

LEICESTERSHIRE POLICE AUTHORITY

PAPER MARKED

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Meeting **POLICE AUTHORITY**

Date **TUESDAY 27 APRIL 2010 – 2.00 P.M.**

Report of **CHAIR OF STANDARDS COMMITTEE**

Subject **ANNUAL REPORT OF THE STANDARDS COMMITTEE**

Purpose of Report

1. This report provides the Committee with the summary of the standards and ethics issues faced by Leicestershire Police Authority in the calendar year 2009.
2. The report sets out the issues and measures in place within the Authority to provide the it with confidence that standards issues are being dealt with appropriately. There are three main areas namely: the working of the Standards Committee; the Code of Conduct for Police Authority members and other measures in place to mitigate risk of unethical conduct.
3. Suggested improvements for the way to deal with issues in the future are discussed in the report.

The Workings of the Standards Committee

4. In 2009 the Standards Committee met on three occasions. On 3 March 2009, it revised the protocol for dealing with handling complaints to take into account the remaining guidance from Standards for England. It also addressed the stages at which complaints would normally be considered in private or public. The Committee also received reports on the Code of Corporate Governance, matters the Authority took in exempt session, and instances during the prior year when members had declared interests on Authority business.
5. On 25 June 2009 the Standards Committee held a meeting to which members of the region's police authority Standards Committees and their Monitoring Officers were invited. This enabled the sharing of different perspectives around the region and experiences of handling complaints. This was the first "joint" meeting and attendees agreed to repeat the exercise in 2010. The meeting looked at the forms used to register members' interests, the Annual Governance Statement, Monitoring Member Training, Member Development Interviews, a Monitoring Officer Protocol, and the usual look at reasons for taking reports in exempt session. The joint meeting this year will be held at Derbyshire Police Authority on 22 June 2010.
6. On 1 October 2009 the Committee considered some new guidance issued by Standards for England, looked at policies for whistle-blowing across the organisation and for complaints against Authority officers. It decided to consider in future self assessing against the IDeA ethical governance toolkit, more of which is referred to in paragraph 29

below. It also considered the regular reports on the Member Training programme and reports taken in exempt session.

7. I attended the SBE Annual Assembly 2009 on 12 and 13 October 2009. The Chief Executive attended for the first day only as a special Authority meeting occurred on 13 October.
8. The membership of the Standards Committee has changed since the beginning of 2009 when its membership comprised me as Chair, Mr Mann, Mr Bill, Mrs Martin, Mrs Newton and Mr Prince.
9. On 27 August 2009 the Authority held its AGM and revised the Standards Committee membership to me, Mr Mann, Mr Bill, Mr Prince, Mrs Roberts and Mr Sood. On 1 October 2009 I was reappointed Chair of the Committee.
10. Lay members receive the agenda papers for meetings of the Police Authority and its Finance and General Purposes Committee. In 2009 both lay members were invited to meetings of the full Authority and agreed to attend as often as required to retain a link with the culture of the Police Authority. Lay members also receive the Members' Newsletter and have a copy of the members' handbook.
11. On 29 October 2008 the Police Authority agreed a proposal recommended by the Standards Committee, that any lay standards member of a police authority in the region could be called upon in the event of need. Thus the Chief Executive has delegated powers to appoint any of the region's Police Authority Lay Standards Committee Members on a temporary basis where Leicestershire Police Authority Lay Standards Committee Members are unable to act. Other police authorities in the region have adopted a similar mechanism. Happily in 2009 Leicestershire Police Authority did not need to utilise this facility.
12. Each new Standards for England bulletin is mentioned in the newsletter for all members and forwarded by email to each of our Standards Committee members. Past copies are available via the SFE website www.standardsforengland.gov.uk
13. During 2009 the Authority was inspected by HMIC and the Audit Commission. There were commendations from the Inspectors concerning the work of the Standards Committee:
 - "The Authority ensures high professional and ethical standards are set for itself and the Constabulary".
 - "The Standards Committee actively monitors conduct and behaviour of Authority members".
 - "[the Standards Committee] provides an independent check on decisions to exempt agenda items from public scrutiny, encouraging openness and transparency".
 - "The Standards Committee now monitors the recording of business interests and the quality and take up of member training and Personal Development Reviews"

The Code of Conduct for Police Authority Members

14. The Police Authority's adopted Code of Conduct for members is the version that took effect from 4 May 2007. This is no need to review it at this time.
15. Members have been reminded to keep their personal interest forms up to date. The form appears on the web in "word" format so that members can easily register and submit interests in the event of any change.

16. The gifts and hospitality register is retained in the office for staff and member gifts and hospitality. However with effect from 4 May 2007, gifts and hospitality are now included on the personal interest form. Thus where any gift or hospitality is received (with an estimated value of at least £25) the personal interest form is revised. The gifts and hospitality register was examined by the Committee on 3 March in 2009.
17. The following members joined the Police Authority in 2009: Dr Hill, Mr Naylor, Mr Orson, Mrs Roberts, Mr Snartt and Mr Sood. All new members undergo an induction which includes a discussion with the Chief Executive on Code of Conduct issues.
18. I and the Chief Executive provided a half day training session to members on the Code of Conduct on 15 December 2009.
19. The Chief Executive is obliged to provide quarterly returns and an annual return to Standards for England regarding complaints being dealt with by the Authority. In 2009 these were all "nil" returns. There has been no correspondence from or to Standards for England relating to Code of Conduct complaints regarding Leicestershire Police Authority membership in 2009. One councillor member's term of office was brought to an end in March 2009 over a code of conduct issue relating to his council activity.
20. At each public meeting of the Authority and its Committees there is an agenda item which prompts members to disclose any interests they may have under the Code of Conduct. Members declare interests from time to time at meetings and the Standards Committee annually considers a report on this topic. In 2009 this was considered on 3 March. In 2010 this will be at the joint meeting on 22 June.
21. The tip of the week on the Members' Newsletter provides tips on ethical standards or short extracts from the "Good Governance Standard for Public Services".

Other Measures in Place to Mitigate Risk of Code Breaches

22. If an Authority has no breaches to show, how can it be sure that matters are not occurring, rather than not being spotted? The following items hopefully provide members with some assurance that the former situation is the position in Leicestershire Police Authority.
23. The Monitoring Officer (Chief Executive) is a full time officer and qualified solicitor. The Deputy Chief Executive has been designated Deputy Monitoring Officer. The Monitoring Officer normally attends all Committee and Police Authority meetings and so is able to be on hand to dispense advice when interest issues arise. The Monitoring Officer sees reports to the Police Authority and its Committees so is in a position to spot issues potentially in advance relating to interests and standards.
24. There is transparency in the Police Authority reports in that any reason to discuss an issue in exempt session is recited on the face of the agenda. Further, the competing issues as to whether it should be dealt with in public or in exempt session are explained in paragraph 2 of the exempt report so that members can indicate if they disagree, so that the paper can then be taken in open session. Discrete minutes of exempt items are published in the public domain.
25. The Monitoring Officer keeps himself up to date with standards issues by attending the Standards for England Annual Assembly and road shows and networking with Police Authority and Local Authority colleagues in the region. This can provide exposure to issues arising elsewhere that may help organisational learning. The Chief Executive is a member of the Association of Council Secretaries and Solicitors (ACSeS), a national body which is a consultee of government and of the SFE on standards issues. During

2009 the Chief Executive was Honorary Secretary to the East Midlands' branch of ACSeS.

26. If matters arose, therefore, there is a network of information to provide support in relation to issues relating to the Code of Conduct. Additionally, for matters that may impact on the criminal law, the Deputy Chief Constable and Chief Executive do liaise regularly so that such issues would be brought to account.
27. Security checking of members and lay members now takes place. In addition, the Authority's own disqualification policy is part of the information provided to applicants for the role of Police Authority independent member or lay member. The Chief Executive writes to council leaders with this information in the run up to any scheduled councillor appointments to the Police Authority.

Improvement Plans

28. At its meeting on 3 March 2009 the Standards Committee approved an action plan of improvements. The Appendix to this report sets out the plan and the right hand column indicates the extent to which these were achieved.

Future Actions

29. The Standards Committee on 4 February began to look at the IDeA ethical governance toolkit and as part of its oversight of the ethical conduct felt that it would be useful to use the framework of the tool kit to guide its work in relation to this area of responsibility. The Standards Committee is keen to explore an expansion of its remit to support the broader governance agenda of the Police Authority. The Standards Committee will use the good practice guidance issued by Standards for England to benchmark itself against other standards committees in the region.
30. The Standards Committee will continue to work with Standards Committees across the region to ensure sharing of good practice and learning from each other.

Recommendation

31. The Authority is requested to consider and scrutinise the report

Background Papers

None.

Implications

Financial – none; Legal – none; Diversity – none; Risk Management – Code issues can affect the reputation of the Authority.

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APPENDIX**Improvements Suggested for 2009**

Matter	Action Proposed	Timescale and by Whom	Achieved?
As new members join the Standards Committee their training needs for this role should be formally reviewed.	Review needs of individual member.	Chief Executive. Within month of joining committee – as part of induction or after AGM.	Partly. Added to CX's induction notes. Added to Secretariat diary of annual events. However it has not been possible to train up the 2 members who joined the Committee on 27 August 2009, mainly through resource usurped by the PA Inspection and subsequent events.
Maintain training in Code and Ethics for all members.	Training session offered follow up by Chief Executive for any members not attending.	Chief Executive and Standards Committee to undertake by 31 October 2009.	Yes. Training undertaken on 15 December 2009.
Personal Interests Form.	Standards Committee could usefully review the form to check accuracy and ease of use by members.	Chief Executive to bring report to Standards Committee June 2009.	Yes.
Personal Interests Forms.	Standards Committee could usefully monitor how up to date forms are.	Committee to check at each meeting.	25 June 2009 – yes 1 October 2009 – no
Member training.	Standards Committee could usefully monitor implementation of member training plan.	Committee to check at each meeting.	Yes.
SBE conference notes to be made available to all members.	As LPA Circular.	Chief Executive within 1 month of conference.	Yes – LPA Circular 22/2009 dated 13 November 2009.