

**OPCC Due Diligence Process**

**Introduction**

More than ever before, we are required to work to the highest standards of conduct and monitor our performance to ensure these standards are maintained.

In an ever-changing, high pressure and sensitive environment these procedures set out an ethical, fair and transparent process for dealing with work place situations, invites and associations, which could raise confidence concerns.

These procedures support the Police and Crime Commissioner's Ethics and Integrity Framework.

They apply to the Police and Crime Commissioner for Lancashire.

These procedures will enable the Police and Crime Commissioner to demonstrate, if challenged that his decisions, behaviour and integrity were of the highest standard.

1. **Guidance on what areas of vulnerability may require transparency of senior decision making**

A due diligence process has been established to provide an objective test as to whether there may be ‘concerns’ about a future situation, event, association, meeting or decision that could call into question the integrity of the Police and Crime Commissioner or may make the Police and Crime Commissioner vulnerable to a negative perception, possible complaint or conduct issue.

The due diligence process is based on an assessment of all the information available, including where appropriate any source sensitive material. When taken together with the request or commitment from an area of vulnerability if it is identified that it is more probable than not that an individual’s integrity may be called into question, options as to how to manage or mitigate that risk will then be considered.

Providing a precise definition of what constitutes an area of vulnerability is not possible and each set of circumstances must be judged on merit.

However, as a guide, the following vulnerable areas of business have been identified

* Meetings involving members of an organisation where a decision on a financial transaction or relationship may be made.
* Invitations to attend external events, conferences, seminars or official attendance is requested to support a ‘non –business’ event.
* Attendance at any event which will attract further submissions into:- Gift and Hospitality Register or an expense claim or require an overtime submission from any staff members or a declaration of a reportable association.
* Meetings involving private companies which seek to or could create a procurement opportunity or decision for the organisation.
* Meetings involving coaching/mentoring of individual members of the organisation during a relevant promotion process or lateral development opportunity.
* Meetings involving individual members of the community who may have a potential or existing complaint or legal action against the employee or organisation.
* Meetings which are unsolicited or unrelated to the functions or responsibilities of the PCC or unrelated to the priorities or objectives of the Police and Crime Commissioner as set out in the Police and Crime Plan.
* Any activities which would not provide value for public money in terms of either its cost or time spent working outside of the OPCC or a combination of both.
* Membership or participation in external groups and organisations that does not qualify as a business interest but may be perceived as having influence or impact on the office held.
1. **Process**
The due diligence process has 3 stages:

**Stage One – Notification**

Where a request for (or an intention is formed by) the Police and Crime Commissioner to participate in any activity which is perceived to potentially cause a vulnerability to his integrity, the due diligence process should be used.

To enable that to take place it may be prudent for the Standards and Governance Officer to conduct further 'due diligence' enquiries/actions (examples of which are shown below) as they deemed necessary, so that an assessment, based upon all the material can be made.

* ***Criminal records and intelligence held by the police*** - these checks should consider intelligence credibility and any corroboration or lack of it.
* ***Open source checks*** - the Constabulary has trained staff who can conduct checks on your behalf and this involves checking any references and websites directly associated with the individual, group or organisation including Google news, Facebook, You Tube etc. Checks should also be guided by the duty set out in the Equality Act to advance equality of opportunity and foster good relations between people sharing different “protected characteristics”, such as religion. For example, checks should seek to establish that there is no evidence of intolerance towards other groups (including women and homosexuals) and members of other religions. Checks should also seek to eliminate any support for violence, implicit or explicit.
* ***Wider local area checks*** *-* these checks would involve seeking any available information from Neighbourhood Policing Teams, which may help form a view.
* ***Companies House check*** *-* groups and organisations may have associate Directors or other partners on their management boards [www.companieshouse.gov.uk](http://www.companieshouse.gov.uk) / [www.company-director-check.co.uk](http://www.company-director-check.co.uk).
* ***Charity Commission check*** *- y*ou should consider consulting the public Register of Charities to establish any connections with a charity and their status [www.charitycommission.gov.uk](http://www.charitycommission.gov.uk) The register contains information on the status of a charity (whether registered or removed, if an interim manager has been appointed, and a link to a published inquiry report on the website if an investigation into the charity has been completed within the last six months), the objects and activities of a charity and where it is able to operate, main contact details, names of current trustees and the charity’s financial and compliance history. The Charity Commission’s website maintains a list of published inquiry reports and regulatory case reports which are available on request. It also provides a facility to search the Register of Removed Trustees which provides details of anyone who has been removed as a trustee by the High Court or the Charity Commission. In addition, the Charity Commission may disclose to a relevant public authority(under section 56 of the Charities Act 2011) information about a charity and its trustees or officers that is not available from the public Register of Charities for the purpose of enabling or assisting the public authority to discharge its functions. The Commissioner of the Prevent project should email intelligence@charitycommission.gsi.gov.uk to seek such information from the Charity Commission. The purpose of the request must be clear in order to facilitate a disclosure through the legal gateway.

**Stage Two – Due Diligence Assessment**When all the material has been collected, the Standards and Governance Officer will ensure that the Senior Management Team (SMT) consider the request.

In making any assessment the SMT will have due regard to the principles of fairness, transparency and respect. This test will be applied at all stages of the procedures.

The SMT will consider whether the request for attendance of the Police and Crime Commissioner would possibly impact on the confidence of the community or create a negative perception within our organisation. (see appendix A for more detailed advice)

If they considered that there is a potential risk to the Police and Crime Commissioner and/or organisation then they will consider whether to recommend either:-

**Decline the appointment/invite or not participate in the group/activity.**

or

**Attend/participate, but with mitigation, so as to reduce the perceived risk.**

Mitigating option(s) can consist of:-

* Support the proposed meeting by providing full minutes.
* Widening senior attendance to the meeting.
* Restricting attendance to a portion or more relevant aspect of the event/meeting etc.
* Reducing the numbers of employees attending.
* Delegating the meeting to a more appropriate level or specialism in the organisation.
* Reducing the impact upon submission into the Gift and Hospitality Register or an expense claim or require declaring a reportable association.

This recognises that such meetings may be hearing confidential or sensitive material and their role at this stage will be to ensure our values of fairness, Integrity, and respect are adhered to as well as to provide additional transparency to the process.

**Stage Three – Communicating Recommendation**

The Director will convey the recommendations of the SMT to the Police and Crime Commissioner and where appropriate any mitigation as soon as practicable after the notification is made.

**Appendix A**

**The Due Diligence Test**

Whilst many of us believe we deal with ethical and moral questions with sound judgement often at the time the decision is based on emotion and instinct and rational analysis comes later.

This framework is designed to provide a framework for bringing the rational analysis forward and use other people to assist us in understanding issues and questions from multiple points of view.

The following questions can assist:

1. Am I comfortable with the likely consequences of my actions?

Consider this in the broadest sense, so this does not just apply to you but what is the effect and impact on others who are involved with, participate in or are subject of the actions and consider both the immediate, longer term, direct and indirect effects.

1. Am I meeting my duty and respecting other people’s rights?

This involves balancing what you can do and must do with the protections in place for others.

1. Am I respecting the community and what they expect of me?

Consideration needs to be given across a multitude of communities – i.e. the internal and external but then also different groups within and outside of the organisation. Consider what the history with this community is and how this affects the decision.

1. Am I meeting my commitments and those of the organisation?

Who are you responsible to primarily in the excise of your duty – is it your staff, the people of Lancashire or the wider still and how do you balance this within the decision. Do I understand what these are and which are given priority, and how do I balance and trade of these in order to prioritise.

Quick Test Questions

* Visibility – Would I be comfortable if this action was described/pictured on the front page of a national newspaper.
* Generality – Would I be happy if everyone else behaved the same way.
* Suitability – How would the action be viewed by a member of the community.
* Legacy – Is this how I would like my leadership/organisation to be remembered.

**Due Diligence – TITLE AND DATE OF EVENT**

|  |  |
| --- | --- |
| **What is the event** | Click here to enter text. |
| **Who is attending (from OPCC and others on a panel – eg will the PCC be sharing a platform)** | Click here to enter text. |
| **When – date and time** | Click here to enter text. |
| **Where – exact location – eg. is it in a public space/building** | Click here to enter text. |
| **Format – more details on expected format (eg. Q&A, meal, awards ceremony)** | Click here to enter text. |
| **OPCC Lead/Liaison** | Click here to enter text. |
| **Contact Person for Organiser** | Click here to enter text. |

**Initial Assessment:**

Does the meeting, request or event fall into any of the following categories?

|  |  |
| --- | --- |
| Meetings involving members of an organisation that has an outstanding application for funding with the police or the OPCC | Choose an item. |
| Invitations to attend external events, conferences, seminars where the Commissioner or a representative will share a stage or panel with a speaker from an organisation not the police, CSP, funded organisation or local authority | Choose an item. |
| Attendance at any event which may lead to receiving a benefit that will need registering on the Gift and Hospitality Register – eg expensive dinner or likely to receive a gift over £25 | Choose an item. |
| Meetings involving private companies which may want to bid for any service delivery or procurement contract from the Police or the OPCC | Choose an item. |
| Meetings involving individuals or groups from the community who may have a potential or existing complaint or legal action against a member of the police, a staff member at the OPCC or the Commissioner themselves | Choose an item. |
| Meetings which are unsolicited or unrelated to the functions or responsibilities of the PCC or unrelated to the priorities or objectives of the Police and Crime Commissioner as set out in the Police and Crime Plan | Choose an item. |
| Meetings or events involving people who are currently or have been involved in criminal activities | Choose an item. |
| Meetings or events which may involve unstructured engagement with the public – eg Q&A sessions, street interactions etc | Choose an item. |
| Meetings or events at which the media may be present and so result in potential reputational risk for the OPCC | Choose an item. |

If none of the above apply then further due diligence is not necessary. Is this the case?

 Choose an item.

A – Refer the request to the OPCC lead for that area of work to get their feedback on the person, group or organisation involved. Where relevant get them to advise on:

|  |  |  |
| --- | --- | --- |
|  | Risk identified | No Risk |
| The status of any funding bid | Click here to enter text. |[ ]
| The risk of any funding being requested | Click here to enter text. |[ ]
| The risks of a conflict of interest | Click here to enter text. |[ ]
| The risk of a high value gift, donation or hospitality being offered | Click here to enter text. |[ ]
| The need for a Companies House / Charity Commission check on the organisation involved | Click here to enter text. |[ ]

B – Refer the request to Communications & Engagement team to assess possible reputational risk to the Commissioner and police of any involvement. Where relevant get them to advise on:

|  |  |  |
| --- | --- | --- |
|  | Risk identified & action required | No Risk |
| Is the organisation/person proscribed by Home Office or subject to advice from NPCC/APCC other government bodies | Click here to enter text. |[ ]
| Is there a reputational risk to sharing a platform with one of the individuals /organisations | Click here to enter text. |[ ]
| Is there a reputational risk involved in the planned activity | Click here to enter text. |[ ]
| Is there a reputational risk through media involvement either planned or otherwise | Click here to enter text. | [ ]  |
| Is an open source check or criminal record and police intelligence check required | Click here to enter text. |[ ]

C – Refer to the Director and the Standards and Governance Officer to assess possible organisational risk involved. Where relevant get them to advise on:

|  |  |  |
| --- | --- | --- |
|  | Risk identified & action required | No Risk |
| Whether an open source check on the person or organisation in question is required | Click here to enter text. |[ ]
| Whether a criminal records and police intelligence check on the person or organisation in question is required | Click here to enter text. |[ ]
| Current status of any complaint, legal action or disciplinary action and whether a meeting or further contact may prejudice due process | Click here to enter text. |[ ]
| Is there a reputational risk through media involvement either planned or otherwise | Click here to enter text. | [ ]  |
| Is there a reputational risk involved in the planned activity | Click here to enter text. |[ ]

Once this form is complete refer the completed assessment to the Standards and Governance Officer for a recommendation from the SMT.

**Due Diligence Report:**

**Background to request and actions undertaken**

**Due diligence steps and mitigating actions**

* **Reputational risk -**
* **Gifts and Hospitality -**
* **Funding / Commissioning /Grant Applications -**
* **External organisations consulted and checks undertaken -**

**Completed by**