

DRAFT LETTER FOR THE NICK HERBERT TO SEND TO ROB GARNHAM

Thank you for your letter to the Home Secretary about the HMIC Integrity Review.

I have noted your concerns around the new procedures for handling complaints against police officers contained in the Police Reform and Social Responsibility Bill. I am confident, however, that the new arrangements will not undermine public confidence in the police complaints system.

The new arrangements are designed to ensure that for low-level complaints (e.g. complaints against officers being rude or late) the force is given every opportunity to address the complaint in the first instance. The arrangements will also ensure that the resources of the Independent Police Complaints Commission (IPCC) are only used to deal with the most serious complaints, therefore reducing costs.

It is common place for complaints to be decided within an organisation rather than by an external arbiter. A complainant who feels that an appeal has not been properly considered will have further routes of redress – first to the Police and Crime Commissioner (PCC), who can direct the Chief Officer to take action if it believes the force has not complied with its obligations in dealing with the complaint or conduct matter, and second to the courts if a decision is irrational or unfair. Chief Officers will still have to refer serious complaints and conduct matters (as defined in regulations and including allegations of serious corruption) to the IPCC for investigation, as they do now. This will ensure there is independence in the handling of serious complaints from the outset.

I have also noted the views that have been expressed on the matter of dismissals of chief officers in cases of misconduct. We intend to address this by the establishment, through regulations, of a panel to decide whether misconduct has been committed. It would then be for the PCC (in cases involving the Chief Officer) or the Chief Constable (for cases involving other Association of Chief Police Officer ranks) to take the decision on what sanction to impose on the officer in question, including dismissal where appropriate.

I am grateful for your commitment to supporting work on police conduct and developing future police leaders. We are currently considering how to take this forward, and once we have done this we will consider how best to engage the service in this work.

NICK HERBERT

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Policing, Powers & Protection Unit
5th Floor,
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cc: Home Secretary
Permanent Secretary
Stephen Rimmer
Stephen Kershaw
Tyson Hepple

Lucan Herberg

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Special Advisers

Tel: [redacted]

Date: 8th September 2011

Minister of State for Policing and Criminal Justice

HMIC INTEGRITY REVIEW

Issue

To reply to a letter from the Association of Police Authorities about the work that is taking place on police integrity.

Timing

2. Routine.

Recommendation

3. That you write to the APA as in the draft attached as annex A.

Summary and Consideration

4. On 22nd July the Home Secretary wrote to all Chief Constables and Chairs of Police Authorities about the actions the Government is taking to address allegations of corruption in the police. The letter referenced the work that the IPCC and HMIC are doing in relation to this. The APA have replied to this letter welcoming the measures taken by the Government in response to the phone hacking scandal. However, they use the opportunity to reiterate their concern that the Police Reform and Social Responsibility Bill, as currently drafted, may raise public concerns and disquiet around the handling of police complaints – in particular the perception that senior police officers will be largely responsible for investigating themselves.
5. In their letter, the APA also state that they are keen to support the work we are doing with IPCC and HMIC on integrity, and in particular have suggested that you may want to meet with Chairs of Police Authorities (in addition to Chief Constables) to consider the ethical dimension in designing the new leadership arrangements for the police service.
6. The draft reply at annex A explains that there are safeguards in the new model – such as right of appeal to the PCC, and the PCC's power direct the Chief Officer to take action if it believes the force has not complied with its obligations in dealing with the complaint or conduct matter - to command public confidence in how complaints and conduct matters are dealt with under the new model. This is consistent with the line that we took in response to similar concerns that were raised during the debated on the Police Reform and Social Responsibility Bill in the House of Lords.

7. In relation to the APA's suggestion that you meet with Chairs of Police Authorities to discuss new leadership arrangements, we are currently considering how to take the proposals around leadership forward following Andrew Wren's submission of 25 July ('Opening the closed system'). We therefore suggest that you acknowledge the APA's helpful offer, but suggest that you decline the offer of a meeting at the present time. In deciding on membership of the working group for police leadership, that you discussed at your meeting with officials on 30th August, you may wish to consider whether you want any of the APA members currently involved in chief officer appointments (principally Ann Barnes) on this group. Further advice on the potential membership of this group will follow.

Clearance

8. This advice has been cleared by legal advisers and Deputy
Head of Policing Powers and Protection Unit.