



Keeping our communities safe and reassured



From the Office of
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Rt Hon Theresa May MP
Home Secretary
Home Office
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Direct Line:
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Our Ref:
Date: 11 May 2012

Dear Home Secretary

ACPO's Response to HMIC Report: "Without Fear or Favour"

You may recall at your meeting with Chief Constables on Tuesday 27th March 2012 I provided a brief overview of the emerging police service response to HMIC's report on police relationships *Without Fear or Favour*.

We discussed the imperative of the service evidencing a willingness to define and embed national standards of integrity and values; to improve consistency of approach and governance of matters of integrity; and we acknowledged the importance of police leadership better demonstrating its ethics and values and be seen to be leading by example.

HMIC recommended that the service should have detailed proposals ready for consultation with all relevant parties by April 2012. These proposals have been clearly set out to meet that deadline and the consultation process is underway.

On 20th April 2012 Chief Constable's Council strongly endorsed a comprehensive paper addressing HMIC's main recommendations. I have annexed a copy of that paper to this correspondence for your information.

In particular there will be national guidance in relation to police relations with the media, police officers taking secondary employment and police officers receiving gifts and hospitality. I have enclosed copy of this guidance.

On 3rd May 2012, together with other Chief Officers engaged in driving forward the service response, I met with HMCIC Sir Denis O'Connor and HMIC Roger Baker to deliver the outcomes of the work to date, to sight them on plans for ongoing work and to discuss and agree next steps.

Again, I am pleased to report an encouraging endorsement of the paper, its content, the guidance we have adopted and are continuing to develop, and the direction of

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travel.

Indeed, in my evidence before LJ Leveson's Inquiry on Thursday 29th March 2012 I made clear ACPO's willingness to engage and adopt a more consistent approach to integrity matters as described in the police service response to HMIC, a stance upon which LJ Leveson commented favourably.

I have also had the opportunity to meet with your officials to discuss the proposed ACPO response and I have committed to continue this dialogue.

I have recently received a final draft of a report from Transparency International, as commissioned by ACPO to benchmark police integrity programmes. This report is currently being assessed and will further inform our work to improve governance and a consistency of approach as we move towards the transition to Police & Crime Commissioners in November this year.

You will also be aware that ACPO continues to work in close liaison with the IPCC and are already engaged in steps to improve public understanding of what constitutes police corruption and to ensure more consistency in recording practices and referrals to the IPCC. I am aware of the imminency of the publication of the IPCC's Part II report on police corruption and can affirm our intention to jointly progress and develop any recommendations made.

I have already made clear ACPO and the wider police service welcomes and agrees with HMIC's main recommendations, (the institution of robust systems to identify, monitor and manage the risks outlined in the report on the basis of national standards and expectations; the expression of clear, consistent and service-wide boundaries and thresholds of acceptability; the inclusion of more appropriate input on standards of integrity and raising the profile of anti-corruption in training course and across leadership training and development; and the promotion of improved corporate governance as a core part of part of everyday business).

We are committed to further consultative work with stakeholders, including HMIC, the Home Office, Staff Associations, the IPCC, and the APA.

In summary I and fellow Chief Officers remain conscious of the requirement on the police service to shift its thinking in line with the public conscience on bounds of acceptability, of a more consistent approach in identifying and dealing robustly with all instances of police corruption; matters which go to the heart of the legitimacy of today's police service.

I hope this broad outline provides you with reassurance over the service's response to HMIC's report, and I will be pleased to brief you further and in any necessary detail at any future time.

Yours sincerely

Mike Cunningham
Chief Constable

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ASSOCIATION OF
CHIEF POLICE OFFICERS

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None

Chief Constables' Council

ACPO RESPONSE TO HMIC REVIEW OF POLICE RELATIONSHIPS: WITHOUT FEAR OR FAVOUR

20 April 2012/Agenda item: 10

1. INTRODUCTION

- 1.1 The publication in December 2011 of HMIC's report *Without Fear or Favour* on its review of police relationships¹ provided the police service and the public it serves with reassurance that there are no endemic failings in police integrity. At the same time, the review found evidence of a lack of clear boundaries, checking mechanisms, governance and oversight of police relationships with others (including the media), approval of business interests, and procedures for the approval of gifts and hospitality.

¹ Without Fear or Favour: HMIC's review of police relationships (December 2011)

- 1.2 HMIC made 6 principal recommendations² and highlighted a further 23 considerations on specific matters which, when acted upon, will put the service in a stronger position to instil and further improve public confidence in police integrity and to improve its ability to prevent and deter the infrequent incidents of corrupt practices that cause significant adverse reputational damage, particularly when attributable to or involving senior leaders across the Service.
- 1.3 Recommendation 1 concerned the requirement for more robust systems to identify and manage risks to integrity based on national standards. Recommendation 2 identified a need for clearly defined boundaries of acceptability. Recommendation 3 urged more appropriate inputs on integrity in training courses, notably those for aspiring service leaders. Recommendation 4 made clear that chief officers need to exercise improved standards of governance around the issues which can and do have a potential to damage the personal integrity of officers and staff at all levels across the service.
- 1.4 HMIC's Recommendation 5 mandated ACPO to prepare detailed proposals for consultation with all relevant parties by April 2012. The proposals herein are in pursuance of this recommendation and set out what has been achieved in the past months. This paper also seeks agreement and approval for the ongoing work to provide a step change in the standards of governance of integrity and increased awareness of the boundaries of acceptability of standards of integrity across the service.
- 1.5 Finally, Recommendation 6 made clear that HMIC will revisit the service response to the risks to service reputation identified in *Without Fear or Favour* later this year as the final preparations are underway for the transition to Police and Crime Commissioners.

2. SERVICE RESPONSE TO HMIC'S PRINCIPAL RECOMMENDATIONS 1 AND 2

- 2.1 The ACPO Professional Standards Portfolio has formally led on the service response in active collaboration with the ACPO Professional Ethics Portfolio and the ACPO Communications Advisory Group. Significant consultative work has taken place (and is set to continue) with key stakeholders, including HMIC, the Home Office, Staff Associations, the IPCC, and the APA.
- 2.2 Over the course of the past months, heads of professional standards departments and chief officers with delegated responsibility as Appropriate Authority³ have been increasingly focussed on more robust governance of the risks from the matters reported upon in *Without Fear of Favour*. The proposals outlined in the following sections will assist chief constables to individually and collectively achieve consistent and improved standards of governance as urged by HMIC and others since (such as Lord Leveson).
- 2.3 In particular, three specific guidance documents have been drawn up to assist and inform decision making within and between forces and which will engender a consistency of approach in defining and establishing boundaries of acceptable practice over matters of personal and professional integrity. An overview of each document is set out below.

² See Appendix 1 for detailed recommendations of *Without Fear or Favour*

³ Those officers with a specific responsibility for force conduct matters and the management and resolution of public complaints

ACPO Guidance on the Management of Business Interests and Additional Occupations for Police Officers and Police Staff

- 2.4 A more robust decision making framework has been prepared⁴ to promote a consistency of approach to the approval and regulation of business interests and additional occupations with adverse reputational impact the over-riding consideration rather than the previous underlying assumption that personnel or health and safety factors were perhaps more influencing criteria for decision makers. This guidance is currently subject to further and final consultation in the Police Advisory Board working party.
- 2.5 Further key changes to the previous guidance as a direct result of HMIC's recommendations 1 and 2 include a more definitive confirmation that the decision maker on the approval of business interests should be the appropriate authority or head of professional standards.
- 2.6 The updated guidance provides a more specific set of criteria to assist decision making which should be taken into account when determining the appropriateness of a prospective business interest or secondary occupation for compatibility with the role or duty of the officer or member of staff, namely impartiality (predicted, expected or evidenced); impact on the force (potential and perceptions); the applicant's current performance; proportionality (in relation to seniority and role); equality and diversity; and health, safety and well-being.
- 2.7 Finally, the updated guidance strips away and simplifies the hitherto overly bureaucratic procedures governing a right of appeal against non-approval of a business interest (including the removal of a higher right of appeal to the Home Secretary).

ACPO Guidance on Gifts, Gratuities and Hospitality

- 2.8 For the first time, ACPO guidance has been drafted⁵ to provide a more consistent service-wide approach to gifts, gratuities and hospitality, based on a shift to a blanket non-acceptability save for certain circumstances of a common sense approach to the provision of light refreshments, and trivial & inexpensive gifts of *bona fide* and genuine gratitude from victims or communities. This guidance makes clear the expectation of a single force register of gifts and hospitality that comes under the direct governance and scrutiny of the head of professional standards.
- 2.9 This guidance includes more definitive detail and examples on the boundaries of acceptability and non-acceptability, and makes clear the distinctions that exist in a spectrum whereby one extreme can properly be considered to be a breach of the criminal law (The Bribery Act 2010) through to the low-level of hospitality which could in no way be considered as a breach of integrity on any party involved.
- 2.10 Consultation continues on the guidance appended here. The concept of a public conscience test to such matters is a further aspect informing the debate.

Updated Interim Guidance on Media Relationships

- 2.11 Since the publication of *Without Fear or Favour*, Lord Leveson has heard detailed evidence from a number of chief officers and other witnesses from within the police service on the concerns over police relationship with the media; the access and influence afforded to individuals and organisations; the inappropriateness of disclosure of information to the media and others (whether for financial gain or otherwise); and instances of excessive or inappropriate hospitality. These matters have understandably been subject of significant scrutiny and are likely to remain so for some time.

⁴ See Appendix 2: Updated ACPO Guidance on the Management of Business Interests and Additional Occupations for Police Officers and Police Staff (March 2012)

⁵ See Appendix 3: Draft ACPO guidance on gifts, gratuities and hospitality (March 2012)

- 2.12 The service evidence to Lord Leveson's Inquiry included reference to the ACPO Communication Advisory Group's refreshed interim guidance⁶ to the police service on media relationships which contains with more definitive detail on accountability and transparency in contact with the media at all levels within the service, including the requirement to maintain a brief record of contact and content of discussion.
- 2.13 This interim guidance reinforces a stance of maintaining open and transparent dealings with the media at all levels of the service for the benefit of the wider public interest; provides clarity for officers and staff on ensuring they speak on those aspects of policing for which they are specifically responsible, and contains additional clarity on the speaking terms (what constitutes on and off record and what is for publication) to prevent misunderstanding.
- 2.14 The guidance makes clear an expectation that any officer or member of staff meeting in private with a journalist must make a note of the meeting or disclosure which should be recorded in either a diary or pocket book. Where an officer or member of staff speaks to the media about a significant operational or organisational matter, a record of the conversation should be made (unless in a public forum, such as a public meeting or through the internet or a social media feed).
- 2.15 The updated guidance is going before ACPO Cabinet this month and will of course be revisited in light of emerging considerations from Lord Leveson's Inquiry.
- 2.16 Finally, in respect of consistency of standards, the Portfolio is currently engaging with the Home Office to identify opportunities to expand upon re-drafting of Home Office Guidance on Police Officer Misconduct to further underline standards of professional behaviour⁷ of honesty and integrity, confidentiality and off-duty conduct.

3. SERVICE RESPONSE TO RECOMMENDATION 3

- 3.1 HMIC's Recommendation 3 concerned ensuring the appropriateness of input in relation to integrity and anti-corruption training for service leaders. Chief Officers have taken steps to address this recommendation and have secured and delivered enhanced input on integrity and counter corruption to participants of the Strategic Command Course which concluded in March 2012 and also into the High Potential Development Scheme. This work will continue and will be refined in future courses and in other aspects of leadership development and training.
- 3.2 The ACPO Professional Standards Portfolio Conference in May 2012 is based on the theme of leadership in all matters of integrity and will provide the next tangible opportunity to define and guide the debate on standards of integrity as to the boundaries and thresholds of acceptable practices and on the areas of potential vulnerability. This conference will also be presented with the emerging findings of a significant piece of work which is now nearing completion between the ACPO Counter Corruption Advisory Group (ACCAG) and the non-governmental organisation Transparency International to provide the service with improved corporate governance on matters of integrity and the manner in which the service is structured to counter corruption.
- 3.3 Transparency International has global expertise in increasing awareness of corruption, building constructive partnerships with government, the private sector and civil society and developing practical tools to combat corruption. This benchmarking and validation is seen as an important aspect of the service's response to building public confidence in the police service's ability to effectively deter and combat corruption in all its forms.

⁶ See Appendix 4: ACPO interim guidance for relationships with the media (March 2012)

⁷ As set out in Police (Conduct) Regulations 2008

3.4 Also in May 2012, ACCAG will commence the collation of data from across the service which will provide a refreshed analysis of strategic threats to law enforcement from corruption. The work engaged in and reported on herein will inform this threat assessment and will assist chief officers to further improve governance around risks to integrity and to prevent and deter those corruptors which if unchecked can adverse effect force and service reputation. When complete, this work will further inform the training and briefing of staff at all levels of role and responsibility across the service.

3.5 The Professional Standards Portfolio is currently engaged in compiling relevant aspects of specific guidance which later this year will contribute to the wider service's Authorised Professional Practice.

4. SERVICE RESPONSE TO RECOMMENDATION 4

4.1 Following the publication of *Without Fear or Favour*, chief officer teams and heads of professional standards have conducted force reviews of 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.

4.2 It is evident that chief officer teams need to be clear on their responsibility for ensuring Professional Standards Departments routinely scrutinise and provide governance over business interests, additional occupations, gifts and hospitality registers and oversight of procurement and contracts, and to ensure that this governance integrates with and promotes the values of the individual force and the wider service.

4.3 Over recent months there has been increasing cohesion between the Professional Standards and Ethics Portfolios and this is set to continue into the future. Work is well advanced within Chief Constable Adrian Lee's workstream to promote the revised *Statement of Common Purpose*⁸ agreed by ACPO Cabinet last year and to advance the national decision making model as the basis for ethical decision making.

4.4 There is certainly scope for individual forces and the wider service to obtain increased synergy from the values espoused within the *Statement of Common Purpose* and the firmly embedded Standards of Professional Behaviour. Chief Officers will wish to ensure that the aspects of integrity examined and reported upon in *Without Fear or Favour* are subject to more regular scrutiny and oversight as matters affecting force reputation.

4.5 The Professional Standards Portfolio has worked in closely with the IPCC in their forthcoming analysis of referred cases of corruption. The publication of Part II of the IPCC's report on police corruption (anticipated in May 2012) will provide further opportunities to the service to ensure a greater consistency of approach and will assist the public understanding of the service's commitment to tackle corruption where it occurs.

4.6 The collective police service leadership can best demonstrate its legitimacy, ethics and values by being seen to be leading by example by instilling regular and consistent governance and oversight of integrity and wider professional standards as part of the wider governance and as part of everyday business of the force.

4.7 HMIC raised one particular matter which requires further debate - that of the perception of the prospect of personal gain where senior leaders (including those within ACPO and at other levels of seniority) retire and either immediately or shortly thereafter take up posts with commercial companies keen to take advantage of a working lifetime of experience in policing, community safety, specialist investigations or ethical organisational leadership. We need to apply our thinking to how to manage public perceptions of this when morally, ethically, and legally there are no barriers to prevent a retired officer from contributing to the wider policing framework as they see fit once free of obligations to public service.

⁸ See Appendix 5: Police Service Statement of Mission and Values (July 2011)

4.8 The focus on personal and professional integrity is fundamental to future success and to inspiring public confidence and underpinning our own legitimacy. I am confident the work underway in response to HMIC's integrity review will provide a sound foundation for improving standards and consistency in the governance of integrity.

5. DECISIONS REQUIRED

5.1 Members are requested to:

- Note, approve and endorse the Service response set out herein to the recommendations of HMIC's report *Without Fear or Favour* on its review of police relationships, a response that will continue to be implemented during the course of 2012, the outcomes of which will be re-examined by HMIC in a follow-up review later in the year.

Michael Cunningham

Chief Constable

ACPO Lead for Professional Standards

Appendices

1	Recommendations of <i>Without Fear or Favour</i>	Page 8
2	Updated ACPO Guidance on the Management of Business Interests and Additional Occupations for Police Officers and Police Staff (March 2012)	Pages 9 - 18
3	Draft ACPO guidance on gifts, gratuities and hospitality (March 2012)	Pages 19 - 22
4	ACPO interim guidance for relationships with the media (March 2012)	Pages 23 - 26
5	Police Service Statement of Mission and Values (July 2011)	Page 27

HMIC Integrity Review (December 2011)**Principal Recommendations****Recommendation 1**

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 geographical variables when it comes to integrity and there should not be local differences in standards. This work on national standards should be encouraged by the Home Office and promoted by leaders in the Service locally.

Recommendation 2

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 staff associations and those involved in police governance.

Recommendation 3

Training courses should include appropriate input in relation to integrity and anti-corruption. In particular, given the importance of leadership to securing high standards of integrity (a theme which runs through this review), the Strategic Command Course (in January 2012) and the High Potential Development Scheme 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.

Recommendation 4

Chief officer teams should review their corporate 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 behaviours, promoting the values of the organisation and making sure good corporate governance is seen as a core part of everyday business.

Recommendation 5

HMIC expects the Service to have detailed proposals in the above areas ready for consultation with all relevant parties by April 2012.

Recommendation 6

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.

Appendix 4**ACPO interim guidance for relationships with the media (March 2012)****Introduction**

This guidance provides police officers and staff with interim guidelines on the relationship of the police service with the media, in all of its forms.

These guidelines should be considered by forces alongside their own media and communications policies. They support existing ACPO guidance including the ACPO Communications Advisory Group (2010) guidelines. They will be reviewed in the light of findings from the Leveson Inquiry and following the election of Police and Crime Commissioners in November 2012.

It remains the responsibility of individual forces to ensure that their interactions and relationships with all media representatives are professional, transparent and capable of withstanding scrutiny.

Key Principles

Legitimacy is an essential aspect of the British policing model, based on consent. The press and other forms of media play an important part in assuring police legitimacy and protecting the public interest.

Police interaction with the media should be guided by a legitimate policing purpose, which is one related to the core values and standards of policing.

The relationship between police and media should be undertaken in a manner which lives up to the highest standards of impartiality and integrity.

The police service has a duty to safeguard the confidentiality and integrity of information, which must be balanced against the duty to be open and transparent wherever possible.

Rules of engagement

The media has a significant role in holding policing to account and in informing the public about the work of the police service. There is an obligation on the police service to engage with the media, both to communicate what the police are trying to do strategically and, at an operational level, to engage the public in fighting crime, such as to make appeals for information and for the identification of suspects and witnesses.

Who should speak?

Officers and staff are encouraged to speak to the media about matters that they are responsible for. They should be open, honest and approachable.

Role of the press office

A Press Office is there to offer professional advice and support. As well as being a specialist resource to engage, inform and meet the considerable demand for information from modern media, it has a specialist role to play in a police operation or investigation, where an effective communications strategy is a critical aspect of success.

Meeting with and talking to journalists

Police officers and staff should be fair, accurate, relevant and timely in providing information. The basis of a conversation should be clearly established between both parties, before information is exchanged.

Journalists and their sources may use 'speaking terms' to establish the basis for a conversation. Definitions vary, but in general:

On the record – means that a journalist can report, quote and name their source. Where possible, all conversations should be on this basis and it should always be assumed that a conversation is on the record unless expressly agreed otherwise in advance.

Background / guidance – means that information provided can be reported without it being attributed to a source, whether named or not. This is sometimes used to provide further context around an on the record statement.

Off the record – means that use of information provided is restricted altogether. Occasionally there may be a legitimate reason for an off the record conversation or briefing to take place, such as where news reporting may have an impact on a current investigation.

It is important to be aware that speaking terms are sometimes misunderstood or used interchangeably. For this reason it is always important to clarify how they will apply before exchanging information.

Personal information about suspects, witnesses or victims should not be disclosed without assurance that there are no legal restrictions which apply.

It is good practice, where possible, to have a press officer present when meeting or speaking with a journalist privately. If this is not possible police officers or staff should consider asking their press office if they can provide other assistance to help them prepare.

If the matter being spoken about goes beyond force level and concerns national policing then advice can be obtained from the ACPO Press Office.

Integrity

It is essential to the standards of integrity demanded of the police service that police officers and staff should recognise and avoid or respond appropriately to potential conflicts of interest. These can be understood as situations where there may be competing obligations or interests to those which relate to the legitimate policing purpose for engaging with the media.

Where a police officer or member of staff has a family or personal relationship with a member of the media outside of their professional policing role, it should be disclosed and recorded under a force notifiable associate policy.

Officers and staff should not drink alcohol on duty.

Police officers and staff who are off duty should behave in a manner which does not discredit the police service or undermine public confidence.

Any gift or hospitality must be recorded in accordance with force policy.

Police officers and staff have a clear duty to report to a line manager any corrupt practice or perception of corruption (eg offer of reward for information, any unacceptable level of hospitality, or seeking to engender an inappropriate relationship).

Forces should ensure that any allegations of improper disclosure of information are assessed and proportionate action taken.

Where an officer or member of staff meets in private with a journalist, or provides information verbally about a matter they are responsible for, a note of the meeting or disclosure should be recorded in a diary or pocket book.

If a police officer or member of staff shares information in a public forum, such as a public meeting, or through the internet or a social media feed such as Twitter, no additional record is necessary.

Where an officer or member of staff speaks to the media, either on or off the record, about a significant operational or organisational matter, a record of the conversation should be made.

Challenge inaccuracies

The media have a responsibility to produce accurate and balanced reporting. Where possible, it is good practice to challenge inaccuracies or lack of balance. There are a number of ways of doing this and a Press Office will be able to provide advice.

If a mistake has been made by an officer or member of staff and misinformation has been given to the media it is important to correct that quickly to ensure accurate reporting. Again a Press Office will be able to advise how to go about this.

Exclusives

Media organisations should be treated in a fair and equal manner. This means that once in the public domain, information released by the police should be available to all. Where a media organisation generates an 'exclusive', their right to share information in confidence with the police should be respected. It may be appropriate for the police to work with a particular media organisation on an issue (such as a with a local paper campaigning against a local crime issue), but the same opportunities should also be available to other media organisations.

On some occasions it may be necessary to delay the release of information to the media to ensure that resources are in place to respond to public feed back, for example an appeal for witnesses or information, where officers need to be immediately available to respond to arrest named suspects.

Good news stories

Police officers and staff should seek to identify opportunities to communicate proactively about the force, their personal work and policing in general. Information can be communicated in a number of ways: internally, to the public, with partners and through social networks. Legitimacy and public confidence in policing can be supported through positive news stories as well as reactive responses to news. It is good practice to bring matters to the attention of Press Office in good time.

Covert tactics

Covert tactics, including those referred to in evidence, are successful because they are covert. It is unhelpful to future operations to draw attention to tactics in press interviews.

Social Networking

Forces will have their own social networking policy or guidance but the same rules and ethos that apply for dealing with the traditional media also apply to the use of social networks like Facebook and Twitter. Social media channels can have benefits as a way to start conversations, engage with the public and provide information. Professionally, Facebook can be useful to provide more information than Tweeting alone and photographs/video clips can be added. Police officers and staff should be aware of the danger of material being used out of context.

It is important to note that constraints apply even to the private use of Facebook by serving police officers and staff. Personal information that could impact on a police employees' professional reputation or that of their police force should not be shared. Additionally, cases or work related issues should not be discussed on private accounts via Facebook, LinkedIn or any other social media.

The quick check

This document does not provide answers to every situation but sets out an approach and ethos which will help police officers and staff establish a productive and effective relationship with the media.

Police officers and staff should use common sense and always be clear why they are doing something and how it may be perceived by others.

As a simple rule, police officers and staff should ask: 'am I the person responsible for communicating about this issue and is there a policing purpose for doing so?' If the answer to both parts of this question is 'yes', they should go ahead.

To summarise

- Prepare well
- Record made when necessary
- Expect to be recorded so behave accordingly
- Seek advice when needed
- Share information for policing purposes if right to do so



**ASSOCIATION OF
CHIEF POLICE OFFICERS**


Interim ACPO Guidance for Relationships with the Media

The Association of Chief Police Officers has agreed to this guidance being circulated to, and adopted by, Police Forces in England, Wales & Northern Ireland.

It is NOT PROTECTIVELY MARKED under the Government Protective Marking Scheme and it is disclosable under the Freedom of Information Act 2000.

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Document information

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This guidance has been produced by the ACPO Presidential Business Area and has been approved by Chief Constables' Council in April 2012. The purpose of this guidance is to provide a framework for police officers and staff with an interim approach on the relationship of the police service with the media, in all of its forms. It will be updated according to legislative and policy changes and re-published as required.

Any queries relating to this document should be directed to either the author detailed above or the ACPO Programme Support Office on 020 7084 8958/8959.

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1. SECTION 1 – INTRODUCTION

- 1.1 This guidance provides police officers and staff with interim guidelines on the relationship of the police service with the media, in all of its forms.
- 1.2 These guidelines should be considered by forces alongside their own media and communications policies. They support existing ACPO guidance including the ACPO Communications Advisory Group (2010) guidelines. They will be reviewed in the light of findings from the Leveson Inquiry and following the election of Police and Crime Commissioners in November 2012.
- 1.3 It remains the responsibility of individual forces to ensure that their interactions and relationships with all media representatives are professional, transparent and capable of withstanding scrutiny.

2. SECTION 2 – KEY PRINCIPLES

- 2.1 Legitimacy is an essential aspect of the British policing model, based on consent. The press and other forms of media play an important part in assuring police legitimacy and protecting the public interest.
- 2.2 Police interaction with the media should be guided by a legitimate policing purpose, which is one related to the core values and standards of policing, set out in the Statement of Mission and Values.
- 2.3 The relationship between police and media should be undertaken in a manner which lives up to the highest standards of impartiality and integrity.
- 2.4 The police service has a duty to safeguard the confidentiality and integrity of information, which must be balanced against the duty to be open and transparent wherever possible.

3. SECTION 3 – RULES OF ENGAGEMENT

- 3.1 The media has a significant role in holding policing to account and in informing the public about the work of the police service. There is an obligation on the police service to engage with the public, both to communicate what the police are trying to do strategically and, at an operational level, to engage the public in fighting crime, such as to make appeals for information and for the identification of suspects and witnesses.

Who should speak?

- 3.2 Officers and staff are encouraged to speak to the media about factual matters which relate to their role. They should be open, honest and approachable.

Role of the press office

- 3.3 A Press Office is there to offer professional advice and support. As well as being a specialist resource to engage, inform and meet the considerable demand for information from modern media, it has a specialist role to play in a police operation or investigation, where an effective communications strategy is a critical aspect of success.

Meeting with and talking to journalists

- 3.4 Police officers and staff should be fair, accurate, relevant and timely in providing information. The basis of a conversation should be clearly established between both parties, before information is exchanged.

- 3.5 Journalists and their sources may use 'speaking terms' to establish the basis for a conversation. Definitions vary, but in general:
- On the record – means that a journalist can report, quote and name their source. Where possible, all conversations should be on this basis and it should always be assumed that a conversation is on the record unless expressly agreed otherwise in advance.
 - Background / guidance – means that information provided can be reported without it being attributed to a source, whether named or not. This is sometimes used to provide further context around an on the record statement.
 - Off the record – means that use of information provided is restricted altogether. Occasionally there may be a legitimate reason for an off the record conversation or briefing to take place, such as where news reporting may have an impact on a current investigation or as a means of preventing inaccuracies or misunderstanding.
- 3.6 It is important to be aware that speaking terms are sometimes misunderstood or used interchangeably. For this reason it is always important to clarify how they will apply before exchanging information.
- 3.7 Personal information about suspects, witnesses or victims should not be disclosed without assurance that there are no legal restrictions which apply.
- 3.8 It is good practice, where possible, to have a press officer present when meeting or speaking with a journalist privately. If this is not possible police officers or staff should consider asking their press office if they can provide other assistance to help them prepare.
- 3.9 If the matter being spoken about goes beyond force level and concerns national policing then advice can be obtained from the ACPO Press Office.
- 3.10 Forces should ensure that any allegations of improper disclosure of information are assessed and proportionate action taken. Where an officer or member of staff meets in private with a journalist, or provides information verbally about a matter they are responsible for, a note of the meeting or disclosure should be recorded in a diary or pocket book.
- 3.11 If a police officer or member of staff shares information in a public forum, such as a public meeting, or through the internet or a social media feed such as Twitter, no additional record is necessary.
- 3.12 Where an officer or member of staff speaks to the media, either on or off the record, about a significant operational or organisational matter, a record of the conversation should be made.

4. SECTION 4 – INTEGRITY

- 4.1 It is essential to the standards of integrity demanded of the police service that police officers and staff should recognise and avoid or respond appropriately to potential conflicts of interest. These can be understood as situations where there may be competing obligations or interests to those which relate to the legitimate policing purpose for engaging with the media.
- 4.2 Where a police officer or member of staff has a family or personal relationship with a member of the media outside of their professional policing role, it should be disclosed and recorded under a force notifiable associate policy.
- 4.3 Officers and staff should not drink alcohol on duty.
- 4.4 Police officers and staff who are off duty should behave in a manner which does not discredit the police service or undermine public confidence.
- 4.5 Any gift or hospitality must be recorded in accordance with force policy.

- 4.6 Police officers and staff have a clear duty to report to a line manager any corrupt practice or perception of corruption (eg offer of reward for information, any unacceptable level of hospitality, or seeking to engender an inappropriate relationship).

5. SECTION 5 – CHALLENGE INACCURACIES

- 5.1 The media have a responsibility to produce accurate and balanced reporting. Where possible, it is good practice to challenge inaccuracies or lack of balance. There are a number of ways of doing this and a Press Office will be able to provide advice.
- 5.2 If a mistake has been made by an officer or member of staff and misinformation has been given to the media it is important to correct that quickly to ensure accurate reporting. Again a Press Office will be able to advise how to go about this.

6. SECTION 6 – EXCLUSIVES

- 6.1 Media organisations should be treated in a fair and equal manner. This means that once in the public domain, information released by the police should be available to all. Where a media organisation generates an 'exclusive', their right to share information in confidence with the police should be respected. It may be appropriate for the police to work with a particular media organisation on an issue (such as with a local paper campaigning against a local crime issue), where it serves a policing purpose to do so. All media organisations have the right to consideration for such opportunities.
- 6.2 On some occasions it may be necessary to briefly delay the release of information to the media to ensure that resources are in place to respond to public feedback, for example an appeal for witnesses or information, where officers need to be immediately available to respond to arrest named suspects.

7. SECTION 7 – GOOD NEWS STORIES

- 7.1 Police officers and staff should seek to identify opportunities to communicate proactively about the force, their work and policing in general. Information can be communicated internally, to the public, with partners and through social networks. Legitimacy and public confidence in policing can be supported through positive news stories as well as reactive responses to news. In particular, stories may be found where members of the public have helped police achieve good results and can provide an opportunity for a force to thank the public in return. It is good practice to bring matters to the attention of Press Office in good time.

8. SECTION 8 – COVERT TACTICS

- 8.1 Covert tactics, including those referred to in evidence, are successful because they are covert. It is unhelpful to future operations to draw attention to tactics in press interviews.

9. SECTION 9 – SOCIAL NETWORKING

- 9.1 Forces will have their own social networking policy or guidance but the same rules and ethos that apply for dealing with the traditional media also apply to the use of social networks like Facebook and Twitter. Social media channels can have benefits as a way to start conversations, build communities of interest, engage with the public and provide information. Professionally, Facebook can be useful to provide more information than Tweeting alone and photographs/video clips can be added. Police officers and staff should be aware of the danger of material being used out of context.

- 9.2 It is important to note that constraints apply even to the private use of Facebook by serving police officers and staff. Personal information that could impact on a police employees' professional reputation or that of their police force should not be shared. Additionally, cases or work related issues should not be discussed on private accounts via Facebook, LinkedIn or any other social media.

10. SECTION 10 – THE QUICK CHECK

- 10.1 This guidance does not provide answers to every situation but sets an approach and ethos which will help police officers and staff establish a productive and effective relationship with the media.
- 10.2 Maintaining this common standard may require different actions by forces, appropriate to the specific circumstances. Police officers and staff should use common sense and always be clear why they are doing something and how it may be perceived by others.
- 10.3 As a simple rule, police officers and staff should ask: 'am I the person responsible for communicating about this issue and is there a policing purpose for doing so?' If the answer to both parts of this question is 'yes', they should go ahead.

10.4 To summarise

Prepare well

Record made when necessary

Expect to be recorded so behave accordingly

Seek advice when needed

Share information for policing purposes if right to do so

