Her Majesty's Inspectorate of Constabulary
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Inspecting policing
in the public interest

Sir Denis O'Connor CBE QPM
Her Majesty's Chief Inspector of Constabulary

Rt Hon Theresa May MP
Home Secretary
2 Marsham Street
London
SW1P 4DF

21 November 2011

Dear Home Secretary,

Police Integrity Review

Following your oral statement to Parliament about the Metropolitan Police Service, you commissioned HMIC on 20 July to consider instances of undue influence, inappropriate contractual arrangements and other abuses of power in police relationships with the media and other parties, and to make recommendations. I am pleased to send you the report of that review which was conducted by HMI Roger Baker.

The issues that give rise to your concerns, as echoed in Parliament, the media and by the public more generally, strike at the heart of trust in the police. However, we did not find that corruption arising from inappropriate relationships or conflicts of interest are endemic in policing. But we did find that corruption in all its forms is of concern to a third of the public and that the police, supported by the Home Office, could do more to prevent conflicts of interest, real or perceived, from arising. Perceptions matter greatly due to the importance of police impartiality to the public.

Our review forms one part of a wider consideration of integrity, corruption and police relationships with the media and others which includes work by the IPCC whose final report on corruption in the Police Service in England is due later this year, and Lord Justice Leveson's Inquiry itself.

In carrying out our review we have been careful not to cut across or pre-empt such other work, but have sought to pull out key recommendations and considerations that can be acted upon now while also looking to the future and the arrival of Police and Crime Commissioners. In so doing we have been careful not to recommend a plethora of new guidance or bureaucracy.

We make four main recommendations covering the need for robust systems to better manage risks; the need for clear boundaries and thresholds across a number of areas which should be consistent and Service-wide; the need for training courses to include input on integrity and anti-corruption; and the desirability of an assessment of all these matters being conducted next October to inform incoming PCCs and PCPs.

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You will not be surprised to see that we also highlight the importance of senior leaders in the Service leading by example through the values they espouse and the behaviours they exhibit. It is reassuring that in discussing our emerging findings with senior leaders we found an acceptance that more could be done and a willingness to respond.

Yours sincerely,

Sir Denis O'Connor
Her Majesty's Chief Inspector of Constabulary

CC.   Rt Hon Nick Herbert MP.
       Stephen Kershaw.
       Stephen Rimmer.
       Gareth Redmond.

       Miv Elimelech.

Encl.

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HMIC Inspecting policing in the public interest

Without fear or favour

A review of police relationships

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Home Office

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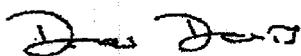
POLICE INTEGRITY

In my Oral Statement to Parliament yesterday on the Metropolitan Police Service, I noted that the current allegations about phone hacking are not, unfortunately, the only recent example of alleged corruption in the police service.

I announced that I was asking Her Majesty's Inspectorate of Constabulary to consider instances of undue influence, inappropriate contractual arrangements and other abuses of power in police relationships with the media and other parties; and to make recommendations to me about what needs to be done.

The purpose of this letter is formally to commission you to undertake this work. In doing so, you will wish to take into account other investigations or proceedings that may be taking place.

I would be grateful if this work could be completed by the end of October.

Yours ever

Rt Hon Theresa May MP

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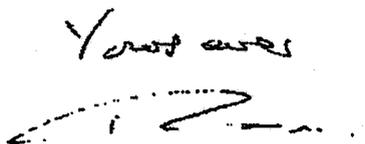
Executive summary

This year's extensive scrutiny of how the police handled the phone hacking affair has understandably led to concerns about police integrity and corruption. Police checking systems and processes have identified a small number of other high profile cases involving allegations of inappropriate police relationships – some involving senior officers. These cases either have or are being dealt with properly, but amplify concerns about police corruption and have the potential to undermine public trust in the Service.

The subject of police integrity has received wide coverage recently but HMIC did not undertake this review with any preconception of the likely findings. Rather, we have been guided by the evidence available to us and have assessed it carefully before coming to our conclusions and making our recommendations.

As part of the review we asked the public about the extent and nature of police integrity and corruption. The majority do not think corruption is common and trust the police to tell the truth. However, about a third of those surveyed think there is some problem with corruption. The public also told us that they associate integrity with being treated fairly; the Service must, therefore, be absolutely transparent in not only *being* fair but also in *being seen* to be fair.

Concerns that inappropriate police relationships represented endemic failings in police integrity are not borne out by the evidence available to HMIC. However, this review does not give the Police Service a clean bill of health. We found few forces and authorities had these issues on their radar. In addition, understanding of boundaries, checking mechanisms, governance and oversight in police relationships with others (including the media) varies hugely across the Service.

Our benchmarking exercise suggests that few organisations have resolved these issues well for the modern world (in terms of managing controls around integrity issues). However, the Police Service needs to do so in order to safeguard their impartiality and, as importantly, the perception of impartiality. HMIC is concerned that the lack of controls in some areas, which are not always considered by the police as 'corruption', can allow a slippery slope to develop in relationships which leave forces and authorities unsighted and vulnerable to significant risk. One such risk area is the potential for misuse of corporate credit cards (of which there are 2,700 in circulation, as well as those owned by the MPS): the public rightly expects the Service to make best use of the public money it receives, and to put effective controls in place to ensure it is spent appropriately and that maximum value is derived from it (especially in a period of austerity).

Other examples of risk areas include the lack of clarity around the acceptance of gifts and hospitality, and the tax and other legal implications of police officers and staff having second jobs or other business interests.

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HMIC therefore recommends that:

- **Forces and authorities institute robust systems to ensure risks arising from relationships, information disclosure, gratuities, hospitality, contracting and secondary employment are identified, monitored and managed.** They should ideally do so on the basis of national standards and expectations – there are no demographic variables when it comes to integrity and there should not be local differences in standards. This area of work on national standards should be encouraged by the Home Office and promoted by leaders in the Service locally.

- **There should be clear boundaries and thresholds in relation to these matters. Such limits should be consistent and Service wide.** This in effect means identifying a clear message for staff on these issues as to what is acceptable, what is unacceptable and what areas of vulnerability to avoid. ACPO should lead this work in partnership with other staff associations and those involved in police governance.

- **Training courses should include appropriate input in relation to integrity and anti-corruption. In particular, given the importance of leadership (which runs through this review), the Strategic Command Course in January 2012 should encompass these issues.** Chief Constables should review how much effort is being but into briefing their staff on the standards as to what is acceptable, unacceptable and on the areas of potential vulnerability.

- **An assessment relating to these matters should be conducted by HMIC by October 2012 to inform incoming Police and Crime Commissioners and Police and Crime Panels.**

A key factor in meeting the challenges to police integrity lies in the quality of the leaders of the Service: not only in ensuring that systems and processes are in place and work effectively to provide appropriate checks and balances, but importantly in the example they set through their own behaviours in reinforcing high standards of conduct, thus promoting integrity.

The Service cannot afford to be complacent and we look to senior leaders in the Service to show that they understand the importance of acting quickly and effectively to further strengthen integrity and to give the public cause to have high levels of confidence that the police will act without fear or favour in delivering a responsive and accountable service.

Governance matters enormously in reinforcing these issues. We intend to revisit the matters highlighted in this report in October 2012. Police Authorities have a role in ensuring that the work to address the issues raised in the report is expedited as a matter of urgency. Incoming Police and Crime Commissioners, as a key part of their role, will need to assure themselves that forces have embedded integrity considerations in all that they do supported by

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effective checks and balances. They would be assisted if these checks and balances were consistent throughout England and Wales.

Overview

Introduction

In 1985 Sir Kenneth Newman, the then Commissioner of the Metropolitan Police, stated that it was the duty of a constable when exercising police powers to:

"Be and be seen to be, unfettered by obligation, deciding each issue without fear or favour, malice or ill-will."[1]

Those principles are as valid today as they ever were. The need for the police, either as individuals or as an organisation, to not only do the right thing but to be seen to do the right thing, remains at the heart of public confidence and trust.

In conducting this review we examined all Home Office police forces, police authorities, British Transport Police (BTP) and the National Police Improvement Agency (NPIA) in line with our terms of reference (available at Appendix A). The Police Service of Northern Ireland (PSNI) also requested to be included in the review.[2] This report has also been informed by advice from leading Counsel. Benchmarking was conducted across public, private and third sector organisations, with regional, national and international practices reviewed to compare and identify opportunities to learn lessons and adopt good practice.

As a result of this review, we make four recommendations and highlight a number of issues (shown in bold) for police forces, their authorities and (looking to the future) police and crime commissioners (PCCs) to consider.

The essence of the issue

The aftermath of the phone hacking affair has generated a number of enquiries into the relationships between the media, the police and others and the conflict of interests that can arise from them. The Police Service is part of the community it serves and it needs relationships with it, including the media, to carry out its role effectively. A conflict of interest arises where police officers or staff give (or appear to give) preferential treatment to one interest over others. At best, this behaviour may be regarded as inappropriate or even corrupt. Potential conflicts of interest include:

- The access and influence accorded to individuals and organisations
- Inappropriate disclosure of information to the media and others, whether for financial gain or otherwise
- Excessive or inappropriate hospitality, especially when offered to senior officers and other decision makers

[1] "The Policing Principles of the Metropolitan Police", 1985

[2] Unless otherwise stated, figures quoted in this report refer to the 43 Home Office forces, BTP and the NPIA, but exclude PSNI.

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- Question marks over contractual arrangements and police–supplier relationships
- Secondary business interests including employment taken by staff while serving with a force, and employment taken up immediately after leaving the Police Service, which may conflict or be perceived to conflict with the integrity of the police role.

Having identified the areas where the potential for most conflicts occur, ascertaining the real scale of the problem in a number of these areas has proved problematic. Recording systems within the Service and across the wider public and private sectors are extremely limited. Instances of information disclosure and inappropriate relationships are generally only recorded when a complaint is made or an investigation, either reactive or intelligence-led, is conducted.

It is fair to say that police authorities and forces are not as focused as they could be on these previously rarely reported matters, and force audit and checking mechanisms have not always been sufficiently robust to alert senior leaders to them. Based on the Serious Organised Crime Agency's *Strategic Threat Assessment*,[3] current anti-corruption activity is focused towards the acknowledged threat of inappropriate relationships and information disclosure to organised criminals, friends and family, and private investigators.

The focus of this HMIC review, therefore, has been on what police forces and those who govern them are doing to safeguard the requirement for the 'impartiality and honesty' of policing in England and Wales.

Review methodology
In conducting this review HMIC has gathered evidence through the following:
- In the region of 500 interviews with stakeholders within the Police Service, as well as approximately 100 focus groups
- Analysis of data relating to investigations carried out by forces and authorities concerning these matters
- Surveyed over 3,500 member of the public on their perceptions of integrity, as well as 4 focus groups
- Conducted a benchmarking exercise across the public and private sector, both nationally and internationally
- Liaison with media experts regarding media ethics and the use of police sources, including the Crime Reporters Association, and a range of editors and journalists from across the British press and media. In addition view were sought from stakeholders including the Association of British Investigators, the Information Commissioners Office and the Independent Police Complaints Commission
- Utilised an external reference group with key opinion formers and professional/specialist leaders
- An academic review of national and international literature concerning matters of integrity

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[3] ACCAG / SOCA *The threat to UK law enforcement from corruption*, May 2010.

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More detail regarding methodology is highlighted in the Terms of Reference, at Appendix 'A'.

What the public think

As well as looking at the issue of inappropriate relationships from the perspective of the police, HMIC has also looked at the issue from the perspective of the public. HMIC conducted quantitative (3,571 respondents) and qualitative (42 respondents) research with members of the public from across England and Wales to ascertain public perceptions of what represents integrity (and corruption as the antithesis of integrity), how prevalent they think it is and whether attitudes have been affected by recent events.

We found that the public associate integrity with being treated fairly. The majority do not think corruption is common in the police (63%) or a big problem (61%), they would trust the police to tell the truth (75%) and they generally think the police do a good job (67%).

However, a significant minority – about a third – have doubts about the integrity of the police. These doubts are marginally more prevalent in London. Due to the limitations arising from the short time available for this review, we were unable to establish conclusively if recent events had temporarily elevated these doubts.

The public association of integrity and corruption with fairness suggests that they see inappropriate relationships and the conflicts of interest that might arise as a consequence to be one dimension of police integrity, but not the only dimension. This has implications for the police if they are seeking to tackle corruption from the perspective of the service user or the public more generally. Police will need to be fair, and be seen to be fair.

The research also suggests police officers of all ranks need to consider how their behaviour towards an individual will be interpreted if at some future point they, or their subordinates, are called upon to investigate that individual. Police need to be conscious that their reputation in the eyes of the public may be damaged by the perception that there is a conflict of interest even if there were no conflict of interest.

Review findings

The overall findings of the review can be summarised as follows:
- We did not find evidence to support any contention of endemic corruption in Police Service relationships, whether in relation to those with the media or more generally, with the majority of police officers and staff striving to act with integrity
- Instances of deliberate malpractice in relation to these matters appear to be infrequent
- We found instances of enforcement action against individuals at all levels, where sufficient evidence had arisen
- Visible consistent leadership is a key contributor to promoting integrity and raising awareness of and focus on these issues

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- Few authority and force leaders had these relationship issues on their radar and were broadly unaware of the risks to their organisation's reputation
- There is a hugely inconsistent approach across the Service and a lack of clarity about where the boundaries lie in number of these areas, in particular:
  - relationships between the police, the media and others
  - acceptable hospitality and gratuities
  - additional employment roles which are not incompatible for officers and staff
- There was clear evidence of major contracts and procurement being professionally and consistently managed. However, the checks and balances were less evident on spends of around £5,000 and under
- Support in terms of training and education is inconsistent and fails to identify appropriate values and standards
- There are good examples of anonymous reporting systems in place with a positive reactive commitment from Professional Standards Departments (PSD)
- Governance and oversight is generally weak and there are limited proactive checks and balances taking place
- Many forces and authorities appeared complacent, with an "it would not happen here" mentality in evidence, especially in non-metropolitan forces
- To reduce public perceptions of corruption, police will need both to be fair, and be seen to be fair.
- Police need to be conscious that their reputation in the eyes of the public may be damaged by the perception that there is a conflict of interest, even where this proves not to be the case.

The review considered police relationships in a number of contexts to understand better the issues which can pose a risk to police integrity.

Relationships with the media and other parties

The relationship between the police and the media was placed in the spotlight by the phone hacking affair and allegations about inappropriate and illegal behaviours. That police/media relationship is a key part of Lord Justice Leveson's Inquiry and it was not the purpose of this review to pre-empt it. We have, however, thought it right to look at the extent to which forces currently have arrangements in place to regulate their relationships with the media.

All forces have a media policy. However, only three provide any policy or guidance around the integrity of relationships between staff and the media, the remainder focusing on delivery of the message.

HMIC analysis of the data provided by the 44 police forces and authorities in England and Wales shows that in the last five years 314 investigations have been conducted in relation to inappropriate relationships or unauthorised information disclosure to the media. Of these only 12 related to inappropriate relationships: in one case, the member of staff resigned; one investigation resulted in reprimand; one in a warning; one in management advice; one is ongoing; and seven concluded with no further action required.

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Forces are aware that the increased use of social network sites (SNS), e.g. Facebook and Twitter, by staff represents a relatively new source of information for the media. There is little guidance on what may or may not be appropriate to include in social media messaging. Any lack of clarity felt by staff is not helped by the example set by some senior officers who include what might be considered questionable force related content or personal opinion in their own messaging.

Information disclosure to the media and others

The nature of policing makes information disclosure very high risk, in terms of vulnerability to corruption. This is confirmed in the Serious Organised Crime Agency's Strategic Threat Assessment.[4] Whilst unauthorised information disclosure does happen in the Police Service there are, however, relatively few cases when compared with other organisations. Nevertheless, when such disclosures do occur the legal and reputational ramifications can be considerable. Forty forces provided HMIC with an information security document as part of this review.

Data provided by forces and authorities to HMIC show that in the last five years the following number of investigations have been carried out into information disclosures. These include the 302 investigations relating to unauthorised information disclosure to the media (but exclude the 12 allegations of inappropriate relationships).

	2006/07	2007/08	2008/09	2009/10	2010/11	2011/12 to date
Third parties (excluding social media)	819	1024	1203	1545	1531	661
Social media	11	34	66	107	150	72

It should be noted that unauthorised information disclosure accounts for 1,189 (2%) of all allegations against the police in 2009/10, as reported by the IPCC.[5]

Thirty forces provided a copy of their social networking policy or guidance to HMIC. There is inconsistency in terms of the type and level of detail in these documents and officers, staff and staff association representatives expressed a desire for greater clarity on what is acceptable behaviour online.

The monitoring of staff social networking sites usage is sporadic and, as with other integrity issues, it is often reactive rather than proactive.

There is evidence of relationships, or at least dialogues, being facilitated through social networking sites between officers and journalists from the national media. This is a growing aspect of the relationship between the police

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[4] ACCAG / SOCA *The threat to UK law enforcement from corruption*, May 2010.

[5] IPCC (2011) *Police complaints: Statistics for England and Wales 2009/10*. Available from www.ipcc.gov.uk

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and the media (local and national) which further highlights the need for clarity on the boundaries for what is appropriate.

Hospitality and gratuities

This is an area that was examined in some detail by HMIC's inspection of police integrity in 1999[6] and it is concerning that it still remains an area of uncertainty.

While all forces and authorities have hospitality and gratuity policies, these policies vary significantly. Most seek to provide guidelines, but few provide sufficient clarity to staff on what is acceptable. A number of forces have attempted to put a value on what can be classified as a gift with values ranging from £5 to £75.

All forces and authorities have a recording mechanism for gifts and hospitality but these are not consistently completed in most cases. In the main the principal contributors to the hospitality register are chief officers. Significant variations were found in the level of completion and the type of gift or hospitality accepted. In some forces good practice was identified with staff recording gifts and hospitality that had been declined.
A review of force hospitality registers supplied to HMIC for the last five years from across England and Wales showed 9,700 entries, with less than 1% (68) of gratuities and hospitality being received from the media. Twenty-three forces had recorded entries relating to the media.

Focus groups were conducted with operational officers and staff in each force. It was very heartening to find that, whilst they often did not know the detail of the hospitality policy, they displayed a clear and consistently strong 'moral compass' as to what they felt to be acceptable. They recognised that the public may wish to show their appreciation following an interaction with the police, for example a box of chocolates was entirely acceptable whereas an invitation to a member of staff to attend a sporting event or pop concert was felt to be unacceptable. These views were echoed by the focus groups held to identify the public's perception on these matters.

It was extremely disappointing that we did not find more forces or authorities actively 'policing' their hospitality registers. In the majority of cases forces used these registers purely as a recording mechanism with little or any follow up to maximise their value. No links were made by any force as to the potential 'question marks' that may arise regarding the relationship between the donor and the recipient of the gift or hospitality. In particular, the registers were not used to consider the appropriateness of senior officers and staff accepting hospitality from contractors and suppliers tendering for business.

Procurement and contracts

Adequate and appropriate intrusion and scrutiny of procurement is critical to ensuring ethical behaviour and transparency of process. Scrutiny of Police Service procurement activity should exist at different levels. Police authorities

[6] HMIC (1999) *Police integrity: Securing and maintaining public confidence*. Available from www.hmic.gov.uk

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have a key role to play on behalf of the public in holding forces to account for their spending, supported by PSD and chief officer intrusion on behalf of the force internally. These operational controls should be reinforced by internal and external audit systems to ensure financial probity.

Major procurements and contracts are professionally managed in accordance with EU legislation. Purchases above around £5,000 but below EU levels are also controlled through central teams with well qualified, knowledgeable staff. These staff were clear about the rules governing activity and the authorisation processes and control mechanisms in place.

However, in instances of spend below the £5,000 level the checks and balances were less well defined. Generally, these purchases may be made at departmental level, with a self authorisation process and signed off by a line manager at month-end, with little or no oversight of the spend or whether the cumulative value of the purchases would merit tighter controls.

We estimate that there are some 2,700 corporate purchasing and credit cards in circulation across the forces and authorities (excluding the MPS) contained in this review. These cards have a potential cumulative annual spend of around £100 million collectively. Given the sums involved, forces, authorities and agencies need to ensure that they have proper controls in place.

Senior managers will inevitably have relationship with suppliers and contractors, and good working relationships should serve the public interest. However, given the commercial nature of such relationships it is all the more important that the ground rules are clear, understood and adhered to, and that senior managers not only act with integrity but are seen to be so acting, for example in deciding whether to accept offers of gifts and hospitality.

Secondary business interests and risk

The entitlement of police officers to undertake additional employment is governed by police regulations. These regulations require an officer to apply for permission to have a business interest, and for the chief officer to determine whether the interest is "compatible" with the officer being a member of the force. There are no such regulations for police staff, although some forces have either developed a police staff secondary employment/business interest policy or addressed the issue in renegotiated contracts.

Public perception work undertaken as part of the review suggests that the public see nothing wrong with the police having second jobs provided that it does not conflict with their primary duty.

We found significant variations in the policies, procedure and authorisation processes, and a range of risks in the way the regulations are operated in practice. This included risks both to the organisation (for example, a lack of consideration of the working time implications of an officer's secondary employment), and to the individual (for example, in relation to tax implications which could lead to HMRC enforcement action).

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Policies and guidance are inconsistent across forces with some secondary occupations being acceptable in one force but not in another. For example, two forces allowed staff to work as media consultants while others rejected such employment as incompatible.

Although the relevant police regulations require the chief officer to determine whether or not a business interest is compatible with the officer remaining a member of the force, not all chief officers were involved in, or aware of, the decisions being made at other levels in the force. This is part of the reason why there is significant variations in and between forces in decisions on compatible secondary employment. While the regulations allow chief officers discretion, current arrangements lead to indefensible inconsistencies. It cannot be right that one force can allow officers to be, for example, bar staff while others do not. This suggests that forces need a more unified decision-making model to encourage more consistency.

There was little evidence of "cooling off" periods being required for senior staff leaving to take up posts with commercial or other bodies including those with which they have had a business relationship while working for a police force. Only one police authority has attempted to restrict retiring chief officers from taking up immediate employment with commercial organisations connected with the force. However, this is a 'grey area' and the legal powers of an authority to place such a restriction on a police officer or member of police staff is uncertain. We are aware of the Home Affairs Select Committee's interest in this area.

Capability and capacity to be proactive

Since the 1999 HMIC Police Integrity Inspection,[7] all forces and authorities have invested in and created Anti-Corruption Units (ACUs). According to data supplied by forces, this currently equates to some 460 police officers and staff in England, Wales and the British Transport Police (BTP). Those responsible for governing the police should carefully consider how austerity measures could undermine this capacity.

All forces have a confidential and anonymous method of reporting integrity issues, either by telephone or e-mail. Information disclosure is seen as a significant risk by ACUs. We found good practice where forces had invested in software which provides comprehensive data including key strokes, screenshots and emails from all IT systems enabling routine and targeted auditing, although it is acknowledged that there is a significant cost to this investment.

Although all forces have an anti-corruption control strategy, there is no evidence that gifts and hospitality, business interests, associations and procurement are cross referenced and used as sources of intelligence to direct preventative and proactive effort.

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[7] HMIC (1999) *Police integrity: Securing and maintaining public confidence.* Available from www.hmic.gov.uk

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There is evidence of forces identifying risks concerning debt and vulnerability to corruption and some preventative mechanisms have been put in place, such as welfare support.

The current economic constraints have the potential to impact on forces' capability and capacity to address integrity issues, with three forces already having assimilated their ACUs within the PSD. Failure to keep these units distinct and separate presents a risk of overt investigations being prioritised to the detriment of counter-corruption activity.

Governance and oversight

While statutorily, it is police authorities which provide governance of forces, and it is chief officers who provide oversight within forces, many issues of concern that arise about police integrity could be reduced by effective internal and external governance. Insofar as governance helps ensure that the values of a force are central to how it delivers its objectives, it is clear that while some forces have made efforts to inculcate values and make them real by dispensing with detailed guidance and introducing overarching statements of principles, others have more to do. Again, visible leadership which consistently displays the appropriate behaviours is key.

Chief officer oversight of integrity issues is almost exclusively confined to those reactive investigations ongoing in force. There is little evidence of an understanding of force vulnerability and structured prevention planning.

Police authorities are primarily focused on public complaints rather than integrity issues with little evidence that they hold forces to account in having effective anti-corruption strategies in place. Authority meeting structures and processes and the data that supports them reflect this.

Values and standards of policing

As the Home Office Guidance on Standards of Professional Behaviour notes:

"Public confidence in the police is crucial in a system that rests on the principle of policing by consent. Public confidence in the police depends on police officers demonstrating the highest levels of personal and professional standards of behaviour."

In addition, the new ACPO decision making model[8] puts values and beliefs at the heart of decision making and is a significant step towards the "outside in" approach that HMIC has been advocating for some time.

The development of information technology through the internet has changed the way in which people communicate. This is particularly evident in the development of Social Network Sites. Research conducted in eight forces for this review identified that 3.4% (1,849) of officers and staff using Facebook

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[8] Unpublished as of 13/10/11

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identify themselves as police employees, of which 2% (43) had posted inappropriate pictures or comments.

This communication revolution presents significant challenges to the standards and values that the service promulgates. There appears to be a blurring in these communications between professional information, personal information (which is publicly acceptable) and the personal 'private' information (which could compromise individuals or organisational integrity)

While many forces are keen to interact with the public on a professional level, staff are not always clear about the personal standards required of them. Despite every force identifying SNS as an increasing risk, only 30 forces had a policy on the use of social networking sites. Of these only 10 had policy and guidance for their staff in relation to the professional use of SNS, although 27 of the 30 had clear policy or guidance in relation to the boundaries for personal and private use. Only seven forces had policies which suggested that they monitored social networking sites for their use by staff.

Research on public attitudes to police integrity did not suggest that the kind of inappropriate relationships examined by the review as a whole were at the front of people's minds as a general concern. But the good character of officers is vital to overall opinion of police integrity and contributes to the public feeling secure.

Training

The absence of clarity on the boundaries of relationships with the media and others represents a significant gap across the Service. Twenty-four forces had a 'Notifiable Association Policy', which provides guidance on the acceptability of relationships. However, these were inconsistent and relied on a self declaration by the member of staff. Additionally, when tested in focus groups few officers or staff had heard of them.

No force or authority has specific integrity training although within most police officer recruitment programmes there is some identification of the standards and values expected. Eleven forces identified that they have included an integrity or anti-corruption section within the structure of at least one force training programme. Examples of these include promotion courses, Intelligence training and Information Security training.

One force has developed a structured programme to educate departmental heads on the particular integrity areas to which they may be vulnerable, based on the force's own anti-corruption control strategy and the profile conducted on their staff. This programme involves the Head of PSD providing an individual briefing to each departmental head on their relevant risks.

Intelligence – Information

As previously highlighted, although forces and authorities across England and Wales have invested in ACUs, the capability and capacity of forces to target resource to these areas as part of a proactive approach is extremely variable. This variation is reflected in the extent to which forces communicate prevention

messages, actively seek out these integrity issues, or to take action when such issues are identified.

Enforcement

Forces identify and undertake initial investigations into cases of corruption before making a formal referral to the IPCC in accordance with statutory guidance. The IPCC will then determine whether there will be an independent, managed, supervised or local investigation.

In its 2011 interim report to the Home Secretary,[9] the IPCC noted that based on its experience:

"...it seems likely that corruption amongst police officers in England and Wales is relatively rare by comparison with some other jurisdictions. However, any allegation or finding of corruption impacts on the reputation and standing of all forces. The damage that can be done to all the professional, hard-working and dedicated police officers and staff by the corrupted few should not be underestimated."

The IPCC also noted the difficulty in defining corruption, but records that in 2010/11, there were over 200 overt referrals which could be classified as cases of serious corruption. A similar number of corruption referrals were also received in both 2009/10 and 2008/9. During 2010/11 the IPCC received 44 covert referrals with 45 having been received in 2009/10, and 29 in 2008/9.

The IPCC will provide comprehensive data on corruption referrals on publication of their full report 'Corruption in the Police Service in England and Wales' in December 2011.

Going forward

It was evident from the review that few forces or authorities had acknowledged the potential correlation between recent police relationship inquiries and their own organisation. There was little understanding of activity in these areas, indicating that very few force and authority leaders had these relationship issues on their own radar. HMIC's view is that ACPO and the APA urgently need to develop that radar, to ensure that these risks are identified at an early stage and dealt with effectively, both on an individual force basis and as a Service.

This was not a leadership review. However, it was very evident that leadership has a significant part to play in setting the culture and tone of an organisation, thresholds of acceptability and ultimately the conduct of its staff. In forces where leaders owned and routinely reinforced values and standards, staff had far greater clarity of those expectations.

HMIC sees the immediate training of the Service's future leaders as critical to embedding a new way of operating. It is imperative that they are able to fully

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[9] IPCC (2011) *Corruption in the Police Service in England and Wales*. Available from www.ipcc.gov.uk

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understand the areas of vulnerability and influence the control and direction of forces in the future. To that end, HMIC would encourage the inclusion of an integrity/anti-corruption element within the Strategic Command Course, beginning with the January 2012 course. HMIC will be happy to provide support to assist in the development of this programme.

Governance and oversight arrangements around these issues were, by and large, insufficient at both a force and authority level. As with any significant change, the transition to PCCs will bring with it its own risks. There is a very real threat that these issues may slip through the gap between the outgoing authority and incoming PCC. HMIC would suggest a reassessment of forces and authorities to report on how they, and the Service as a whole, have responded to the recommendations and considerations outlined in this report. This should be conducted by October 2012 to allow feedback directly to the incoming PCCs and Police and Crime Panels (PCPs).

The significant variation between forces and authorities in relation to defining and applying standards was stark. This inconsistency made little sense to us, nor do we believe it would to the general public. The Police Service needs to undertake work to identify the standards and values expected of its entire workforce; providing clarity on where the boundaries lie. In particular, we can see that there would be significant benefit in defining Service-wide standards for the following:

- what is acceptable and unacceptable regarding relationships with the media and others, including contractors and suppliers
- where the line is to be drawn for hospitality and gratuities
- the roles that are compatible and incompatible for officers and staff in relation to additional employment
- agree the principle of, and define, 'cooling off' periods (the implementation of which would depend on clarifying that the law would allow the imposition of cooling off periods)

HMIC understands that securing agreement of these standards across the Service may take some time and offers the attached 'integrity checklist' (Appendix B) that may be of use in the interim. This simple checklist, compiled by the Review Team, contains key questions that forces and authorities can use to health-check their organisation.

Forces and authorities have a number of lessons to learn from this review and recent stakeholder consultation suggests that they accept there is more to do and are keen to respond. They are, however, not alone in this. The national and international benchmarking work carried as part of this report suggests that few organisations are in better shape. In fact many have much fewer controls, recording or checking mechanisms. Without prejudice to the outcome of other inquiries and reviews resulting from the phone hacking affair, HMIC believes that the more transparency there is in the relationships between the police and the media and others the more likely the public is to trust the police in those dealings and more generally.

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Recommendations

In making these recommendations, HMIC acknowledges that a number of reviews and inquiries into this subject matter are yet to report. These include the IPCC, who is due to report in December 2011, as is the Elizabeth Filkin Inquiry. The inquiry being conducted by Lord Justice Leveson will continue into 2012 and the Metropolitan Police Authority is conducting its own integrity review, to be handed over to the Mayor's Office of Policing and Crime, which anticipates reporting in January 2012.

Whilst each element of this review highlights issues that forces and authorities should consider, the heart of the matter is the importance of integrity, both personal and organisational, that is evident and transparent in the way individuals behave and how forces and authorities go about their business. Against that background, we make the following principal recommendations;

- **Forces and authorities institute robust systems to ensure risks arising from relationships, information disclosure, gratuities, hospitality, contracting and secondary employment are identified, monitored and managed.** They should ideally do so on the basis of national standards and expectations – there are no demographic variables when it comes to integrity and there should not be local differences in standards. This area of work on national standards should be encouraged by the Home Office and promoted by leaders in the Service locally.

- **There should be clear boundaries and thresholds in relation to these matters. Such limits should be consistent and Service wide.** This in effect means identifying a clear message for staff on these issues as to what is acceptable, what is unacceptable and what areas of vulnerability to avoid. ACPO should lead this work in partnership with other staff associations and those involved in police governance.

- **Training courses should include appropriate input in relation to integrity and anti-corruption. In particular, given the importance of leadership (which runs through this review), the Strategic Command Course in January 2012 should encompass these issues.** Chief Constables should review how much effort is being but into briefing their staff on the standards as to what is acceptable, unacceptable and on the areas of potential vulnerability.

- **An assessment relating to these matters should be conducted by HMIC by October 2012 to inform incoming Police and Crime Commissioners and Police and Crime Panels.**

These recommendations represent a synthesis of the issues emerging from the inspections carried out as part of the review. The highlighted considerations in the following sections of the report represent specific matters that when acted upon, (aided as appropriate by the **Self-Check Integrity Questions for Forces and Authorities** in Appendix B) will help answer the concerns underlying the recommendations, and will put the Service in a stronger position.

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1: What the public think

As well as looking at the issue of inappropriate relationships from the perspective of the police, HMIC also looked at the issue from the perspective of the public.

Quantitative and qualitative research was conducted with members of the public from across England and Wales to ascertain public perceptions of what represents integrity (and corruption as the antithesis of integrity) with the Police Service, how prevalent they think it is and whether attitudes have been affected by recent events. This work comprised:

- A three-month tracker omnibus phone poll (in August/September/October 2011, 3,571 respondents); and
- Focus groups and in-depth interviews in London (Teddington and Bethnal Green), Merseyside and South Wales (in September 2011, 42 respondents).

Key findings follow. Full methodology and results are published separately, see www.hmic.gov.uk.

What amounts to 'corruption' in the eyes of the public

Focus groups were used to interrogate what the term 'corruption' means to the public in relation to the police, primarily by providing a list of scenarios to stimulate discussion on whether they represented corrupt behaviour. These scenarios included acceptance of gifts and hospitality (e.g. 'A victim of anti-social behaviour says thank you for the service received with a £5 box of chocolates') and a selection of various (real life) second jobs (including taxi drivers and martial arts instructors).

The results show that the term covers a spectrum of actions and consequences, with respondents terming as 'corrupt' everything from 'perks of the job' (such as free cups of coffee from a supermarket) to providing information to News International journalists in return for cash.

There was a general trend of thought that the integrity or corruption of many of the scenarios was dependant on the circumstances. While there was no common theme about the types of act which might constitute corruption, there was broad consensus that a corrupt action may be defined as one that creates an obligation on a police officer to treat someone more favourably. But, as will be discussed later, the creation of an obligation is not always necessary for the public to perceive corruption; it is more to do with the sense of unfairness that results if these obligations are subsequently fulfilled. In some cases the more the public thought about and discussed a scenario, the more they saw the potential for corruption and their view about the unacceptability of the scenario hardened.

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For instance, when asked about gifts, in the main it was felt that a member of the public should be able to say thank you to a public servant who has brought them comfort. People were positive to the inference of an emotionally positive relationship between an officer and a member of the public:

'Just a small gesture that will not be seen as a bribe by third parties and the media.'

(Male, London)

However, if the police solicit or start to expect gifts as standard, this becomes a problem. Similarly, if it is an offender giving a gift, no matter how small:

'It could be like they are being paid off for turning a blind eye next time.'
(Male, student, London)

This also highlights the public feeling that many behaviours, while not corrupt in themselves, might expose the officer involved to charges of (if not actual) corruption in the future. The idea that (for instance) accepting a bottle of wine from a victim of crime is 'the thin end of the wedge', opening a door to corruption, points to the idea that it is the potential *consequences* of the behaviours discussed that are corrupt. This is supported by the fact that when the list of scenarios (e.g. second jobs, acceptable hospitality) was read out, groups generally started off thinking they were all acceptable, before deciding (on consideration) that they might actually constitute or encourage corruption. For instance, on the scenario of an ASB victim giving a box of chocolates as a thank you:

"This is similar to giving gifts to a doctor that has helped you through [illness] with wine, chocolates or flowers. Though, if this was taken to an extreme then this could be thought to be a bribe and the police will look like they are accepting bribes."

(Male, student, London)

On the whole the idea of second jobs was seen as acceptable within limits — those being:

- It does not interfere or cause conflict with their main (policing) job by way of time conflict, undue tiredness or any specific conflict of interest;
- The second job does not expose them to a conflict of loyalties with their primary job; and
- It does not have the potential to bring policing in general into disrepute

The specific jobs viewed were looked at through the prism of these over-arching issues. On the whole some jobs were seen as acceptable and uncontroversial, specifically taxi drivers and self defence instructors (where the fact that a police officer was doing it was seen as a good thing). However, even in these cases some could imagine possible conflicts of interest, for example:

The taxi driver could be witness to drunken abusive behaviour or overhears criminal conversations; a compromising dilemma for an officer. Also, there is a risk of the archetypal good character required of a policeman being challenged,

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e.g. the cage fighter who exposes his taste for violence (whereas the self-defence trainer is sharing his skills with the community).[10]

Public views on the prevalence, frequency and severity of corruption

In general, the qualitative work revealed underlying positive assumptions about issues of inappropriate relationships, with no perception of endemic culture of abuse of power or corruption within the police. The majority impression was that the police are doing a good job, with an overall positive tone across groups. For instance:

'I have had no problem with the police, as they have been very helpful to me every time I have needed them. I have nothing negative to say about them as whenever I have needed them they have been there. I am pretty pleased with the work that the police do.'

(Male, 50s, London)

This sentiment concurs with the findings of the phone poll, in which the majority said:

- They did not think corruption was common in the police (63%) or a big problem (61%)
- They would trust the police to tell the truth (75%)
- The police in general were doing a good or excellent job (61%); this figure rose to seven out of ten when asked about their local force (69%). Fewer than one in ten thought they were doing a poor or very poor job (8%).

However, the data also indicates that a significant minority had doubts about the integrity of the police:

- 34% thought corruption was fairly or very common in the police and 36% thought that it was a big problem
- 39% thought disclosure of sensitive information to the media by the police was fairly or very common, and 43% it was a very or fairly big problem
- 23% said they would not trust the police to tell the truth.

This, in combination with our inspection findings on the volume of complaints (discussed later in this review) suggests, that a significant minority of the public think corruption is more common than appears to be the case.

We asked further polling questions to test whether the allegations of police corruption given in the media in 2011 had affected public confidence in the police. In answer to the question:

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[10] Duckfoot (2011) *Police Integrity: in the opinion of the general public. Research for HMIC: Findings.* Available from www.hmic.gov.uk

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'Thinking about the police in your area, which of the following statements best describes you?' (Trust more/the same/less than six months ago)

Eighty-three percent of respondents answered 'the same', with 8% stating their trust had increased, balanced by another 8% claiming it had decreased. One percent answered that they did not know.

The link between corruption and bad policing

Focus group participants tended to think that a 'corrupt' officer was also less effective at policing in general:

'...when incidences of inappropriate relationships become more of an issue they tend to undermine confidence in day-to-day policing. The police person who is motivated to seek personal gain through their police work is not the person who it is felt can be trusted to be rigorous, objective and even-handed in their policing, because 'their head is not in the right place' to be on the case. This goes both ways, with the idea also mooted that if a police officer is not seen to be doing their policing job well it reflects badly on his or her personal character, which suggests that the officer is more liable to act corruptly.'[11]

This fits with the perception (discussed above) that it is the consequences of behaviours which are potentially corrupting – in this case, by stopping the police from doing a good job. For instance, accepting a gift or hospitality – no matter how small – may be seen as putting the receiver in the giver's debt:

'If I buy someone lunch I want something from them, that is where you get into issues of integrity!'

(Female, London)

This may lead to the police not fulfilling their role effectively and fairly:

'But let's say you were in a crash and the police couldn't respond because they were all in a Tesco's. Because they have given Tesco the priority because Tesco feeds them.'

(Female, Merseyside)

Whatever the degree of corruption, the focus group findings therefore suggest that it has an impact on officers' ability to be fair.

Corruption as the absence of fairness, and public expectations of police integrity

Expectations around this area are high: 92% of people agree with the statement that 'I expect the police to treat people fairly, whoever they are.'

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[11] Duckfoot (2011) *Police integrity: in the opinion of the general public. Research for HMIC: Findings.* Available from www.hmic.gov.uk

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Polling also showed that 89% of people thought they should have higher standards of integrity than ordinary people (i.e. agreed with the statement 'I expect the police to be more honest than the average person on the street'). Some focus group comments support this, for instance:

'It [corruption] seems worse when it's the police, in that position. We look at the police as our protectors, when violence goes on. Churchill said, 'We are able to sleep at night because the police are there to protect us.'"
(Female, 40s, Merseyside)

A high standard of personal integrity was considered integral to maintaining a high quality of everyday policing:

'As a member of the public, if police accept bribes then they are in the same category as criminals and the mafia. As big organisations with a lot of weight behind them and a lot of power/influence.'
(Male, 36, London)

However, the focus groups showed the public held concurrent yet contrasting views on this, as they also felt that the police were only human, and that there were bad apples in the same way that there is in any big organisation, for instance:

'There's corruption in everything.' (Female, 40s, Merseyside)

The importance of perceptions

On the basis of this survey work, the public view of what constitutes corruption is not attributable to specific acts such as accepting a gift but the subsequent failure to treat the public fairly. The difficulty the police will face in practice is, in a world of increased transparency, visibly accepting a gift may lead to a perception that the police will treat the giver more favourably. The public did differentiate between different scenarios but they did not have any one, single, easy-to-define rule for dividing acts into those that were acceptable and those that were not. This is because it was not the act that was the problem in their eyes: it was whether this placed an obligation on the police that then led to unfairness. The statistics on the number of people who said they would trust the police to tell the truth suggest that leaving it to the police to assert that no obligation arose from a particular act will not be enough to provide assurance to all of the public.

The majority of the public do not think corruption is common in the police (63%) or a big problem (61%), they would trust the police to tell the truth (75%) and they generally think the police do a good job (67%). However, a significant minority – around a third – of the public surveyed had negative views in all these areas.

Although we found perceptions of the scale of corruption were worse in London than the England and Wales average, they did not change appreciably over time as we might expect if they were purely related to phone hacking; and focus group responses in London were not remarkably different to those in Merseyside and South Wales. However, in the time HMIC has had to complete

this work we have only been able to survey for three consecutive months, whereas the hacking scandal has been in the public eye for significantly longer.

This suggests:

- The public associate integrity with being treated fairly.
- A significant minority – around a third – of the public have doubts about the integrity of the police.
- These doubts are marginally more prevalent in London.

Our evidence did not identify conclusively whether the hacking scandal had temporarily elevated these doubts.

The public association of integrity with fairness suggests they will see inappropriate relationships and the conflicts of interest that might arise as a consequence to be one dimension of police integrity, but not the only dimension.

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2: Relationships with media and other parties

The Police Service is part of the community it serves and it needs relationships with it, including the media, to carry out its role effectively. The media also holds the Police Service, operating with the consent of the public, to account by providing transparency and challenge. Police forces are more open and accessible than ever and must continue to be so. They use the media for many reasons: appeals for information to help solve crime; locating missing people; deterring and preventing criminal activity; as well as to highlight good police work, increase police visibility, reassure the community, reduce the fear of crime, and enhance public confidence in the Service.

Police forces are in a privileged position not least in view of the powers they have to intrude into people's lives and the nature of the information they hold which will often be of interest to the public. Journalists, as accepted conduits of public interest information, strive to gather and report this information.

The public expect the police to hold information carefully and deal with it appropriately. Failure to do so has a detrimental effect on public confidence and the Service must get it right. There are occasions, understood by the public and many journalists, when information should not be reported. The principle that some forces are now working towards of *"withhold only what you must"* seeks to find the balance between providing journalists and the public access to appropriate information, while also maintaining necessary confidentiality and security.

The overarching principle of police relationships with the media is that the Police Service should not seek to constrain the media but allow them to accurately report news from which the principal beneficiary is the public. However, forces should take account of the level and intensity of these relationships not least how they will be perceived by the public.

HMIC found no evidence of endemic corruption in police relationships with the media. The Police Service must have a proper relationship with the media and for the majority of forces and individuals the relationship is professional and businesslike.

The boundaries of acceptable relationships between police staff and reporters are understood and do not include the exchange of information for money. *"Rewarding contacts for information, in cash or kind, is completely unacceptable and is clearly a breach of the law"*[12] One force gave a view, shared by others in the Service, that *"most leaks come about by staff being 'loose lipped' and discussing things with friends and family which then get passed on or overheard rather than deliberate corruption or financial gain."*[13] Historically *"there was no*

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[12] Crime Reporters Association memorandum to HMIC (September 2011)

[13] PSNI fieldwork (2011)

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trade in information. No money changed hands..."[14] Common sense was the measure for what could and could not be reported.

In May 2006, the Information Commissioner's Office (ICO) published a report entitled *What Price Privacy?*,[15] which identified the leaking of confidential personal information by public bodies, including the police, to private investigators and the media (Operation Motorman). Some of this was for payment. HMIC has contacted the ICO and established that since this operation, the ICO has had no additional referrals of police-related information disclosure, of which the police were not aware.

The world in which the Police Service and the media operate has also changed. An information revolution has brought new challenges for both. Guidance issued by the ACPO Communication Advisory Group (CAG) in 2010 states: *"How the media report has changed dramatically over recent years – mobile phone footage, citizen journalists and social media such as twitter are all immediate, direct communication which sit outside the traditional broadcast and print arenas. They have become part of the mainstream, and controlling the facts and flow of information is increasingly difficult."*[16]

As a result of this and the need to enhance public confidence in the Service through reassurance and engagement with increasingly diverse communities, the police communications function has evolved. Force press offices have become corporate communications departments that manage internal communications and corporate marketing and identity, as well as media queries. However, the emerging 'public relations' aspect of these departments seems to have brought a tension to the relationship between police forces and the media. One journalist comments; *"All too often, the official release of information is formal, narrowly defined and delayed."*[17] This may go some way towards explaining journalists' motivation to seek out more informal sources.

The local policing agenda has resulted in police officers and staff of all ranks and grades being empowered to speak to the media where they are sufficiently knowledgeable to do so. There is, however, disparity between the policy promoted by senior officers and the practical application by staff at lower levels. Even in forces with current comprehensive media policies that empower staff at the most appropriate level to speak with the media, staff frequently reported being wary of the media and referring any engagement to the media department. Recent events have further heightened sensitivity around this area.

Forces share a widely held view expressed in interviews with deputy chief constables and heads of media that abuses of power in police relationships with

[14] *Guardian* (21 September 2011), 'Why we journalists need confidential police sources.' http://www.guardian.co.uk/media/greenslade/2011/sep/21/theguardian-police

[15] ICO (2006) *What Price Privacy?* Available from www.ico.gov.uk

[16] Communication Advisory Group Guidance 2010: *Foreword*, Association of Chief Police Officers

[17] http://www.guardian.co.uk/media/greenslade/2011/sep/21/theguardian-police 'Why we journalists need confidential police sources' (September 2011)

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the media is confined to London. Forces point out that national media are not present in the regions on a daily basis and only descend upon them during an incident of national significance which is then managed through formal arrangements. National journalists also report a tangible difference between London and outer regions with less access overall to information and private media briefings. HMIC believes this misses the point; we are living in a virtual communications world, and issues are being followed in real-time through a range of new technology and social media.

HMIC found there is inconsistency across the Police Service in the use of 'off the record briefings'. Structured formal briefings with the media are used in some forces to contextualise a story. Appropriate media briefings do not seek to constrain the media but allow them to accurately report a news story and allow the police to provide context.

HMIC found some evidence of corporate entertaining with the media. However, there was little clarity about the boundaries of acceptability with forces and individuals relying on a common sense approach. Meetings do take place between senior police officers and media representatives, for example, local and national reporters/editors, news outlets and the Crime Reporters Association, for the stated purpose of discussing issues, highlighting concerns and supporting professional relationships. Force policies on recording such meetings and any associated hospitality are variable. Some forces reported entertaining media representatives with social evenings and press dinners in the past but recent events and financial constraints have led to such contact being set on a more formalised footing.

Journalists recognise that hospitality helps to build relationships but that it is not a reward for information and should never be regarded as such by either party[18]. Forces should consider how best to ensure that the nature and extent of contacts between staff and media representatives can be made as transparent as possible to help maintain public trust.

We found that forces lack the capacity and capability to proactively identify any inappropriate relationships. Forces conveyed a sense of inevitability that resourcing complex investigations into media leaks rarely yields any positive results. **Forces should explore options for identifying and monitoring emerging and inappropriate relationships with, and leaks to, the media.**

HMIC asked forces to complete a questionnaire detailing the total number of investigations conducted in relation to information disclosure since April 2006. HMIC analysis of the data supplied by forces shows that disclosure to the media is the only area of information disclosure which has not seen a significant increase. Over this period 302 (4%) of inappropriate information disclosures investigated by forces related to disclosures to the media. (Fifty-eight investigations resulted in action being taken and 63 are continuing.)

Forces were also asked to provide data on the total number of investigations conducted in relation to inappropriate relationships with the media in the last

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[18] Crime Reporters Association memorandum to HMIC (September 2011)

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five years. HMIC analysis of the data provided shows only 12 investigations were conducted (excluding information leaks). Of these, in one case the member of staff resigned; one investigation resulted in reprimand; one in a warning; one in management advice; one is ongoing; and seven concluded with no further action required.

HMIC found that amongst staff at all levels there is a general understanding that leaking information to the media about operational matters is unprofessional, unacceptable and a breach of standards.

Although the data provided to HMIC shows that reported inappropriate information disclosure to the media is relatively rare, HMIC's 'Trust in Police Survey' shows that half of the public agree that the police disclosing sensitive information to the media is a problem. This demonstrates that when such leaks do occur, the impact on the public's perception is significant.

All forces have some form of policy, procedure or guidance on dealing with the media but they are of variable quality and currency. There is limited consistency between force policies although many refer to the ACPO CAG guidance. Only three force policies provide clarity around managing and maintaining relationships between staff and the media, and even they do not seek to define the boundaries of appropriate relationships.

Relationships that police employees have with certain other people or groups of people are guided by a 'notifiable association' policy that relies on self-disclosure to identify vulnerability. Of the force policy documents provided to HMIC hardly any asked staff to consider the way they were conducting a relationship with individuals associated with the media. **HMIC suggests all forces' notifiable association policies include reference to persons who 'undertake paid or unpaid work for the media'.**[19]

There is little relationship between the existence of policies and procedures and the understanding and practical application by staff. HMIC found limited evidence of forces proactively monitoring or checking compliance with policy. Police forces in England and Wales are not unique in this position and HMIC found a similar lack of adherence to, or awareness of, policy in the Police Service abroad. Forces do monitor relevant media reports; however, this is principally for the purpose of identifying positive and negative coverage or other operational/disclosure reasons rather than to hold staff to account. Monitoring activity is more common in relation to high profile cases.

Data provided to HMIC by forces and authorities shows that investigations into leaks to the media resulted in a number of different outcomes ranging from no further action to dismissal.

HMIC also found variable procedures around recording conversations and interactions with the media. Some forces do record all interactions and releases, and look for items in the media which might suggest that information had resulted from an unauthorised disclosure from within the force. In addition,

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[19] City of London Notifiable Association SOP (November 2010)

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there was evidence that some forces proactively monitored records of calls to and from the media. Other organisations have safeguards, for example, the United Kingdom Border Agency (UKBA) whose media policy states that anyone having a conversation with a journalist should make a note and copy it to the press office.[20] **It is HMIC's view that forces and authorities should record all interactions between police employees and media representatives. The time and date of the meeting, brief details of purpose, content and persons involved should be recorded. An appropriate mechanism should be in place to audit these records.**

Most forces report having some degree of media training or awareness. Training is delivered sporadically and may be role-specific (detectives or supervisors) or limited to senior officers (senior detectives, BCU Commanders and ACPO). Training currently focuses on the practical element of taking advantage of a single media opportunity; it does not explore the issues around appropriate police-media relationships or any broader legal and ethical concerns.

There is a need for all forces to have and to apply a clear ethical framework and overtly stated values in which to operate. Staff need to know through reinforcement of messages, opportunities to explore such issues and through formal training the types of behaviour which are appropriate and would be supported. Organisational values should run through all areas of business and should be personally promoted by senior leaders through their words and actions.

HMIC has found evidence of good practice in this area from within the Service and other organisations. A number of forces operate programmes that build upon a strong culture of ethics and values and are led by chief constables. One private sector company we spoke to reported that a clear understanding of the company 'ethos' plus constant reinforcement through management actions was of more benefit in getting people to do the right thing than the policies themselves. Not everything can be legislated for, but having a clear framework of standards and values to work with helps to ensure that sound decisions are made. This is reflected in the ACPO Decision Making Model.[21]

HMIC carried out a benchmarking exercise of public and private sector organisations, both nationally and internationally. The New South Wales Police (NSW), Australia, has an interesting media policy that includes reference to ethical behaviour and integrity. The NSW Police Media Policy, published in July 2011, is a comprehensive compilation of practical guidance including services on offer from the press office; how to get the most from a media interview; and it reminds staff of their personal responsibility in dealing with the media. However, the policy is part of a broader policy framework and specifically asks staff to read the policy in conjunction with the *Code of Conduct and Ethics* and the *Conflicts of Interest: Policy and Guidelines.* All employees are reminded that

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[20] Contact with the media and others policy (July 2008- July 2012), UK Border Agency

[21] Unpublished as of 13/10/11

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breaches of the media policy may result in disciplinary action and/or criminal or civil sanctions'.[22]

In light of such benchmarking, consideration should be given to the development of a national media policy to include appropriate levels of interaction, social interaction and relationships, alongside practical guidance. The policy should be supported by a structured programme of media training and awareness and link into the broader legal and ethical framework and the Service's standards and values.

Police relationships with private investigators

HMIC has also considered inappropriate relationships and other abuses of power in police relationships with private investigators. There is no legal definition of a private investigator and anyone can become one. It is estimated that approximately 3,000 people are calling themselves private investigators although some put the figure as high as 10,000.[23]

Private investigators operate and provide support to many professions for a range of reasons and services. Journalists have confirmed that newspapers and broadcast media carry out their own investigations but may occasionally use private detective firms to obtain specific information. They consider that reporters then have a responsibility and accountability to their employers to ensure that everything the private detective does on their behalf is legitimate and within the law.[24]

The Association of British Investigators (ABI), endorsed by the Law Society in May 2011, makes a distinction between private investigators who are members of their Association and others. The ABI represents about 500 members who work to a code of conduct and anyone charged with an offence of dishonesty is suspended from being a member.

The ABI considers that the activities of informants or blaggers cannot be considered legitimate. They handle illegal information, have a narrow skill set and sell on the information they source. They tend to be self-employed and will sell to anyone who pays; because newspapers pay well they have pushed the price up. "*They are no more private investigators than burglars*".[25] The ABI feels that the trade in illegal information is a result of organisations misinterpreting data protection and management of police information issues.

The SOCA Strategic Threat Assessment[26] identifies the most significant threat nationally as information disclosure to those involved in organised criminality, to friends and family, and to private investigators. However, there is limited

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[22] NSW Police Force Media Policy (July 2011), Public Affairs Branch

[23] Eric Sheldermine (General Secretary) - Association of British Investigators

[24] Crime Reporters Association memorandum to HMIC (September 2011) – paraphrased.

[25] Tony Imossi and Stuart Price, president and vice president of the Association of British Investigators (August 2011)

[26] ACCAG / SOCA *The threat to UK law enforcement from corruption*, May 2010.

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information available on relationships within forces with private investigators. HMIC believes this reflects a lack of proactivity in this area.

It was disappointing to note that whilst this had been flagged as a threat, HMIC found one force had authorised secondary employment for three officers working as private investigators. At least one of these had authority to investigate accidents for private insurance companies. Another force identified a risk to their information security from staff who had left the organisation and were believed to have gone on to work in this area. No-one within the organisation had declared an association with a private investigator. Other forces reported proactively monitoring relationships between its staff and private investigators but HMIC found these to be the exception.

The role of police authorities in governing and engaging in this area is clear but their activity appears to be negligible. They have little proactive oversight or scrutiny with at least one authority reporting that it saw itself having no specific role in this area.

Around a quarter of all authorities reported having a media policy or protocol. A further two provided joint authority and force media protocols. At least eight police authorities rely on force communications' teams while some use a PR company and others employ a media advisor or communications officer. Eight police authorities reported receiving media training.

It is clear that in future PCCs and PCPs will need clarity and support in this area.

3: Information disclosure

Inappropriate information disclosure is a risk facing all public and private sector organisations. It can apply to personal, commercial or organisational data. In an intelligence led policing environment to protect the public and bring criminals to justice, information is clearly a key commodity. The nature of policing also makes it very high risk in terms of vulnerability to corruption, not least because of the close contact with criminals. Information is therefore the currency of corruption and as such overlaps with all other sections of this review.

In addition to the legal requirements which apply to the police in the same way they apply to all UK individuals and organisations, the National Police Improvement Agency (NPIA) produced guidance in 2006 (updated in 2010)[27] for the Police Service on behalf of ACPO: *Guidance on the Management of Police Information* (MoPI). This was a direct response to the Bichard Inquiry following the murder of Holly Wells and Jessica Chapman in July 2002. Included within the MoPI Code is the following requirement:

"Chief Officers should ensure that arrangements within their forces for managing police information include procedures and technical measures to prevent unauthorised or accidental access to, amendment of, or loss of police information".

Studies over the last decade have established that it is difficult to assess the extent of corruption, although it is apparent that information disclosure is the most common type of corrupt activity. This can include obtaining information for personal purposes, passing information to friends and associates, leaks to the media, and deliberate leaks to criminals.

Disclosure to third parties with vested interests

Police forces sometimes charge administration fees, e.g. for the supply of crime/accident report information to insurance companies. In addition police forces receive a proportion of vehicle recovery fees, which are charged to vehicle owners. Beyond this there are no arrangements between police forces and others in relation to Referral Fees ('payments made to intermediaries for insurance claimants' cases'[28]). HMIC has found no evidence of police officers passing information to insurance companies or claims management companies for personal financial gain. Data provided by forces and authorities to HMIC show that there have been at least 28 recorded complaints regarding officers passing information to insurance companies over the last five years and one complaint alleging that information was passed to a claims management

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[27] NPIA (2010) *Guidance on the management of police information.* Available from www.npia.gov.uk

[28] Association of British Insurers (September 2011) *Tackling the Compensation Culture: The Legal Aid, Sentencing and Punishment of Offenders Bill.*

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company. In none of these cases were details being sold to insurance companies by officers or staff.

The IPCC reports that complaints (substantiated and unsubstantiated) in relation to improper disclosure of information have been made against every force in England and Wales in the financial year 2009/10, but these amounted to only 2% (1,189) of complaints against the police[29]. Further, data protection complaints on policing and criminal records to the ICO in 2010/11 amounted to 5% of all such complaints received by the ICO. More complaints were received by the ICO in relation to lenders (13%), general business (11%), direct marketing (9%), local government (7%) and health (6%).[30]

It should be noted that some cases of inappropriate information disclosure arise as a result of carelessness or not following procedures. For example, in one force an example was provided of a recent leak to local media regarding the purchase of land by the police authority linked to disruption of an organised crime group. A review pointed towards the poor handling of confidential waste by the force or authority rather than deliberate disclosure of information.

Officers and staff interviewed in all forces expressed a clear view that information should not be disclosed to third parties unless there is a policing need. In one force it was commented that this had been taken so seriously by officers and staff that it had created some challenges when legitimate enquiries had been made by authorised agencies with whom the force held information sharing agreements as staff had been reluctant to divulge information to third parties.

When information is disclosed, regardless of the intention, the content will often find its way to criminals who will use it to frustrate police action[31]. Therefore addressing this risk involves forces and authorities having adequate information security controls and processes.

Forty forces (90%) provided HMIC with an Information Security Policy or Strategy document as part of this review. This compares with 55% of UK companies overall and 88% of large UK companies which have a documented security policy[32].

Forces have some form of training relating to information security and data protection issues. However, we found this to be variable. Only 40% of UK companies provide ongoing security awareness to staff[33]. Nevertheless, interviews conducted by HMIC highlighted varying awareness by officers and

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[29] IPCC (2010) *Police Complaints: Statistics for England Wales 2009/10.*

[30] *Information Commissioner's Annual Report and Financial Statements 2010/11* (5 July 2011)

[31] Police Corruption in England and Wales: An assessment of current evidence (2003), Home Office

[32] Department for Business, Enterprise and Regulatory Reform – Information Security Breaches Survey (2008) Conducted by Price Waterhouse Coopers.

[33] Police Corruption in England and Wales: An assessment of current evidence (2003), Home Office

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staff of information security issues. This was despite a commitment by forces to raising information security awareness (e.g. posters, automatic message at the log-on stage, policies).

We found a lack of consistency nationally in the level of proactive monitoring. The differences can be attributed, at least in part, to the wide variation in resources, technology and systems being used. For example, not all systems have a minimum standard for checking user activity, whilst others such as the Police National Computer have nationally set standards on the volume of transaction monitoring checks which should be undertaken in each force.

At a national level, the NPIA maintains the Service's Warning and Reporting Point (WARP), which records information security incidents reported by forces in order to share the risk nationally and identify trends. All forces are required to engage by virtue of the ACPO (2009) Information Systems Community Security Policy. However 12 forces (28%) failed to submit their last quarterly return. The NPIA acknowledges that there is significant underreporting: *'the sheer variation in figures from one force to another suggests that the overall picture of security incidents across the community is significantly incomplete*[34].

When adjusted to take account of those forces that did not submit a data return from the last quarter, the information indicates that nationally there are currently around 12 unauthorised disclosures a month, and 11 instances of the misuse of systems. The level of underreporting can be assessed by comparing this with the data provided by forces and authorities to HMIC. This data suggests that since April 2011 there have been 634 investigations into information disclosures (excluding disclosures to the media and social networking) nationally.

Data provided by forces and authorities to HMIC shows that most cases of inappropriate information disclosure result in no further action being taken. This can partly be explained by the fact that a number of claims of inappropriate disclosure are, in fact, unsubstantiated and some complaints relate to police officers and staff appropriately disclosing information in the course of their duties. A total of 6,895 investigations were conducted from April 2006. More serious sanctions such as a caution, fine, warning or dismissal were taken in only 481 cases. **Forces should consider how best to prevent, monitor, investigate and take action against officers and staff in relation to information disclosure, which should include reference to all other areas of this review and inappropriate associations.**

Social networking

Social networking is viewed by forces as a significant and increasing risk. Nevertheless, initial indications are that the actual numbers of officers and staff identifying themselves openly as such on social networking sites are relatively low, although it is accepted that the number of people participating in social networking more widely is increasing.

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[34] NPIA Incident Analysis Report 0611: 1 March 2011- 30 June 2011

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Independent research commissioned by HMIC showed that, based on a study of eight police forces, 3.4% (1,849) of police officers and staff identified themselves openly as such on social networking sites. 15.4% (152) of those with a viewable profile displayed police-related content in their profile picture, for example photos in uniform.

Analysis of the data provided to HMIC by forces and authorities shows that in 2006/07 five complaints were received in relation to information disclosures via social media. This figure increased to 57 in 2010/11. Forces undertook 11 investigations into information disclosure via social media in 2006/7 and 150 in 2010/11. However, this should be taken in the context of the growth of social media.

The increased use of social networking can bring big benefits, as an intelligence and investigative tool, and in terms of officers and staff being able to engage with their communities. However, its use also poses risks which need to be understood and managed.

NPIA issued the 'Engage: Digital and Social Media Engagement' document in 2009[35], the purpose of which is to assist police officers and staff using technology when engaging with their communities. Whilst this provides guidance and principles which should apply when using social networking in a professional capacity, no national guidance has been provided for officers and staff communicating via social networks in personal or private capacities.

We found inconsistency between forces in terms of the type and level of detail in policies and guidance they have developed in-house, although more forces have issued a policy or guidance on the private use of social networking by staff than not (30 provided a copy to HMIC). **HMIC suggests that all forces need to have a policy in place if they are to be able to effectively protect their reputation through staff use of social networking.**

Further, HMIC interviewed officers, staff and representatives from Staff Associations who all expressed a desire to be given greater clarity on what is acceptable behaviour when communicating online. These interviews also showed that in forces which have issued social networking guidance, officers and staff were still unclear or unaware that such guidance existed. Boundaries can be blurred between the professional and personal use of social networking.

In the absence of clarity, most officers and staff seem to be adopting a 'common sense' approach to use of social networking. HMIC's commissioned research has shown that inappropriate activity through social networking is also low. The research concluded that:

'Overall, the online conduct of those police officers and staff examined as part of this analysis was of a high standard. Only 2% or 43 individuals engaged in conduct that may be considered inappropriate by the general public.'

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[35] www.cfno.npia.police.uk/files/dm_engage_v6.pdf

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However, there are marked variations between the forces analysed in terms of the proportion of identified users making inappropriate comments. In five forces less than 1% of users reviewed made any inappropriate posts although conversely in one force 13.3% of users had made inappropriate comments or posted inappropriate photographs. Acts depicted included displays of nudity or partial nudity, offensive and abusive language and excessive alcohol consumption.

There is evidence of relationships, or at least dialogues, being facilitated through social networking sites between officers and journalists from the national media – evident in the online conversations being held particularly on Twitter. Whilst such conversations are transparent and can be viewed by any interested party, the nature of this form of media enables journalists to cast their net more widely for sources and quotes. This is therefore a growing aspect of the relationships between the police and the media (local and national) which further highlights the need for greater clarity.

HMIC found limited monitoring of social networking by forces and authorities. The monitoring that takes place is often reactive, for example in response to a complaint being made by a member of staff about a colleague, or is proactively sought from a reputational perspective. HMIC's research shows that there are forces in other countries, such as the Los Angeles Police Department and New South Wales Police, whose guidance is clear regarding the monitoring they undertake.

However, 37 (84%) police forces provided some evidence of internet monitoring, although this varied from monitoring the amount of time individuals spend online to monitoring what individuals look at online. This compares with 46% of UK businesses which log and monitor web access.

Forces and authorities each take different approaches to the ability of officers and staff to log on to social networking sites in the workplace.

The majority of investigations into inappropriate use of social networking are resolved locally, either through management advice, staff training, interviews or an apology being issued to the complainant. In only 67 of a total of 469 cases was more serious action, such as a caution, fine or dismissal, taken against the individual. This could be due to this being a relatively new issue for the Police Service which is not subject to clear policies and guidance and therefore tends to be dealt with less harshly than other forms of information disclosure.

Overall, whilst information disclosure does happen in the Service, there are relatively few cases when compared with other organisations. Nevertheless, when disclosure does occur, the legal and reputational ramifications can be considerable.

Forces and authorities need to have a consistent approach to preventing, investigating and responding to information disclosure issues, whether such disclosure is to the press and broadcast media, via social networking or to other third parties. This would include clear processes to identify and assess the links between the risk of information disclosure and other aspects of integrity covered in this review: gratuities and hospitality,

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procurement and second jobs. Furthermore, since information is the currency of corruption, as discussed earlier, it is also important to recognise that corruption requires the participation of others, and therefore inappropriate associations need to be addressed. Currently, whilst all forces and authorities demonstrated a commitment to preventing and investigating disclosures, the level of success in achieving this varies.

In relation to social networking, officers and staff seek greater clarity about the boundaries in professional and personal use if the risk of inappropriate use is not to increase. **Consideration should be given to risk assessing social media and to explore options for monitoring use by officers and staff and to ensuring that all police officers and staff understand the boundaries within which to operate on social networking sites – clearly explaining the boundaries for professional and personal use.**

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4: Gratuities and hospitality

The HMIC Inspection of Police Integrity, *Securing and Maintaining Public Confidence*,[36] published in June 1999, revealed that in some forces there was no policy or guidance covering gratuities and hospitality. In those forces where a policy existed it varied in quality. Some forces had endeavoured to put a value on gratuities that could be accepted, although the type of gift or circumstances allowing its acceptance was left open to wide interpretation.

The key recommendation arising from this inspection was:

'Chief Constables should state clearly and regularly what is, and is not, acceptable practice in respect of gratuities'.

This review identifies a similarly mixed picture across the Service. Whilst every force now has either a distinct 'Gratuities or Hospitality' policy or guidance contained within a 'Professional Standards' or 'Integrity' Policy, there remains a great deal of inconsistency in terms of the guidance given to staff.

It is worthy of note that staff readily know how to gain access to the specific policies as they are, in the main, readily available via their force systems. Findings from this review show that only 20 forces provided staff with a clear framework to assist their decision making process for accepting or declining a gift. A landscape, similar to that found in 1999 is still evident. Fifteen forces have attempted to place an acceptable value on gratuities ranging between £5 and £75.

Few police authorities have gratuities and hospitality policies with reliance being placed on guidance outlined in their national code of conduct for members. This sets a monetary value of £25 for accepting gifts or hospitality, although this was often at variance with the value prescribed by the force for its staff.

HMIC believes forces and authorities should be working to the same standards and values. This is an area that should be considered further prior to the election of PCCs.

All forces and authorities have a recording mechanism for gratuities and hospitality: but these are not consistently completed in most cases. This includes both chief officer registers as well as departmental and BCU registers. There are many examples of departments and BCUs not recording anything at all (even though focus groups and interviews confirmed that hospitality had been received). There is evidence of officers recording the receipt of gifts in their pocket note books rather than in the formal registers.

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[36] HMIC (1999) *Police Integrity: securing and maintaining public confidence.* Available from www.hmic.gov.uk

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In the absence of clearer rules, police officers and staff endeavour to define what should and should not be accepted based upon their own concept of what is right and what is wrong and where the boundaries of appropriateness lie. There is sound evidence that in doing so those junior staff understand the impact of their own decision making on the force's reputation. They looked to senior officers to lead by example although in many cases felt that senior leadership was lacking.

Whilst not all staff members were formally aware of their force's specific policy or guidance, the review found that they were able to demonstrate a strong inherent 'moral compass' and common sense approach to the boundaries of acceptability in tune with this local approach. This was particularly apparent amongst junior staff.

The review found that the gifts accepted by members of forces ranged from small value items such as tins of biscuits and chocolates to higher value gifts such as concert and sporting event tickets. We found numerous examples of senior officers accepting hospitality from suppliers and others who were tendering for business. In a number of forces, concert and premier sporting event tickets were accepted from companies which were tendering for business or had been successful in tender. Whilst this hospitality had been recorded it could be viewed, by some, as being inappropriate.

As stated above, all forces retain a register as a matter of record, but only three use this for any proactive purpose; this limits the potential to identify current or emerging risks surrounding interdependencies like contract or business interests. This also reduces the opportunity for timely intervention.

A review of force hospitality registers across England and Wales supplied to HMIC for the last five years showed 9,600 entries, of which less than 1% (68) of gratuities and hospitality were received from the media. Twenty-three forces had recorded entries relating to the media.

Governance was found to be limited and there is little evidence of any systemised audit of either force or authority registers with only nine forces demonstrating clearer governance over their registers. Governance was evidenced through a number of different approaches which included a single register and owner, regular audit by head of PSD and integrity/standards lead (deputy chief constable), ability of all staff to seek advice from PSD and the publication of lessons learnt to promote organisational learning. Evidence was found of registers being made available for public scrutiny, with 38 forces publishing their registers externally. However this relates predominantly to chief officer records. There is also a lack of challenge around the receipt of gifts or hospitality which may, in hindsight, appear inappropriate.

Only one force was found to have considered the link between the acceptance of gifts and hospitality from the media. Eighteen forces recognised the link between their procurement processes and the receipt of gifts and hospitality.

Similarly only three police authorities exercise any form of governance over force gift and hospitality registers which is limited to meetings with or reports

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from the Head of PSD. There is an acknowledgement by police authorities that they need to have a more intrusive role.

The review clearly identified that there was disparity around which business function owned 'gifts and hospitality' with a clear overview by a senior manager. Ownership ranged between Finance, Procurement, Human Resources and PSD. Forces are urged to consider which business function is best placed to provide the necessary synergy to set, maintain and police standards across the organisation. **HMIC suggests that this function sits most appropriately within PSDs.**

This review looked at many organisations both nationally and internationally to seek out good practice. It was evident that in those organisations there was a mixed bag with inconsistencies around boundaries of what is and what is not acceptable. There are also marked differences in how the receipt of gifts and hospitality is recorded and audited. In 2008, for example, the Public Service Commission of South Africa published a report on the management of gifts in the public service.[37] This found a total disregard to the Code of Conduct for the Public Service with 65% of Public Departments not having a 'Gift and Hospitality' policy or a register.

A review by Deloitte of the New Zealand Treasury, published on 5th October 2011,[38] highlighted similar issues to those found by HMIC across the Police Service in terms of setting clear boundaries, recording, governance, auditing and transparency.

This review has found a common theme of inconsistency across all forces and authorities around accepting and recording gifts and hospitality including instances of where gifts and hospitality have been offered but declined. It is also clear that in the absence of clear standards officers and staff use their own 'moral compass' and own personal values to inform their decision making which is usually sound.

This review did not find any exemplary framework being demonstrated by comparator organisations which could be transposed into the Police Service. The review has, however, identified toolkits and models which have been adapted by public sector organisations following their own experiences.

HMIC suggests that the service needs to adopt a national standard which clearly defines the boundaries of acceptability around Gifts and Hospitality. This should include recording practices which illustrate what is both accepted and declined so that the full nature of the relationship is transparent.

The nature of relationships and how they are perceived is constantly changing and need to be kept under regular review. Leaders must guide where the

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[37] Public Service Commission (2008) *Management of Gifts in the Public Service.*
http://www.info.gov.za/view/DownloadFileAction?id=94062

[38] *Deloitte (2011) The Treasury: Review of gifts and hospitality policy.*
http://img.scoop.co.nz/media/pdfs/1110/deloittegiftoct11.pdf

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service needs to position itself in the future around consistent standards and behaviours.

Case Study

The review clearly found inconsistencies across all forces around what is accepted, declined and the rationale behind the decision making process. It is apparent that forces need to identify where the lines are drawn regarding these areas.

Whitton (2005)[39] devised an interesting toolkit for managing conflict in the public sector. This non-technical, practical help for officials to recognise problematic situations and assist them in ensuring integrity and organisational reputation are not compromised. The tools are based on examples of sound conflict-of-interest policy and practice drawn from various Organisation for Economic Co-operation and Development (OECD) member and non-member countries.

Within the toolkit he devised a 'Gift and Gratuities' checklist. This is contained within the mnemonic GIFT: -

G enuine - is this offer made for reasons of genuine appreciation for something I have done, without any encouragement from me?
I ndependent - If I accept it, would a reasonable bystander be confident that I could be independent in doing my job?
F ree - Could I always feel free of any obligation to do something in return for the donor?
T ransparent - Would I be comfortable if the gift was transparent to my organisation, its clients and to the public?

HMIC believes that this simple checklist like this would allow staff to make an informed spontaneous decision when they are offered a gift or hospitality.

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[39] OECD publishing (2005) *Managing conflict of interest in the public sector: A toolkit.*

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5: Procurement and contractual relationships

The Police Service in England and Wales spends about £3.3bn each year on goods and services, of which £2.8bn is spent through contracts let nationally, regionally or locally. NPIA expenditure on behalf of the Service accounts for the £500m balance. Police procurement is high on the national agenda with recent legislative changes[40] made to ensure that the Police Service budget is managed as efficiently as possible. It has been estimated by Nick Herbert, Minister for Policing and Criminal Justice, that at least £200m a year can be saved by 2014/15, by a reshaping of how police procurement is managed across the country.[41]

Adequate and appropriate intrusion and scrutiny of procurement is critical to ensuring ethical behaviour and transparency of process. Scrutiny of Police Service procurement activity should exist at different levels. Police authorities have a key role to play in holding force spending to account on behalf of the public, supported by PSD and chief officer intrusion on behalf of the force. These operational controls should be reinforced by internal and external audit systems to ensure financial probity.

We found overall governance and scrutiny of procurement and contracts to be inconsistent across forces. Of particular concern is the extent to which PSDs and authorities do not engage in procurement issues. Only 15 forces made clear reference to issues of probity and integrity in relation to procurement and contractual relationships in the documentation they provided.

The review found that PSDs primarily deal with complaints from members of the public and lead internal misconduct investigations. However, they have a legitimate preventative remit across all force activities (including procurement and contracting), to ensure that allegations of wrong doing are investigated and that the highest standards of integrity are maintained.

Not all PSDs recognise procurement and contracting as an area where they have a legitimate preventative and intrusive role to play. Eleven force PSDs stated that they do not have any engagement with procurement processes and none of the documentation submitted to the review explicitly advocated or set out proactive PSD involvement in contractual probity. Where PSDs do engage, their involvement is mainly reactive as a result of complaints made to respective departments or, less frequently, from confidential reporting mechanisms, rather than as a result of any planned prevention or proactivity. Since 2006/07 there has been a total of 67 PSD led investigations into procurement and/or

[40] The Police Act 1996 (Equipment) Regulations 2011, enacted 04 March 2011, http://www.legislation.gov.uk/uksi/2011/300/contents/made (13/10/11)

[41] Herbert, N, High Level Working Group on Police Value for Money (19 April 2011), http://www.homeoffice.gov.uk/publications/police/police-finance/police-vfm-hlwg-communication?view=Binary, (13/10/11)

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contractual concerns across the Service. Of these, only five (three in 2010/11) were proactive in origin.

This review has identified significant differences in how respective police authorities engage with procurement and contracting, ranging from passive receiver of information (once decisions have been made and contracts signed), to active involvement in decision making processes, including, in some forces, authority members sitting on tender panels. Only two force procurement documents made available to HMIC advocated the expected level of proactivity and intrusion from authorities. This difference of approach is illustrated by two contrasting comments made by two police authority chairs:

Chair A: *"I pay a chief constable to worry about that sort of thing."*

This compares to a more intrusive approach demonstrated by:

Chair B: *"We don't have all the answers but we like to think we have all the questions."*

Chief officers and senior staff also play a vital role in the management and control of force spending and should demonstrate the highest levels of integrity in their dealings with those who aspire to have financial interests with their force. Therefore it is crucial that any contact between chief officers and suppliers is ethical, transparent and open to scrutiny. However, this is not always the case. For example, no evidence was found of cross-referencing chief officers' gifts and hospitality registers against contract registers. Neither was there evidence of police authorities' intrusive examination of relationships in these areas. **HMIC suggests that PSDs and police authorities should work together with chief officers in a more co-ordinated and pro active manner to ensure effective intrusion and oversight of procurement and contractual matters. There needs to be effective monitoring at all financial levels and this also requires scrutiny of force credit cards and procurement cards where they are used.**

Thresholds

Rules governing high level spend (currently £156,000 for goods and services) are prescribed by EU procurement legislation and associated procedures. Documentation provided and fieldwork interviews conducted gave a clear indication that major procurements and contracts are being professionally and consistently managed in accordance with EU legislation, with appropriately qualified staff fulfilling key procurement roles in all forces.

All forces have either embarked upon procurement collaborations, or are in the process of doing so. This ranges from 13 forces involved in a forensic services consortium, to smaller scale arrangements with local authorities and neighbouring forces, with the aim of sharing back office functions. The underlying objective behind all of these arrangements is to achieve better value for money and economies of scale. However, integrity concerns arising from these collaborations must not become subordinate to the commercial drivers.

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Below the financial limit at which the EU thresholds and rules apply there are significant differences of approach with no apparent rules to follow any particular good practice or prescribed approach. This is most noticeable at the lowest levels of expenditure where forces differ greatly about how much an individual can spend without engaging in any kind of managed process. This includes differing degrees of intrusion and supervision where efficiency and expediency appear to be prioritised above transparency and integrity.

Higher expenditure will naturally tend to demand greater controls. However, little control exists in the majority of forces if the spend is below £5,000, where we believe the ACPO Decision Making Model (DMM)[42] principles of robust yet proportionate and transparent controls commensurate with the risk posed, should apply. The evident lack of controls around low level spend gives rise to the risk of 'maverick' multiple low level transactions going undetected making the existence of appropriate controls and scrutiny equally important.

The recent IPCC investigation[43] (Operation Cosperville) into the abuse of AMEX cards in the MPS demonstrates very clearly how poor policies coupled with ineffective scrutiny can leave multiple non-compliant low level spends undetected. However, the problem is not confined to the Police Service, and extends elsewhere in the public sector.[44]

The use of procurement and credit cards offers a less bureaucratic and quicker method of making low cost purchases, but the IPCC investigation highlighted the potential for major reputational damage and significant financial loss resulting from inadequate controls and monitoring. Usage of procurement and credit cards differs dramatically between forces with some having less than ten nominated card holders, to another force which reported having in excess of 350 cards currently in circulation (officers and police staff).[45]

In total (excluding the MPS), police forces in England and Wales have approximately 2,700 procurement and credit cards in circulation enabling the purchase of goods and services at the lower level spend threshold, with a potential cumulative annual spend of £100 million pounds (on average, credit limits range between £2,000 to £5,000 per month). With a range of different checks and balances this level of inconsistently controlled expenditure represents a major risk to public money and may give rise to significant reputational damage to the Service.

Organisational learning
Isolated pockets of good practice exist in all areas of procurement and contracting but there is little evidence of cross force identification and

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[42] Unpublished as of 13/10/11

[43] IPCC, Abuse by Metropolitan Police Issued Cards, Managed Investigation, Commissioners Report (September 2011), www.ipcc.gov.uk/.../amex commissioners report 280911.pdf (13/10/11)

[44] The Times, 28 October 2011 (p.26).

[45] To note, these figures exclude the MPS.

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dissemination of good practice, with 'organisational learning' for the Service as a whole clearly compromised. The inconsistency of approaches across England and Wales generates organisational confusion and practices that are acceptable in one force area are unacceptable in others.

The following examples arising from HMIC fieldwork are illustrative of some of the differences in current practices:

* Some forces vet their civilian procurement staff to a higher level than many operational colleagues, which recognises the importance and vulnerability of key procurement posts and manages the risk of unrestricted access to police estate and systems.
* Some forces vet key individuals, such as Company Directors, before a contract is awarded (including financial checks). Most forces will do this after a contract has been awarded, relying only upon the honesty of the information provided by contractors rather than on any proactivity or intrusion by force vetting units.
* One force registered all contractors onto a database making all photographs and security clearance levels available to all police force members.
* There is limited evidence of cross checking gratuity and hospitality registers against contractors (and vice versa) either at tender stage or otherwise.
* The point at which police authorities are required to sanction the release of funds varies significantly from £20,000 in one force to over £500,000 in another.
* High profile cases involving allegations of wrong doing in respect of contractual matters are not being de-briefed to ensure that lessons are being learned.

HMIC suggests that national good practice should be shared and implemented by all forces to ensure a consistent and risk-aware approach to the procurement of goods and services with standardised checks and balances at different financial levels. We believe that this should include a moratorium on hospitality during tendering processes between police employees, members of police authorities and potential contractors.

Commercialisation of forces

There is evidence that forces are engaging in a range of sponsorship and commercially oriented ventures to generate additional income. Additional income generation practices are subject to specific ACPO guidance and there is a Service-wide network of income generation officers, but job descriptions and force practices vary.

Whilst not the focus of the review, some junior staff and officers raised commercialisation of forces as something of a grey area. This, in some circumstances, was seen by them to potentially undermine the integrity and professionalism of the Police Service, or the perception of this (e.g. commercial sponsorship of cars, uniform and equipment). There needs to be consistency across the Police Service as to where the boundaries lie and the extent to which

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commercialisation through sponsorship and income generation are acceptable to both officers and the public.

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6: Secondary business interests and conflict of interest

Secondary business interests and risk

At 31 March 2011, the police in England and Wales (including BTP) employed 141,741 officers and 95,761 staff (including PCSOs). Of these, officers have declared 14,916 business interests and staff have declared 4,413 with their force, the most common being property letting.[46] The inference is that business interests within the Police Service are not significantly distinguishable in this regard from the rest of the population. This is to be welcomed as policing must be representative of the wider society. Public perception work undertaken by HMIC, indicated there was nothing wrong with police officers and staff having a second job as long as it did not conflict with their primary duty.

HMIC's understanding from forces and authorities is that the number of officers and staff with additional employment is likely to increase over the coming years, due in part to the economic climate and the impact of the Winsor reviews.[47] Twenty-six forces see this as a key risk area. The Police Mutual Assurance Society (PMAS) analysis of financially stressed members provides a comprehensive profile against which staff can be assessed for risk and vulnerability. This analysis indicates that 20,526 officers and staff are defined as 'financially stressed' to varying degrees[48]. Despite this level of information, only five forces have implemented anything like formal intelligence-gathering or enforcement plans to address the issue. As with many other areas covered in this report, activity by PSDs is sporadic and reactive, due mainly, according to those interviewed, to under-resourcing, but also in part to a lack of awareness of the level of risk to the force when faced with dubious secondary occupations or associations. For example, in 2010/11 nationally there were 82 investigations into secondary occupations: the lowest figure since 2008/09. Of these five were proactive. Between April and September 2011 forces have reported no proactive investigations from a total of 38.[49] This is at the same time as risk due to business interests appears to be increasing.

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[46] These figures should be treated with caution as there is inconsistency with the way forces record this data. There are instances of where police officers and police staff have more than one secondary employment recorded. Not all forces have been able to assure HMIC with complete certainty whether in some cases Police Staff figures are included in the total for Police Officers.

[47] *Independent Review of Police Officer and Staff Remuneration and Conditions.* Cm8024. March 2011 http://review.police.uk/publications/945287?view=Binary

[48] PMAS analysis shows 8.8% of staff are at financial risk. PMAS states as of June 2011 the definition of Financial Risk in this context is "current ability to meet current financial commitments". An individual with "very high financial risk" has the potential for bankruptcy or equivalent. A medium risk individual has a very low financial cushion and is in a vulnerable financial situation, which could deteriorate quickly.

[49] HMIC (2011). Results from integrity questionnaire sent to all forces.

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The regulatory framework

Unlike many areas of integrity, business interests of police officers are legislated for in the Police Regulations 2003[50], specifically Regulation 7[51]. An officer must apply for permission to have a business interest, whereupon

"... the chief officer shall determine whether or not the interest in question is compatible with the member concerned remaining a member of the force."[52]

Clearly much hinges on an interpretation of "compatible" and the legislation is silent on that point. Consequently, ACPO has provided guidance[53] to assist in the decision making process around compatibility. This provides examples of four business interests that could be incompatible,[54] together with reasons why. To illustrate the imprecise application of the guidance, HMIC has found approved business interests in all four of the areas illustrated, namely driving (in 14 forces), financial consultancy (in two forces), Taser training/personal protective equipment instruction or other policing skills (in 21 forces) and driving instruction (in five forces)[55]. This variation also applied to media-connected additional employment: in two metropolitan forces examples were found that included media consultants, a role that was rejected as incompatible elsewhere.

All forces provided HMIC with their policies in this area. All correctly reflected the legal requirement for officers to apply for permission and referenced the ACPO guidance. However, there is little consistency between forces in the way policies are presented or indeed in the way the process is managed (see *The Authorisation Process* below).

Police staff are not legally required to register business interests, but some forces encourage them to comply with the relevant policies that apply to officers. Five forces have taken the opportunity to re-frame staff contracts of employment to oblige reporting of second jobs. HMIC welcomes this as it can only benefit both the force and staff; it removes any doubt as to whether external activities could impinge on the very important work done by police staff, who increasingly have the same access to police information and resources as their warranted counterparts.

The authorisation process

HMIC found that generally the process used for validating additional employment applications is superficial and administrative; overall there is very little evaluation of the business rationale, the working time implications or any

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[50] (2003) No. 527. http://www.legislation.gov.uk/uksi/2003/527/contents/made

[51] Ibid. http://www.legislation.gov.uk/uksi/2003/527/regulation/7/made

[52] Ibid. Regulation 7(2), emphasis added.

[53] (2009) *Guidance on the Management of Business Interests & Additional Occupations for Police Officers and Police Staff.* http://www.acpo.police.uk/documents/workforce/2009/200911WDBIAO01.pdf

[54] Ibid. Appendix C.

[55] Full force-by-force data was not obtained, but as an example, one large force approved over twenty officers' second jobs with a single private contractor offering "specialised driver" services

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inherent risks to Service reputation. Notably, there is no checking (covert or overt) of applications that have been refused to see whether the individual has gone ahead and embarked upon their business interest anyway. This includes repeat applicants who inexplicably stop submitting applications. Although the fact that guidance – however vague – exists at all is commendable, the reliance on chief officers' discretion is troubling in view of the inconsistency already outlined. Most notable by their absence in effectively regulating this area of integrity are police authorities. Only one authority actively drives integrity around business interests and it was clear to HMIC that this permeates through to the force. Consequently, only five percent of applications which the force rejects are overturned on appeal to the authority, as everyone involved in the process in the force is clear on the boundaries of acceptability and how to best evidence their decision-making.

Not all chief officers are involved in, or become aware of, the additional employment decisions made at other levels of the force. This leads to a significant variation – not only within a force but between forces – as to what is acceptable additional employment, and what is not. Only seven forces ensure detailed consideration of applications in a forum led by the head of PSDs, with Staff Association representatives. In one case the deputy chief constable is the appeal authority. Other forces are more ad hoc and have no PSD involvement, with additional employment being seen only as an HR issue.

Forces and authorities appeared unsighted on the tax implications for staff of their secondary business interests and the legal, reputational and welfare issues that could result should staff fall foul of tax law requirements.

Clearly all the above indicates a need for the Service to have a robust process for consistently applying the law, with clear definitions and actions. HMIC **therefore suggests that the Service develops a decision-making model in respect of secondary occupations that is sufficiently robust to address individual risk and organisational reputation and compatibility with the applicant's role and responsibilities.**

What potential is there for other conflicts of interest?

"A conflict of interest arises whenever the private lives of someone in a position of public authority do not coincide with their official duties."[56]

No evidence has been found of forces taking additional employment or conflicts of interest into account when determining suitability for recruitment and progression. However, low levels of recruitment (at the time of the review) made it difficult to establish the rigidity of recruitment and selection systems, although on paper those reviewed seemed compliant with Chartered Institute of Personnel and Development best practice. This also applied to internal progression, which was similarly stifled by the lack of new entrants.

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[56] Davids, C. (2008) *Conflict of Interest in Policing.* Institute of Criminology Press, Sydney, Australia. P.1

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Post-service employment

There was little evidence of "cooling off" periods being required for senior staff leaving to take up posts with commercial or other bodies with related interests. In only one force has the authority attempted to restrict retiring chief officers from taking up immediate employment with commercial organisations connected with the force. The officer requires the authority's permission if such a request is made within two years of retirement. Until tested in court or at a tribunal, it is not known to what extent such a requirement is enforceable.

"Conflict of interest situations ... in the procurement process may be related to: a) the alleged receipt of private benefits; b) an improper relationship with a tenderer; and, c) a post employment relationship with private providers. The potential for such conflicts to manifest themselves is magnified in an environment where there is greater use of outsourcing, private provision, and other 'economically rational' processes."[57] [emphasis added]

Increasingly, forces are outsourcing much of their back-office activity as well as procuring goods and services annually worth hundreds of millions of pounds. HMIC has seen instances where police officers and staff who have led on negotiations with suppliers have, upon successful conclusion of contracts, left the Service and been immediately employed by that contractor, in one case as contract manager for the company's relationship with the force. HMIC has seen no controls for the management of outsourcers and suppliers taking a commercial advantage from existing and recently departed police officers and staff, or even on commencing that relationship prior to leaving.

The private sector is understandably very protective of its intellectual property rights, duty of fidelity from staff and avoidance of conflict of interest. It is relatively common for restraint of trade clauses to be written into tender documents and thereafter into contracts. An example of such a clause would be where a company wishing to tender with a force would, as part of the contract, agree to not employing directly or indirectly anyone who has served in any capacity with the force for the duration of the contract once it is signed. HMIC has seen nothing analogous being insisted upon by police forces or authorities and there would certainly be merit in doing so. This would avoid the perception of conflicting priorities as a result of post-service 'revolving doors'. Contracts that seek to impose restraint of trade clauses would only be enforceable if deemed by the courts to be reasonable. HMIC suggests that any force or authority considering such restraint clauses should obtain specialist legal advice first as the consequences (compensation, injunctive relief, public perception and so on) can be severe for getting this wrong.

As far as secondary employment and conflicts of interest are concerned, HMIC has identified isolated incidents of risk and vulnerability, but does not contend that corruption and lack of integrity is either systemic or endemic. The risk is caused by poor processes and systems, driven by a lack of understanding. The boundaries of acceptability are vague; rather than ensuring uniformity, the regulatory framework is too subjective leading to some startling examples of

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[57] Ibid. p.7

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inconsistency. Particularly concerning are the numerous instances where outside business interests have been approved that contradict the limited examples given in the ACPO guidance. Whilst it does not appear to HMIC that there was any pernicious intent behind these occurrences, forces should urgently consider how to bring order to a muddled and inconsistent landscape. We established that four forces felt able to approve applications for staff to work as taxi drivers, while three rejected such applications. Similarly, six forces felt able to approve applications for staff to undertake bar work, while 10 forces refused such applications.

Clearer exemplary leadership is needed by police authorities (and their successors, the PCCs) and chief officer teams. There is no substitute for intrusive management by immediate supervisors and those more senior. At the very least there should be more evidence of interest by the force executive in this area. A more unified decision making model will lead to consistent application of the rules, although this will never capture those that maliciously decide to completely opt out of the system. The current economic climate has correctly been recognised by two-thirds of forces as presenting an increasing risk; but despite this, only five have implemented formal risk assessments and plans to tackle this strand of integrity head on.

7: Professional standards and proactivity

The HMIC report on Police Integrity in 1999[58] considered the issue of proactivity from a wider perspective than merely being anticipatory and taking charge of situations. Forces and authorities have invested in and created ACUs. Based on force-supplied data, this currently equates to some 460 police officers and staff in England and Wales, including the BTP. Governance and oversight is provided through the ACPO Counter Corruption Advisory Group (ACCAG). There is no national standard that identifies what ACUs and practices should look like; however, an advisory manual[59] was produced by ACCAG in 2006 providing forces with essentially tactical advice and guidance. This was not an adopted NPIA document and has been undervalued; it is currently being redrafted as 'practice advice'. **HMIC suggests that the ACCAG 'practice advice' is published on the 'authorised professional practice site' as soon as possible.**

Available data indicates that over a four-year period at least 5,906 investigations are reactive, with information disclosure (excluding social media and intranet) consistently representing over 80% of those investigations. Since ACUs were adopted nationally there has been a significant increase in overall workload from PSD and ACUs resulting in a 99% increase in investigations from 914 (2006/07) to 1,817 (2010/11).

ACCAG has commissioned a corruption training programme, which NPIA have recently agreed to administer, at chief officer, SIO and practitioner level. Training has been provided to ACPO corruption leads in the form of a two day interactive exercise. SOCA delivered six Anti Corruption SIO courses over the past three years and a practitioner's course for investigators within ACUs is scheduled for 2012. As not all ACPO officers currently receive training, **HMIC suggests that this is included within the Strategic Command Course.**

Whilst each force has invested in resources to respond to corruption and integrity issues, the size of each ACU tends to be commensurate with the overall establishment, ranging from 2.5 staff to 29 (excluding MPS). There is also a significant disparity in the level of direct supervision ranging from sergeant to superintendent, with the greater capacity and capability seen in the larger metropolitan forces. **HMIC suggests that the corruption lead for each force should be a senior detective who has the skills and experience to lead/supervise investigations and is in a position to inform and influence force level decision making.**

Few of the ACUs have the capability to carry out covert operations without support from other forces, regional units or the SOCA. **HMIC suggests that consideration be given to subsuming the valuable role currently undertaken by SOCA into the National Crime Agency (NCA). Such**

[58] Police Integrity 'Securing and maintaining public confidence' June 1999

[59] Guidance for the Investigation of Corruption within the Police Service – October 2006

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arrangements are in the main informal and are generally not supported by service level agreements although several smaller forces are utilising collaborative arrangements. **HMIC suggests that all forces should re-evaluate their proactive and covert capability and where appropriate consider the use of formal collaborative arrangements.**

Although all forces have an anti corruption control strategy, there is no evidence that gifts and hospitality, associations, business interests and procurement are considered together as a risk. All forces have a method of anonymously and confidentially reporting integrity issues (whistle blowing), either by telephone or e-mail or both. Feedback from focus groups indicated a lack of knowledge or a level of scepticism and distrust with the anonymity of the systems. Five police authorities reported having their own confidential reporting system.

An input to training courses on integrity by PSD/ACU is provided by 11 forces. Others have identified risks in relation to specific staff concerning debt and the vulnerability for corruption and take preventative steps i.e. welfare, support etc. All forces carry out random or intelligence- led drug and alcohol testing. There is evidence of reactive and speculative searches on telecommunications systems within corruption investigations that include links to Organised Crime Groups. Some forces have enhanced their general auditing capability by investing in software which provides comprehensive data including key strokes, screenshots and emails from all IT systems enabling routine and targeted auditing although there is a significant cost to this investment. **HMIC suggests that forces consider the use of specialist IT software to enhance their audit and analytical capabilities.** Organisational learning is shared through newsletters, PSD web pages and banner messages on force intranet systems. There is also evidence that forces are not always making full use of covert assets and techniques.

The current economic climate has impacted upon resource levels and three forces have assimilated their ACUs within the PSD. Whilst it is understandable that an anti-corruption capability may be situated within the PSD portfolio, the two elements should (wherever possible) remain distinct and separate in order to protect the integrity of intelligence products, sources, and investigations. Failure to do this may lead to overt complaints/investigations being prioritised to the detriment of counter-corruption activity.

HMIC's research has identified that both American and Australian internal affairs departments namely NYPD[60], LAPD and NSW Police, use targeted (intelligence led) and random integrity tests as part of their ongoing anti-corruption strategies. However, targeted testing has been strongly favoured in practice over random testing. There were examples of forces achieving significant results from intelligence-led integrity testing. At the time of this review we found no evidence of random integrity testing being used by forces in England and Wales.

[60] www.nytimes.com/2010/03/28/nyregion/28iab.html?pagewanted

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Whilst areas for improvement have been identified, benchmarking across public and private sectors has highlighted that the Police Service in England and Wales currently appears better positioned to prevent and detect corruption.

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8: Governance and oversight

Good governance and oversight is good business not only in helping to ensure that an organisation is better able to deliver its objectives, but also in increasing trust and confidence in the organisation, both internally and externally.

As the Institute of Leadership & Management and Management Today note:

"We should all be more ethical, not just because it is the right thing to do, but because improving an organisation's ethical approach also pays off with the added bonus of a trust dividend. That trust dividend feeds into employee engagement and workforce commitment, and thus improves organisational performance. That is a finding that no good manager or leader can afford to ignore."[61]

Good governance is more than systems and processes. It also requires those in charge of the organisation and who represent it to be consistent in demonstrating appropriate behaviours, and promoting its values in pursuit of its objectives. While academic and other commentators will have their own lists of key principles, there seems to be a general consensus that those principles or values include as a minimum, honesty and integrity, transparency and openness, responsibility and accountability and the effective management of risk. To those we can add in the public sector context generally and policing specifically, obtaining best value for public money.

During the review process we benchmarked 'governance and oversight arrangements' against other organisations and can say that while forces have different governance models, the Police Service is neither particularly better nor worse than other organisations in how it embeds and uses governance to deliver its objectives.

Police force

Clear leadership from chief officers and their senior teams is essential to ensure good business. Good governance needs to be given life through actions, including the way internal systems and processes are operated, such as through PDR, selection, induction and other processes. Such leadership behaviours will help address concern expressed by junior staff about what they see as double standards in the behaviours of more senior staff and about how those behaviours can taint perceptions of the Service as a whole. We consider that chief officer teams should review their governance and oversight arrangements to ensure that those arrangements are fulfilling their function in helping promote the values of their force in the delivery of the its objectives, and that they are, through their actions and behaviours,

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[61] Institute of Leadership & Management and Management Today – Index of Leadership Trust 2011

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promoting the values of the organisation and making sure good governance is seen as a core part of everyday business.

Police authority

The current system of holding the 43 forces of England and Wales accountable was established under the 1964 Police Act. The tripartite system distributes responsibilities between the Home Office, the local police authority, and the chief constable of the force. These arrangements are fundamentally changed by the provisions of the Police Reform and Social Responsibility Act 2011 which will replace police authorities with PCCs.

The overarching duties of the police authority are to secure an efficient and effective Police Service and to hold the chief officer to account for the exercise of their functions.

A key finding emerging from the fieldwork during the integrity review relates to the crucial importance of clear, consistent communication throughout police forces and authorities, the absence of which can lead to uncertainty about the boundaries of appropriate and acceptable behaviours.

We found significant disparity in the quality, content, accessibility and levels of understanding of policies which form part of forces' governance arrangements. Long, complex guidance which may not have been reviewed for some time can be more of a hindrance than a help in ensuring that necessary procedures and processes are followed. The use of policy management officers and corporate policy registers provide assurance around the continued utility of current force policies.

Our evidence suggests that junior staff are more likely to adopt a risk averse approach to integrity, erring on the side of caution where they are not aware of or do not believe they fully understand the force policy in a particular area. For example, evidence from focus groups suggests they would refuse gifts from grateful members of the public but were unaware of force policies that would sometimes allow them to accept such gifts.

There was some evidence of forces effectively communicating simple and important organisational culture and ethos messages, forcefully and consistently reinforcing the importance of integrity, ethical behaviour and high standards.

Case Study

Recognising the need for clear and concise policies, a force has reviewed their various policies across the piece, and is replacing them with simple expectation statements supported by brief guidance documents. This reduces bureaucracy and provides products which are effective, easier to digest and therefore more likely to be accessed.

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In addition to existing checks and controls, external auditors provide a level of independence, trust and confidence, and there are also opportunities for peer scrutiny through reciprocal collaborative arrangements. Every force and authority made reference to the use of external auditors (although due to the tight timescales of the review, this area was not investigated in any depth).

Managing the risks

A preventative, informed approach to corruption is essential to identify and manage risks, threats and vulnerabilities, including the use of contingency plans around the five key areas of integrity.

There are benefits to be had in the use of departmental, business group and confidential risk registers to complement the main risk register. The appointment of risk managers ensures assessment of organisational risks and contact with the chief officer group and the police authority.

Forward planning including environmental scanning, knowledge of the SOCA Strategic Assessment, awareness and detailed planning and scrutiny, action plans and gold groups can help promote and instil a preventative approach. However, not all forces adopt such a proactive approach. More can be done to review policies around the provision of information which will assist governance or self-protection, i.e. information about the pitfalls and safeguards around social media, early intervention policies which provide a holistic approach to discipline and welfare and proactive corruption control strategies. One particular area of concern is the governance arrangements around the use of corporate credit cards, which is piecemeal and creates vulnerability.

Police authorities do not always have the information they need to scrutinise and challenge in any great detail. There are lessons here if PCCs are to fulfil effectively the role that Parliament intends for them. Where there was scrutiny this seemed to be more focused on process rather than the experience of the public. We did find in one area that the force and authority had a shared anti corruption policy – but this seems to be an exception rather than the rule across other forces and their police authorities.

Systems and processes

A consistent finding across forces and authorities was that function following form with meeting structures having ossified with inappropriate attendance, and inflexible, unchanging agendas that have failed to adapt in order to ensure more effective service delivery, scrutiny, audit and accountability.

Opportunities are being missed to make best use of all the relevant information that forces hold to reduce the risk of inappropriate behaviour. For example, we found sporadic evidence of regular meetings between departmental heads including those of PSD and Human Resources to take a more joined up approach to discipline and welfare issues. Other departmental heads, i.e. Information Security (suitably vetted), should be seen as partners rather than simply information providers to PSD to enable better understanding of misconduct and corruption issues, being therefore better placed to play a role in addressing inappropriate behaviours and promoting integrity.

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We found evidence that forces could do more to help themselves deal with integrity issues, for example, by ensuring effective links between information security functions, ACUs and PSDs and by cross-checking registers (business interests, hospitality, contracts, etc.) to derive the full benefit from these registers in identifying staff at risk. Such cross checking could give forces a more informed picture of possible threats and vulnerabilities allowing preventative work to be better targeted and adding to information which directs anti-corruption work.

Integrity is likely to be stronger where there is coordination between organisational issues, policy development, training and cultural change which should bring greater organisational coherence reducing opportunities for inappropriate behaviours to develop. Processes (i.e. recruitment, procurement, etc.) must be constructed with integrity issues in mind, for example, by ensuring that in recruitment exercises checks and controls exist to prevent any one person being in a position to influence unduly the whole selection process through to appointment.

Looking ahead – Police and Crime Commissioners

PCCs are due to take up their elected positions in November 2012. As in any change process this transition this will bring its own risks. For example, in the new policing landscape it will be important that the role of elected local policing bodies in respect of force integrity including complaints, misconduct and anti-corruption is articulated to ensure that there is effective challenge to chief officers.

Overall governance of the Police Service

There is evidence under the current arrangements of a culture of openness, trust and confidence with strong relationships being built between police authority members and their forces in the service of their communities. However, that closeness is not always conducive to effective challenge as part of statutory oversight. With exceptions, we found little good practice to highlight in respect of the overall governance by the police authorities of the forces they are required to hold to account.

An example of good practice is shown in the case study below.

Case study

A provincial police authority commissioned a report from the Chief Constable following the phone hacking 'scandal', which resulted in the formation of a Gold group and referral to the full police authority meeting. The authority also directed a review of policies and procedures following (unfounded) suspicions of the selling of information to insurance companies.

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Police authority internal governance and proactivity

We found that weaknesses in the oversight of their forces by police authorities were replicated in police authorities' own governance and oversight arrangements. There was little evidence of proactive and retrospective checking of their own various registers (hospitality and gifts, conflicts of interest and expenses) and very little robust and challenging scrutiny of chief officer registers.

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9: Going forward and recommendations

The catalyst to this review was the public exposure of a number of high profile enquiries into the appropriateness of relationships between senior police officers, the media and other parties. Despite this however, it was evident that few forces or authorities had acknowledged the correlating issues and made any attempt to health check their own organisation. Additionally, few forces or authorities had found it necessary to conduct pre-inspection tests on their own 'integrity' systems and processes prior to the review being conducted.

The absence of this activity indicates that very few force and authority leaders had these relationship issues on their own 'radar'. Many chief officers and authority leaders were completely unsighted on the risks, with little understanding of their own organisation's position. HMIC's view is that ACPO and the APA urgently need to develop that radar, to ensure that these reputational risks are identified at an early stage and dealt with effectively, both on an individual force basis and as a Service.

This was not a leadership review. We set about to examine the systems, processes and level of control that forces and authorities have in relation to managing relationship boundaries. However, it was very evident that leadership has a significant part to play in setting the culture and tone of an organisation, levels of acceptability and ultimately the conduct of its staff. In forces where chief officers and senior managers owned and routinely reinforced the values and standards expected from their staff, those staff had far greater clarity of those expectations.

However, whilst policies and procedures were not always in place, focus groups of junior staff could provide evidence of their strong moral compass. These staff knew the boundaries for relationships and issues such as acceptable hospitality, which appeared less evident amongst some senior managers, particularly chief officers.

The significant variation between forces and authorities in relation to defining and applying standards was both stark and concerning. This inconsistency made little sense to us, nor do we believe it would to the general public. The Police Service needs to undertake work urgently to identify the standards and values expected of its entire workforce; providing clarity on where the boundaries lie for the subject matter within this review. In particular, we can see that there would be significant benefit in defining Service-wide standards for the following:

- what is acceptable and unacceptable regarding relationships with the media and others, including contractors and suppliers
- where the line is to be drawn for hospitality and gratuities
- the roles that are compatible and incompatible for officers and staff in relation to additional employment

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- agree the principle of, and define, 'cooling off' periods (the implementation of which would depend on clarifying that the law would allow the imposition of cooling off periods).

HMIC understands that securing agreement across the forces and authorities of England and Wales to such Service-wide standards may take some time and offers the attached 'integrity checklist' (Appendix B) that they may find useful in the interim period. This simple checklist, compiled by the Review Team, contains key questions that forces and authorities can use to carry out a health-check of their organisation.

The development of integrity training programmes within forces is suggested within the report. However, in order to quickly embed a new way of operating, HMIC sees the immediate training of the Service's future leaders as critical. It is imperative that future leaders of the service are able to fully understand the areas of vulnerability and influence the control and direction of forces in the future. To that end, HMIC would encourage the inclusion of an integrity/anti-corruption element within the Strategic Command Course, beginning with the January 2012 course. HMIC will be happy to provide support to assist in the development of this programme.

Governance and oversight arrangements of the issues raised within the review were, by and large, insufficient and ineffective at both a force and authority level. As with any significant change, the transition to Police and Crime Commissioners (PCCs) will bring with it its own risks. There is a very real threat that these issues, potentially not top of the agenda, may slip through the gap between the outgoing authority and incoming PCC. HMIC would suggest a reassessment of forces and authorities to report on how they, and the Service as a whole, have responded to the recommendations outlined in this report. This should be conducted by October 2012 to allow feedback directly to the incoming PCCs and Police and Crime Panels (PCPs).

The Service has a number of lessons to learn from this review and recent stakeholder consultation suggests that forces and authorities accept there is more to do and are keen to respond. They are, however, not alone in having more to do. A significant benchmarking exercise was undertaken during this review of public and private sector organisations, both nationally and internationally. The benchmarking work carried as part of this report suggests that few organisations are in better shape than the Police Service in England and Wales. In fact many have much fewer controls, recording or checking mechanisms. Without prejudice to the outcome of other inquiries and reviews resulting from the phone hacking affair, HMIC believes that the more transparency there is in the relationships between the police and the media and others the more likely the public is to trust the police in those dealings and more generally.

Recommendations
Whilst each element of this review highlights issues that forces and authorities should consider, the heart of the matter is the importance of integrity, both personal and organisational, that is evident and transparent in the way

individuals behave and how forces and authorities go about their business. Against that background, we make the following principal recommendations:

- **Forces and authorities institute robust systems to ensure risks arising from relationships, information disclosure, gratuities, hospitality, contracting and secondary employment are identified, monitored and managed.** They should ideally do so on the basis of national standards and expectations -- there are no demographic variables when it comes to integrity and there should not be local differences in standards. This area of work on national standards should be encouraged by the Home Office and promoted by leaders in the Service locally.

- **There should be clear boundaries and thresholds in relation to these matters. Such limits should be consistent and Service wide.** This in effect means identifying a clear message for staff on these issues as to what is acceptable, what is unacceptable and what areas of vulnerability to avoid. ACPO should lead this work in partnership with other staff associations and those involved in police governance.

- **Training courses should include appropriate input in relation to integrity and anti-corruption. In particular, given the importance of leadership (which runs through this review), the Strategic Command Course in January 2012 should encompass these issues.** Chief Constables should review how much effort is being but into briefing their staff on the standards as to what is acceptable, unacceptable and on the areas of potential vulnerability.

- **An assessment relating to these matters should be conducted by HMIC by October 2012 to inform incoming Police and Crime Commissioners and Police and Crime Panels.**

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Appendix A: Terms of reference

1. Background

On 18th July 2011 the Home Secretary made an oral statement to Parliament about the Metropolitan Police Service when she stated that *"current allegations about phone hacking are not, unfortunately, the only recent example of alleged corruption in the Police Service."*

On 20 July 2011 HMIC was formally commissioned by the Home Secretary to consider instances of undue influence, inappropriate contractual arrangements and other abuses of power in police relationships with the media and other parties and to make recommendations about what needs to be done.

2. Scope

The review will examine existing systems and processes. Work will be undertaken to attempt to identify the scale of the problem and, where necessary, the need for further work.

In particular HMIC will examine the relationship between the Police Service, the media and other parties. It will focus on the spectrum of challenges and behaviours involved in all matters of police integrity. It will seek to clarify the approach in the policing sector across the range of challenges it faces.

The scope of this review includes all Home Office Forces and in addition British Transport Police. The Home Secretary's approval will be sought in order to include the National Police Improvement Agency within the scope of the review.

The scope of this review does *not* include all other non Home Office Forces, PSNI, SOCA, crown dependencies and UK overseas territories, the existing police complaints procedure, or the overall strategy and policy in relation to data security unless it becomes appropriate or necessary in pursuit of the overall inspection objectives.

The scope also does not include the investigation of any criminal or disciplinary matter that may be revealed during the course of the review which will be passed to the relevant authorities.

3. Aim and objectives

To consider instances of undue influence, inappropriate contractual arrangements and other abuses of power in police relationships with the media and other parties, and to make recommendations accordingly.

The following work streams are under consideration: -

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The scope of this review includes all Home Office Forces and in addition British Transport Police. The Home Secretary's approval will be sought in order to include the National Police Improvement Agency within the scope of the review.

The scope of this review does *not* include all other non Home Office Forces, PSNI, SOCA, crown dependencies and UK overseas territories, the existing police complaints procedure, or the overall strategy and policy in relation to data security unless it becomes appropriate or necessary in pursuit of the overall inspection objectives.

The scope also does not include the investigation of any criminal or disciplinary matter that may be revealed during the course of the review which will be passed to the relevant authorities.

3. Aim and objectives

To consider instances of undue influence, inappropriate contractual arrangements and other abuses of power in police relationships with the media and other parties, and to make recommendations accordingly.

The following work streams are under consideration: -

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c.   Relationships and gifts
d.   Size and scale

Additional employment, conflict of interest and 'cooling off' period
Additional employment and other conflicts of interests such as: -

a.   Conflicts of interests
b.   Recruitment and progression
c.   Nature and type of the employment.
d.   Timing of post service employment
e.   Membership of other organisations

Proactive approaches
Proactive capability of the Police in the investigation and prevention of corruption and appropriate enforcement in relation to integrity issues.

a.   Understanding the level of risk and vulnerability of the organisation.
b.   Undertaking preventative activity e.g. 'Whistleblower' schemes.
c.   Capability and capacity of Anti Corruption Units and Professional Standards Departments.

Perceptions of integrity
Perceptions of the public, the police and others regarding behaviour that reflects integrity and that which does not. This will involve the surveying of: -

a.   Public
b.   Officers
c.   Management
d.   Police authorities

Within each work stream the review will examine the processes, policy and law that relates to these areas of business. It will look for data and evidence of intervention and assessments in these areas. The levels and appropriateness of control mechanisms in existence within each force and authority will also be assessed.

Governance will also be considered as an overarching theme. The review will benchmark against comparators including the civil service, private sector, industry and international bodies.

4. Methodology
The objectives will be achieved via the following:

- The examination of existing databases and processes to ascertain what is 'known' of the scale of the issues.
- Requisition, examination and assessment of key documents, across the 43 Forces, BTP and NPIA including (but not exclusively) policy, guidance, certificates of assurance, corruption vulnerable assessments, hospitality registers and procurement registers/contract documentation guidance.
- Interviews with key stakeholders and senior police officers/staff.

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- 'In force' reality testing programme to examine and validate documentation, procedures and any specific incidents of concern by way of case studies.
- Liaison with an ACPO, APA and Home Office reference group to ensure effective liaison with the service during the conduct of the review.
- The use of an external reference group with key opinion formers and professional/specialist leaders.
- Liaison with media experts regarding media ethics and the use of police' sources.
- Liaison with police and police staff associations.
- Public perception surveys and surveys of police/police staff regarding views on police integrity and inappropriate behaviour.
- Benchmarking against private, public sector and international 'best practice'
- An academic review of national and international literature concerning matters of integrity.

This review will take cognisance of all other investigations, proceedings and reviews that are taking place in relation to these issues.

5. Timeframe

- Agree and publish Terms of Reference – w/c 1 August 2011
- Research and data gathering – w/c 1 August 2011
- Reality testing/fieldwork – w/c 15 August 2011
- Interim Report – w/c 26 September 2011
- Final Report with recommendations delivered to the Home Secretary– w/c 31 October 2011

6. Product
A final report with recommendations will be prepared for the Home Secretary. It is not the intention, at this stage, of this review to publish a public facing document, nor to provide feedback to individual forces.

In her letter to all chief constables dated 22nd July 2011, the Home Secretary stated that *"Neither the IPCC nor HMIC work that I have commissioned, nor indeed Elizabeth Filkin's, is intended to pre-empt the outcome of Lord Justice Leveson's inquiry. But it is important that we ensure that any lessons that can be applied now are identified sooner rather than later."*

This review will be focussed on identifying any lessons that can be learned. It is inevitable, given the timescales, that this review will identify the key headline areas as well as those that will require further future review.

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Appendix B: Self-assessment integrity questionnaire for police forces and authorities

This self-assessment questionnaire is intended to provide a facility for police forces and authorities to effectively understand and improve their effectiveness in relation to integrity.

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Self-Check Integrity Questions for Forces and Authorities

	Relationships with the Media and Other Parties
1.1	What governance and oversight arrangements exist to ensure effective management of police employees' relationships with the media and others?
1.2	Is there clear senior ownership and accountability in respect of the release of information to the media?
1.3	What media policies /guidance exist and how are they communicated to staff?
1.4	Are staff sufficiently knowledgeable of what the acceptable boundaries are regarding media relationships?
1.5	Have assessments been made of risks, threats and vulnerabilities in relation to police leaks to the media and others?
1.6	What processes exist to monitor local and national press with a view to triggering proactive investigations into leaks?
1.7	How do you address and manage media leaks?
1.8	Do you deliver media training at the appropriate level?
1.9	Does your media training include integrity and relationship management?
1.10	How are engagements between staff and media representatives captured for transparency?
1.11	How do you ensure formal and informal meetings and briefings with the media are appropriately recorded?
	Information Disclosure
2.1	What governance and oversight arrangements exist to ensure effective management of information disclosure?
2.2	Does the organisation have strong leadership, accessible policies and robust assurance mechanisms to govern social media?
2.3	What mechanisms exist in relation to preventing misuse, risk assessing, monitoring and managing professional and personal use of social media?
2.4	Does the organisation have appropriate capacity and capability to effectively monitor and audit all its information systems, and practice an evidenced risk-based approach?
2.5	Does the organisation have a strong culture of disclosing associations with those connected with crime, members of the media and private investigators?
2.6	What control strategies exist in respect of individuals identified as vulnerable to inappropriate associations and corruption?
2.7	Does the organisation have mechanisms in place to identify the risks of inappropriate disclosures as part of investigations into gratuities/hospitality/secondary employment and procurement?
	Gratuities and Hospitality
3.1	What governance and oversight arrangements exist to ensure effective management of gifts and hospitality by the force and police authority?
3.2	Which department or function in force owns gratuities and hospitality policy?
3.3	Does the gratuities and hospitality policy clearly articulate the process, framework and boundaries for decision making particularly in respect of monetary value, donor, organisation, loyalty cards, group discounts, free

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	transport, appropriateness of accepting gifts and sponsorship? How is this communicated?
3.4	Are the links made within the policy to other integrity areas, i.e. procurement, estates, sponsorship, media, business interests?
3.5	Is there any triangulation of gifts and hospitality with other integrity areas, i.e. via IT systems or weekly meetings?
3.6	What timescales exist for review of the policy considering the current economic climate, public perception and legislative changes?
3.7	What is the best format for the register to be maintained to allow accurate recording and oversight?
3.8	Is the process and recording of the rationale for acceptance or refusal comprehensive to allow a clear audit process and transparency?
3.9	Is the whole register published, i.e. not just chief officers?
3.10	What differences exist (if any) in thresholds between the force and the police authority?
3.11	What are the key risks and threats associated with gifts and hospitality and how does this link to an audit programme?
	Procurement and Contractual Relationships
4.1	What governance and oversight arrangements exist to ensure effective management of procurement and contractual arrangements?
4.2	What are the delegated authority levels for procurement and are they effectively communicated and managed?
4.3	What level of scrutiny does the police authority exert over procurement and contractual relationship?
4.4	What controls over procurement and credit cards exist within the force?
4.5	How would any irregularities of procurement and credit cards be identified?
4.6	What systems and processes exist to identify conflicts of interest within procurement processes?
4.7	What systems and processes are in place to effectively manage expenses?
	Secondary Business Interests & Conflict of Interest
5.1	What governance and oversight arrangements exist to ensure effective management of secondary employment, associations and conflicts of interest?
5.2	What policies and guidance exist in relation to secondary employment, associations and conflicts of interest for police officers and police staff? How are these communicated to staff?
5.3	Does the secondary employment application provide sufficient detail to enable chief officer decision making on suitability, risk, compliance (tax & legal) and welfare?
5.4	How is policy compliance and organisational risk monitored?
5.5	What is done to ensure a consistent approach in respect of the authorisation of secondary employment applications?
5.6	Is there evidence of proactivity in relation to secondary employment (approved and refused applications)?
5.7	How often are secondary employments subject to (meaningful) review? Guidelines suggest a 12 month review or on any change to the business interest approved.
5.8	What cross-referencing of the register takes place, i.e. with attendance management, disciplinary or contracts or records?

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5.9	Is the anti corruption strategy aligned with organisational and individual conflicts of interest, e.g. OCG targets, contractors, etc.
5.10	Has there been due consideration for suppliers or outsourcers to sign a 'restraint of trade clause' to prevent them employing (in any form) staff involved in the relevant procurement, due diligence or decision making process?
5.11	Have persons at risk of influence by contractors or suppliers been identified and mitigation actions implemented?
5.12	Has intellectual property been identified within the procurement process (and associated agreements) and have organisational protections been applied?
6.1	Are the key elements of the SOCA and force strategic threat assessments effectively communicated to staff throughout the Force?
6.2	How widely promulgated and trusted are the reporting and support mechanisms for 'whistle blowing'?
6.3	Does the Force have adequate systems in place to capture, record and assess intelligence relating to integrity and corruption?
6.4	Is there sufficient covert auditing capability within the anti-corruption unit and is this supported by adequate I.T?
6.5	What auditing is undertaken of employees' expenses, mileage, overtime, phone and internet use?
6.6	Does the anti corruption unit have the capability, capacity and experience to undertake reactive and proactive investigations and operations?
6.7	Is there a requirement for collaborative or service level agreements to support investigations and operations?
6.8	What oversight/input do the professional standards department and anti-corruption unit have with regards to applications for additional employment, gifts and hospitality registers and procurement contracts?
6.9	What mechanisms are in place to proactively identify and address vulnerability at individual and force level?
7.1	How do the chief officer group and police authority demonstrate leadership in promoting the force values and integrity?
7.2	How is the *ethos* of integrity and values reflected in policies, practices and communications?
7.3	What mechanisms exist to ensure that the police authority and force jointly challenge integrity issues within the force?
7.4	What is the role of the Professional Standards Department in respect of the governance of integrity?
7.5	Does integrity form part of your performance management framework?
7.6	How are policies relating to integrity reviewed to ensure that they remain fit for purpose?
7.7	How are lessons learned and breaches of unacceptable behaviour communicated in your force?
7.8	What audit and inspection processes exist in relation to integrity, and what level of independence exists within this regime?
7.9	How do you ensure that integrity runs through your organisation? Is this reflected in recruitment, training and selection processes?

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7.10	What mechanisms exist in the management of risk? Do you use bespoke risk registers and dedicated risk managers?
7.11	Does your meeting and committee structure support effective service delivery, scrutiny, audit and accountability?
7.12	Is there coordination between organisational issues, policy development, training and cultural change which will reduce opportunity for corruption?
7.13	What arrangements are in place to ensure an effective transition to the introduction of Police and Crime Commissioners?

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