness of the embedding of the Code of Ethics and its on-going influence on service delivery.
- 2) To advise the Commissioner and the Chief Constable on the progression of a transparent ethical framework.
- 3) To evaluate regular and structured reviews of:-
 - the handling of public complaints, misconduct and grievances to commend best practice, to identify necessary organisational learning and to report any irregularities to the Commissioner and the Chief Constable so they may take appropriate action;
 - anti-fraud and corruption arrangements, including whistleblowing policies and their operation in the OPCC and the Constabulary;
 - registers of interests, gifts and hospitality, expenses and scheduled information as required by Government under the transparency agenda.
- 4) To receive reports on Chief Officer standards of integrity, prior to consideration by the Commissioner; (i.e. the Chief Constable, Deputy Chief Constable, Assistant Chief Constables, Chief Executive, and Chief Finance Officers)
- 5) To consider any ethical matters referred by the Commissioner or by the Chief Constable and influence change to policy.
- 6) To receive reports from and make recommendations in response to the Commissioner's Monitoring Officer in the event of the Commissioner or his staff committing or proposing to act unlawfully.
- 7) To receive reviews from Her Majesty's Inspector of Constabulary (HMIC), the Independent Police Complaints Commission (IPCC) and any other relevant review body, which include ethical issues relevant to the Constabulary or the

OPCC, to ensure full consideration has been given to appropriate action arising from the recommendations and monitor implementation.

- 8) To publish an annual report on the work and findings of the Committee that the communities of Lancashire can have confidence in.