

**WITNESS STATEMENT OF
MIKE SPARHAM, PROSPECT**

I, Mike Sparham of [REDACTED], state as follows:

1. My name is Mike Sparham. I have been a trade union full-time officer since 1978 and, prior to that, was employed in the civil service. I have worked for Prospect since July 2002, and have represented our members in the Metropolitan Police Service (MPS) throughout my time in Prospect. I am also a member of the Tribunals Judiciary.

2. Prospect is a trade union whose focus is on representing members in professional and specialist areas of work. It has approximately 121,000 members, over one-third of whom are in the public sector, and a further one-quarter are in the telecommunications and energy sectors. As a trade union, Prospect provides individual representation to members in grievances and disputes at work as required. Where Prospect has been recognised by employers, it is involved in collective bargaining on behalf of members on terms and conditions of employment and is sometimes consulted over employer policies. Prospect also provides to members a number of individual membership services such as legal and financial advice. Representation of members is at the discretion of the union, under the control and direction of the National Executive Council.

3. My role within Prospect is a Negotiations Officer. As such, I provide professional advice and guidance to the elected representatives in the bargaining areas I am responsible for, as well as leading negotiations on pay, terms and conditions of

employment, and representing members in personal cases as required. This is the role I perform within the Metropolitan Police Service Branch of the union.

4. Any employee is eligible to be a member of Prospect but we are only able to represent members collectively where we are recognised by an employer.

5. Prospect is one of four recognised trade unions for police staff in the MPS. The other three unions are PCS, Unite and FDA. We have agreed between ourselves broad areas of representation, although any member of MPS staff can join any union. Warranted Police Officers are prevented from joining a trade union, and are represented by their Federations. All unions are signatories to a Partnership agreement with the Commissioner, which sets out the bargaining structures, rights and responsibilities of both sides. A copy of the agreement is Doc. 1. Prospect has 1,000 members in the MPS, the majority of whom are in forensics, but we also have members in IT, technical communications, property services, photography and custody suite nurses. An approximate breakdown of our current membership is: Forensics (including SOCOs) 66%; Directorate of Information 10%; Photographic 8%; Property Services 5%; Others 11%.

6. Prospect has no members in police forces other than the MPS. Unison is the recognised trade union outside of London.

7. Prospect does not have a specific view on the ACPO 2010 guidelines relating to media matters, which are a useful explanation of legal rights and responsibilities. Nearly all of our members in the MPS, apart from those in the Directorate of Public Affairs (DPA), will not have direct contact with the media and so are probably unaware of the guidelines.

8. Prospect does not issue any guidance to members about dealings with the media as part of their official duties, as this is a matter for individual employers. Prospect does give training to our elected representatives who may have dealings with the media in their union capacity.

9. In general, Prospect members do not seek advice or guidance in relation to dealings with the media unless a view from Prospect as a trade union is being provided. This would then be dealt with by our Communications Department in conjunction with the appropriate officer. In the MPS, any press contact is dealt with by me or other HQ officers, and not by any of our local representatives. This is in recognition of the sensitivities of MPS staff talking to the media. Over the last year, I have spoken to the media about the MPS redundancy programme and Prospect's submission to the Winsor Review.

10. Any Prospect members in the MPS whose official duties require contact with the media would get guidance and training from their employer. I am not aware of what guidance, if any, is provided centrally by the MPS to other staff and it is not something that has been the subject of consultation with Prospect. Staff working on borough are generally advised to contact DPA for advice on a case-by-case basis if there is media contact. It is for the employer to set the standards relating to appropriate contact for MPS staff with the media when undertaking their official duties, although Prospect as a trade union does have a general view (see 26 and 27 below).

11. It is true to say that Prospect members face particular challenges when incidents occur that attract national media interest. It is likely that, in a high profile crime,

Prospect members who are Scenes of Crime Officers, Crime Scene Managers, or forensic officers, would be involved in the retrieval and/or interpretation of evidence and will later give evidence in Court as expert witnesses. They sometimes have to perform these tasks within the glare of media publicity. Our members carry out their tasks professionally and I am not aware of any inappropriate pressure being placed on them by senior officers. Our members do not lead investigations but undertake particular functions within an investigation such as lifting prints, photographing a scene or examining relevant articles such as a computer, a firearm or a vehicle. The media generally want to speak with a Police Officer with an overview of the investigation, and Investigating Officers are the normal point of liaison. Apart from members in DPA, our members avoid media contact and do not talk to the media direct, although can occasionally be caught in camera shot at a scene in their scene suits and masks. For staff at crime scenes, media awareness is learnt rather than taught. An incident about five years ago, when a staff member was subject to disciplinary action for being pictured incorrectly dressed, acted as a warning to all forensic staff to be media aware and media averse. During an investigation, any police appeal for information would be dealt with by DPA. Any evidence given in Court can, of course, be reported unless restrictions are imposed.

12. I am not able to comment on training or guidance given to MPS staff in relation to advice and/or leadership to members of staff. Prospect is not consulted over the content of staff training.

13. Apart from Press Officers, Prospect would oppose any proposal that professional and specialist staff in the MPS give direct comment to the media. The role of such staff is to report their findings within an investigation and, if necessary, give evidence in Court on those findings. Commenting directly to the media on those

findings, before any charge is made and before any CPS decision is taken to prosecute, would be inappropriate and undermine their role as expert witnesses. At its worst, it could jeopardise a trial as expert witnesses have a duty to the court, and need to maintain neutrality and an unbiased stance to the evidence. Findings are only disclosed to the CPS and defence counsel.

14. I have no experience or knowledge of "off the record" conversations with the media by MPS staff.

15. I cannot comment on police officers. My view is that police staff should have no "off the record" contact with the media, unless their job involves media relations. In that case, such "off the record" contact would be legitimate as part of their role in building a working relationship. There is a natural press and public interest in crime, but reporting this needs to be balanced with the needs of justice. It must be part of the role of Press Officers to ensure that balance is maintained at an appropriate level. The media also help the police by publicising particular crimes, or requests for information, but speculation or unattributable briefings can go too far. MPS staff work in a highly-charged political environment, under the direction of the Mayor's Office for Policing and Crime (MOPC). I have no knowledge of the extent to which such unattributable briefings are given, if at all, by MPS staff, police officers, or politicians responsible for policing in London.

16. Prospect gives no advice or guidance to members on "off the record" conversations with the media. This is not the role of the union, but the responsibility of the employer.

17. I am not aware of any advice or guidance being sought by a member from Prospect.

18. Prospect does not believe different standards and rules should apply to police staff and police officers. There should be clear common guidance and policy from the employer to police staff and police officers.

19. I am not aware of any Prospect member being investigated in the last 5 years. I would only be so aware if a member approached Prospect for support and/or representation.

20. I am not in a position to comment on the culture of contact between the media and the MPS.

21. I am not in a position to comment about other forces.

22. I have no knowledge of any bribery by the media and cannot comment.

23. Leaks from the police service to the media can be a problem, particularly if they jeopardise justice, but I have no knowledge of their extent and cannot comment.

24. I have no evidence upon which to base any view on motive.

25. I have no evidence upon which to base any view on hospitality. It is for the employer to set out policy in this area.

26. Prospect generally welcomes the recommendations in the HMIC report "Without fear or favour". In our view, the first two recommendations (robust systems, clear boundaries and thresholds) are key ones. Prospect agrees that integrity and transparency are fundamental in dealings between the police service and the media. As public servants, Prospect believes the highest standards of integrity should apply. This means there should be no hospitality offered by the media to the police, and vice versa. Conflicts of interest, or potential conflicts of interest, need to be identified and declared, including personal friendships or social contact. This not only ensures transparency but also acts as a protection for all police staff. If the reputation of a police service is tarnished, then so is the reputation of the staff working within it, and this is something that should be avoided.

27. The Filkin report is concerned specifically with the MPS. Prospect has not yet been consulted specifically over its findings, but, in our view, the report correctly identifies the issues. Filkin is correct that media contact does need to be impartial and even-handed. No preference should be given to one media group over another, as any such preference raises suspicions that information is being given in exchange for favours. The media is always seeking exclusives, as these increase readers or viewers, but it is important that the police service is not driven by the media agenda but by the requirements of justice. To add to Filkin's comments on culture, there is a tendency in the MPS for the first reaction to a media story to be over-defensive. Information given to defend police actions, sometimes through unattributable briefings which are later shown to be incorrect, damages the reputation of the MPS. Recommendation 2 is in line with the HMIC report, and Prospect supports particularly recommendation 5 that core principles are needed to underpin contact with the media. Any corrupt behaviour, or failure to behave with integrity, should be dealt with under the MPS disciplinary policy and should be potential gross misconduct.

28. Police forensic staff do a professional job, and provide expert witness testimony as necessary. They do so without fear or favour, and any direct contact between them and the media would be inappropriate. It should be made clear that police staff and police officers whose job legitimately involves contact with the media operate within strict guidelines in the pursuit of justice, and do not respond to any media driven agenda.

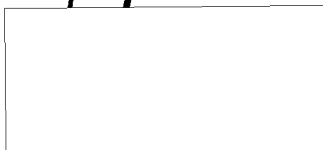
29. The public interest is in ensuring the guilty are convicted on the basis of evidence, and the innocent are protected. MPS laboratories are accredited to ISO standards to ensure proper procedures in the provision of forensic evidence. Media pressure for a "result", or an assumption that anybody arrested must be guilty, must be firmly resisted.

30. Prospect's role is to ensure proper procedures and policies are in place to ensure that members are not pressurised into inappropriate media contact; that any such inappropriate contact can be reported and dealt with; and that our members are supported if they are uncomfortable with media approaches.

Prospect is prepared to waive privilege under Section 22 of the Act in relation to the disclosure of any evidence or document.

This statement is true to the best of my knowledge and belief.

Signed



Date

18 April 2012