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cc: as at annex A

29<sup>th</sup> November, 2011

1. Minister of State for Policing and Criminal Justice
2. Home Secretary

### **HMIC'S REPORT ON INTEGRITY IN THE POLICE SERVICE**

#### **Issue**

To consider Her Majesty's Inspectorate of Constabulary's (HMIC) report into integrity in the police service, and agree your response to Denis O'Connor and publication arrangements.

#### **Timing**

2. Whilst there is no public deadline for this report's publication, you announced to Parliament on 18 July that you were commissioning the work; in your letter to Sir Denis O'Connor, you asked for a report by the end of October. Denis had hoped to publish before appearing in front of the Home Affairs Select Committee (HASC) on 29 November, but the near-final report was only shared with us on 21 November. It has some important and challenging things to say to the service, and it would therefore be good to have it published soon and get the service's response under way, as well as providing a timely input into Lord Justice Leveson's Enquiry.

#### **Recommendation**

3. That you: (i) note the report's headlines in paragraph 5 below, and the summary of the HMIC report at annex B (full report also attached); (ii) note that officials are discussing some smaller drafting points with Denis; (iii) agree the handling plan set out below, including the draft Written Ministerial Statement at annex C; and (iv) write to Denis O'Connor as at annex D making it clear that you see this report as an important and troubling set of findings, and asking for some further strengthening, including an additional recommendation around leadership and governance, greater commitment to pace for the service's leaders in responding to this, and some changes to references to benchmarking with other organisations.

#### **Summary**

4. In a statement in the House of Commons on 18 July on the resignation of Sir Paul Stephenson and John Yates from the Metropolitan Police Service, you announced that you had "asked 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". You wrote to Sir Denis O'Connor the following day to commission this, also asking him to make recommendations as to what needed to be done. HMI Roger Baker has led this work and in the event has looked at a broad range of integrity issues. He and

his team have conducted interviews and focus groups with police officers and staff as well as surveying 3,500 members of the public.

5. Although the report concludes that corruption in any formal sense is not endemic in the police service – which is of course very welcome - it does contain some very stark and critical findings around process, culture and leadership:

- Many chief officers and police authorities are unsighted on the issues around integrity, fail to understand the risks to their business and reputation, and frequently don't show the right behaviour themselves;
- force policies on hospitality/gratuities, second jobs and procurement below £5,000 are inconsistent, rarely policed, and not followed up in terms of identifying and investigating risk areas;
- there are no proper 'cooling off' periods for senior managers, and examples of people introducing contracts and then moving to the commercial provider to manage the contract from that side;
- junior officers sometimes have a stronger moral compass on what looks right to the public than their senior colleagues, among whom HMIC found instances of accepting concert/sports tickets from current or prospective contractors;
- training on integrity and values is patchy or non-existent, and needs to be incorporated into development courses at all levels, but particularly for future leaders;
- inconsistent or non-existent advice to officers and staff around use of social media presents a greater risk of improper information sharing with journalists than the more conventional relationships with the media; and
- where there is a clear sense of the values and standards in a force, it is because senior leaders have set the direction and tone.

6. HMIC has made four recommendations:

- **forces and authorities [should] 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 put into briefing their staff on the standards as to what is acceptable, unacceptable and on the areas of potential vulnerability; and

- **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.**

7. We believe that their recommendations need to be strengthened with two further additions to the report:

- something to give greater pace and urgency to the work that the service must do in developing more consistent and robust arrangements. We think that HMIC need to set out much more explicitly a clear expectation that the service must have detailed proposals ready for consultation by April next year. This timing would still allow the service's response to take account of Elizabeth Filkin's current work with the Met and the IPCC's full report on corruption due early next year; and
- a fifth formal recommendation representing a clearer direct challenge to current police leaders, rather than implying that this is mainly for future leaders, to be achieved through revising the strategic command course. There is a very good statement late on in the report that could form the basis for a fifth recommendation:

*"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 its objectives, and that they are, through their actions and behaviour, promoting the values of the organisation and making sure good governance is seen as a core part of everyday business".*

The proposed reassessment by HMIC next autumn could then take stock of progress against these challenges, and helpfully inform incoming PCCs of the issues they face in their force.

8. We also have some concerns around the extent to which HMIC refer to their benchmarking of other organisations in the report. On the one hand, their assertion that other organisations haven't got this right either shouldn't give the police service a false sense of security that they are in a good place with these issues. On the other, there is also the risk that follow-up to the report from the media may involve challenging HMIC to share their view on specific other organisations and their governance set-ups, which is clearly well beyond their remit and a distraction from the key messages the service needs to hear.

9. We have made the two key points above and suggested that HMIC revisit their handling of the benchmarking point in the proposed draft letter to Denis O'Connor (annex D). There are some smaller drafting changes that we will also raise directly with HMIC at official level. We think that Denis will respond constructively. Taken together we believe that these changes would strengthen the necessary response from the police service leadership, in the face of very stark findings around the service's failings. We want to be quite clear in our response to the report that, although HMIC call for a set of national standards and greater consistency, this issue needs to be owned and led by leaders of the service, including PCCs from November next year; this can't be a Home Office-led exercise to draw up national standards that are then imposed.

### Handling

10. HMIC's review is the first of the full, substantive reports following the events of the summer. The IPCC published the first part of their review in August (*Corruption in the Police Service in England and Wales*), but their substantive report will come in February/March (separate advice will come on this, as the report had initially been expected by the end of next month). Elizabeth Filkin is expected to provide the Met with her report into ethical considerations around their relationships with the media by the end of December. The Leveson Inquiry has started its hearings. We expect Lord Justice Leveson to turn his attention to the police early in the new year and report substantively next summer.

11. In part because you announced the HMIC review to Parliament, but also to maintain momentum on response to last summer's events, we suggest accompanying the publication of the HMIC report by a Written Ministerial Statement. The WMS should welcome the findings and signal your very clear expectation that the leaders of the service now take seriously the commission to set the direction and tone for greater consistency and stronger standards of integrity. It would refer to the next stages of work to help inform that (Filkin, IPCC and Leveson), as well as accepting HMIC's suggestion of re-visiting these issues in order to provide incoming PCCs next year with a clear sense of what, in this area, they need to tackle and question in their forces.

### Media Handling

12. This report will be greeted with some relish by journalists as it covers a number of areas of great media interest. HMIC exonerates the service of endemic corruption, but there are enough individual findings to ensure this will not be the top line of any reports. In particular, we can expect the media to focus on:

- the lack of proper controls on officers taking second jobs;
- the sheer number of police credit cards in circulation and the potential spending power they entail;
- the instances of officers taking jobs with contractors servicing their force; and
- officers retiring, then immediately taking employment with the force or with an outside company.

13. While the report was commissioned partly because of revelations about the close contact between the Met and the media, we should not expect significant reporting of this area (with the possible exception of the Guardian and Independent, who have featured this topic before). It is likely the media will choose to gloss over inappropriate media relationships as it is also an uncomfortable subject for them and there is ample other material upon which to focus.

14. The failings in this report are primarily operational and often occur when forces fail to properly administer existing guidance. Clearly, it is essentially a matter for the police to correct their own shortcomings, but there are sufficient references in the report to national guidelines and frameworks to prompt a possible focus on Home Office leadership in this area. This could lead to some awkward questions, but also provides an opportunity to stress the benefits our police reforms will bring to the

service – particularly the impact of Police and Crime Commissioners and the development of a police professional body.

15. HMIC will obviously be the main initial focus of media interest. Its press plans are yet to be finalised, but normal practice is for its reports to be given to the media under embargo and for Sir Denis to front a press conference, conducting interviews afterwards. We recommend a reactive approach to dealing with the media as this is primarily an operational matter for the police and taking an overly assertive approach is likely to tie us to the perceived failings. Journalists are likely to turn to your WMS, but we recommend the following as a top line response to media interest:

A Home Office spokesperson said:

“Police officers are rightly judged by the very highest standards and there is guidance in place to make sure they are met. Forces must do better in following those rules.

“From next year, directly elected Police and Crime Commissioners will help set those standards – and be accountable at the ballot box if they fail to meet them.

“The service also needs to see better leadership at all ranks and a new professional body of policing will help to deliver it across the board.”

#### Clearance

16. This submission has been cleared with Stephen Kershaw (Director of Policing) and Press Office

**GARETH REDMOND**

**Annex A**

**Copy list**

James Brokenshire  
Lynne Featherstone  
Helen Ghosh  
Stephen Rimmer  
Yasmin Diamond  
Stephen Kershaw  
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Press Office SMT



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### Summary of HMIC report findings

Their headline finding is that corruption and failings in integrity are not endemic in the police service. However, they highlight huge variations amongst forces and authorities in the controls and standards applied which they refer to as being "stark and concerning", as well as suggesting that "many chief officers and police authority leaders were completely unsighted on the risks, with little understanding of their own organisation's position".

HMIC found "instances of enforcement action against individuals at all levels" but also concluded that recording systems are limited and police authorities and forces are not as focused as they could be "on these previously rarely reported matters". They find that "visible consistent leadership is a key contributor to promoting integrity and raising awareness of and focus on these issues". Although they believe that major contracts and procurement are professionally managed, they suggest that "checks and balances were less evident on spends of around £5,000 and under". Training is inconsistent and fails to focus on appropriate values and standards. Whilst there are "good examples of anonymous reporting systems in place with a positive reactive commitment from professional standards departments", "governance and oversight is generally weak and there are limited proactive checks and balances taking place". They accuse many forces and authorities of appearing complacent and assuming that this is mainly an issue for metropolitan forces.

They conclude by recommending: more robust systems and standards across the service; more consistency and clarity on standards and boundaries; improved training on integrity matters, particularly for the service's future leaders, in the strategic command course; and a re-assessment of integrity standards in October 2012 to inform incoming police and crime commissioners (PCCs).

On the main areas covered in the report, HMIC find the following:

- There is little in the report to suggest unhealthy relationships with the media. HMIC point out that the service needs to have some relationship with the media for sound operational and local engagement purposes.
- Rather, HMIC focus on inappropriate information-sharing via increasing use of social media. They highlight inappropriate use by officers and staff, including posting inappropriate (naked/drunk etc) photos, offensive language and references to their working for the police. They point out that the service gives little guidance on what may or may not be appropriate and suggest that some senior officers set a bad example by sharing "questionable force-related content or personal opinion in their own messaging".
- HMIC remind that they conducted an inspection of police integrity last in 1999 and voice their concern that issues around hospitality and gratuities are still an area of uncertainty. All forces and authorities have hospitality and gratuity policies but these vary significantly with values on what can be considered a gift ranging from £5 to £75. Recording mechanisms are in place in all forces and authorities – with 38 forces publishing their registers externally – but these are rarely referred back to or cross-checked against relationships with media/contractors etc to highlight risks. Less than 1% of gratuities/hospitality recorded came from the media (68). The report notes a number of times that

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junior officers and staff demonstrate a "strong moral compass" around what they felt acceptable which was rarely demonstrated similarly by their senior colleagues. The report cites examples of junior staff refusing low-value items that their force policy would actually allow them to accept whilst senior staff accept concert and sporting tickets from people with whom they have contractual relationships.

- The report is reassuring on control in relation to procurement and contracts at the top end of the scale but flags the use of self-authorisation systems for purchases under £5,000 with little or no oversight of the individual or cumulative totals of such spend. It refers to there being 2,700 corporate credit cards in the service with a combined potential annual spend of £100m. The report suggests ground-rules for relationships with suppliers need to be clearer. It also references some staff concerns that they identified that 'commercialisation of forces' (sponsorship, for example) could be seen potentially to undermine integrity or professionalism of the police.
- Secondary business interests and second jobs are considered, noting that there were 82 investigations into second jobs in 2010/11, the lowest number for several years. As with most other areas, the report finds significant variations in policy, procedure and authorisation processes. It gives examples of where one force allows certain second jobs whilst another doesn't – taxi driving, media consultancy, private investigation and bar work are cited. Chiefs, it suggests, are not involved in these decisions and there needs to be greater consistency, as well as work to ensure that forces understand the tax implications for their staff. The report suggests there is little use of 'cooling-off' periods for senior staff leaving to take up posts with commercial organisations. It cites examples where people have managed the introduction of a contract in the force, only to leave and take up post managing the contract for the provider.
- HMIC are clear that all forces have anti-corruption units in place to deal with these issues pro-actively and that all have some means of confidential/anonymous reporting of integrity issues. Referring back to hospitality and gift registers, though, they suggest that forces could do more to use intelligence from those reporting mechanisms to target potential corruption. They also refer explicitly to the risk that austerity measures could see ACUs' role and effectiveness undermined.
- The report sets out the importance of leadership in setting the standards and tone in a force, leading by example as well as setting the direction. Where chief officers or other senior managers engage directly in setting the tone, it is more noticeable at all levels that people know what standards of integrity are expected of them. Elsewhere, chief officer oversight of integrity issues is confined to reactive ongoing investigations with "little evidence of an understanding of force vulnerability and structured prevention planning". Police authorities, similarly, focus on public complaints rather than pro-actively holding forces to account for having integrity strategies in place.
- No force has specific integrity training. HMIC believe that integrity issues need to be more explicitly embedded into force learning and development – particular the strategic command course, which prepares police leaders for ACPO-rank.



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Looking ahead, the report explicitly refers to "a very real threat that these issues may slip through the gap between the outgoing [police] authority and incoming PCC". To avoid this happening, they suggest revisiting these issues next October so as to provide incoming PCCs with a fresh assessment of integrity in their forces. The report calls for service-wide standards on relationships (with media, suppliers and contractors), hospitality and gratuities, second jobs and cooling-off periods.

There is no reference to recruitment practices, despite the issues that arose recently with the chief of North Yorkshire, Grahame Maxwell, or John Yates in the Met.

The report is mainly based on field-work with forces, officers and staff, but also involves some public perception work. They found that two thirds of people did not think corruption was common or a major problem in the police. Three-quarters of people trusted the police to tell the truth and two thirds thought they generally did a good job. About a third of those surveyed had doubts about the integrity of the police, two fifths thought that disclosure of sensitive information was common and that it was a very or fairly big problem.

**DRAFT WRITTEN MINISTERIAL STATEMENT**

On 18<sup>th</sup> July, I informed the House that I was asking Her Majesty's Inspectorate of Constabulary (HMIC) 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 as to what needs to be done. I am pleased to be able to tell the House that HMIC have concluded their review and have today published their report, entitled *Without Fear or Favour: a review of police relationships*.

HMIC find that corruption is not endemic in the police service of England and Wales. This is to be welcomed, of course. The report is clear, however, that the Inspectorate's assessment is far from a clean bill of health. HMIC identify some good practice, but, on a whole range of integrity issues where real or perceived conflicts of interest may arise, and significant reputational damage may be caused, standards and processes are often weak and inconsistent at present. I share HMIC's concern that police leaders are insufficiently compelling about the importance of this issue, and the values which should underpin the day-to-day business of policing; and that the most senior officers do not always lead by example.

There are significant and unacceptable variations in the approach taken between the police authorities and forces in relation to hospitality and gratuities, second jobs, business interests, engagement with social media and pro-active use of intelligence to target investigations into integrity amongst police officers and staff. At the same time, there are inadequate controls on lower-value purchasing by forces and authorities, there is inadequate training at all levels of forces around integrity issues, and there is barely any consideration given by forces and authorities to 'cooling off' periods for staff who leave the service to pursue commercial roles.

HMIC have identified that too many senior leaders in forces and authorities have not grasped these issues and set out clearly the values and standards that people in their organisation should work to. Where forces get this right and people have a clear sense of how to conduct themselves, it is because of the presence of strong and effective senior leadership, setting the direction and tone.

I welcome HMIC's work and accept their recommendations. The service's leaders now need to work urgently and collaboratively to provide the same high standards of leadership and direction that HMIC have identified in the best forces and authorities. They must ensure that they can agree a clear and consistent set of national standards to which all police staff and police officers can operate, wherever they work.

HMIC's valuable findings will be supplemented in the next few months by the work that Elizabeth Filkin has been undertaking in the Metropolitan Police Service and by the view of the Independent Police Complaints Commission (IPCC) as to whether there are further powers necessary to enhance our ability to be able to hold the police service to account for their standards of integrity. The service's leaders will want to draw on this work, as well as the findings that will emerge next year from the inquiry being led by Lord Justice Leveson, to develop a set of practical and

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consistent standards that can give the public confidence in the integrity of the police service.

I will expect that the police service have a clear range of proposals to address these shortcomings ready for wider consultation by April 2012. I will then accept the offer made by HMIC to re-visit these issues next October. In doing so, they will be able to offer a view as to the effectiveness of the service's leadership on these matters, following this first review and the findings of related report. They will also be able to offer a clear view to both the public, and to the police and crime commissioners who will be elected in November 2012, as to the progress being made by the police service on not only ensuring that they are operating to the highest standards of integrity, but that they are also clearly seen to be operating to the highest standards of integrity.

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**DRAFT LETTER FROM THE HOME SECRETARY TO DENIS O'CONNOR**

**DRAFT LETTER FROM THE HOME SECRETARY TO SIR DENIS O'CONNOR,  
HMCIC**

**POLICE INTEGRITY REVIEW**

Thank you for your letter of 21 November enclosing HMCIC's draft report on police integrity. This review is timely and important.

Naturally I very much welcome your finding that corruption is not endemic in British policing. That is a prize we must celebrate and sustain at all costs. It is essential to our model of policing by consent, and to public trust and confidence in the service at all levels. More generally, however, your report presents an urgent wake up call for police leaders. You find some good practice. But it is clear that on a whole range of integrity issues where real or perceived conflicts of interest may arise, and significant reputational damage may be caused, standards and processes are often weak and inconsistent at present. I am equally concerned by your view that police leaders are insufficiently compelling about the importance of this issue, and the values which should underpin the day-to-day business of policing; and that the most senior officers do not always lead by example.

I accept your proposed recommendations as valuable steps towards addressing these concerns. The Home Office will be more than happy to encourage debate and progress, as you request. But I would like to suggest that you strengthen them in two key ways.

First, I would want to see greater pace and urgency from the service in developing more robust and consistent arrangements. It would be helpful therefore if you could say more explicitly that you expect the service to have detailed proposals ready for consultation, including where appropriate with the Police Advisory Board and the Police Negotiating Board, by (I suggest) April next year. That timetable would allow the service to take account of the findings from Elizabeth Filkin's work with the MPS in the next few weeks, and the IPCC's full report on corruption due early next year.

Second, the recommendation relating to the strategic command course is welcome, but might be seen as implying that this is a priority for the next generation of leaders rather than this one. I would like to see a more direct challenge to current police leaders that dealing with these findings is their personal responsibility, individually as well as collectively. The draft report contains an excellent statement on pages 57-58, which I would welcome being elevated to a fifth formal recommendation to address this. Your proposed reassessment next autumn will then provide a further

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helpful push for incoming police and crime commissioners, police and crime panels and the service alike.

Finally, I would like you to consider further the various references in the draft report to the (unpublished) benchmarking exercise you have conducted, notably on pages 19, 56 and 63. Integrity issues are of course a challenge for all organisations and cultures, and the report illustrates well the new questions for everyone surfaced by the developments in social media. But it is not ultimately for HMIC, as the independent regulator of the police service, to offer judgements on the integrity of other bodies. More important, such remarks could encourage an unfounded complacency in some parts of the service; and risk the debate following publication of this report losing its prime focus on policing.

My officials will be in touch immediately with a few more, smaller, drafting suggestions. Subject to your considering these, and the points I have made here, I am content for you to publish the review at an agreed date in the near future. I will publish a written Ministerial statement and a press notice at the same time, welcoming the report and emphasising the importance I attach to addressing its findings. They will provide very useful evidence for Lord Justice Leveson's inquiry; but they will also be highly relevant to our own continuing discussions on police leadership and culture, both in the context of Tom Winsor's work and the development of the police professional body.

Thank you again for this important contribution to safeguarding and strengthening the British model of policing.

**THERESA MAY MP**