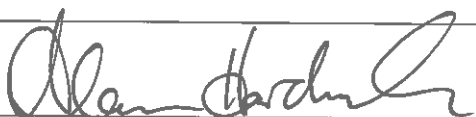


**POLICE AND CRIME COMMISSIONER (PCC) FOR LINCOLNSHIRE  
REQUEST FOR DECISION**

REF: 017/2014  
DATE: 24 July 2014

<b>SUBJECT</b>		<b>REVISED CODE OF CONDUCT</b>
<b>REPORT BY</b>	<b>CHIEF EXECUTIVE</b>	
<b>CONTACT OFFICER</b>	<b>John King, Corporate Administration Officer, OPCC</b> <b>Tel 01522 947227</b>	
<b>EXECUTIVE SUMMARY AND PURPOSE OF REPORT</b>		
To recommend the adoption of a revised Code of Conduct for the Police and Crime Commissioner and Deputy Police and Crime Commissioner for Lincolnshire.		
<b>RECOMMENDATIONS</b>	<p><i>That:</i></p> <ol style="list-style-type: none"> <li><b>1. the revised Code of Conduct appended at Annex B be adopted and published on the PCC's website;</b></li> <li><b>2. oversight of the implementation and embedding of the Code of Ethics within Lincolnshire Police be exercised through the Commissioner's bi-monthly Professional Standards meetings.</b></li> </ol>	

<b>POLICE AND CRIME COMMISSIONER FOR LINCOLNSHIRE</b>	
I hereby approve the recommendation above, having considered the content of this report.	
<b>Signature:</b> 	<b>Date:</b> 24/07/14

**A. NON-CONFIDENTIAL FACTS AND ADVICE TO THE PCC**

**1. INTRODUCTION AND BACKGROUND**

- 1.1 The Association of Police and Crime Commissioners' (APCC) Integrity Working Group has developed an Ethical Framework for PCCs in conjunction with the Committee on Standards in Public Life (CSPL).
- 1.2 The CSPL regard implementation and monitoring arrangements as crucial to making an ethical approach real, and for this reason, they have suggested that PCC's show how they are putting standards into practice, both by publishing transparent information about implementing and embedding their own framework, and by setting out the ways in which they will ensure that the Code of Ethics for

police forces recently published by the College of Policing is implemented effectively locally.

1.3 The Integrity Working Group has developed an ethical framework that is:

- based on the Nolan Principles published by the Committee on Standards in Public Life
- drawn on good practice in the public sector
- capable of being adapted by PCCs to meet local needs

A copy of the framework is attached at **Annex A**.

1.4 The CSPL has suggested that PCC's adapt the ethical framework to suit their local circumstances, so it could, for instance, be linked to relevant documents, for example, their Register of Interests.

### **REVISED CODE OF CONDUCT**

1.5 The PCC's existing Code of Conduct has been revised and adapted to incorporate elements of the APCC ethical framework (including new descriptors for the Nolan principles recently published by the CSPL) and to provide links to relevant documents published on the PCC's website. A copy of the proposed Code of Conduct is attached at **Annex B**.

### **CODE OF ETHICS FOR POLICE FORCES**

1.6 It is further suggested that the PCC exercise oversight of the implementation and embedding of the College of Policing Code of Ethics within Lincolnshire Police through his bi-monthly Professional Standards Governance meetings. It is proposed that the terms of reference for the meeting be broadened to encompass consideration of professional standards, integrity and ethics issues in accordance with the principles and standards set out in the Code of Ethics.

## **A2. LINKS TO POLICE AND CRIME PLAN AND PCC'S STRATEGIES/PRIORITIES**

None.

## **B. FINANCIAL CONSIDERATIONS**

None.

## **C. LEGAL AND HUMAN RIGHTS CONSIDERATIONS**

*[this should include the legal powers the PCC has for making the decision]*

The existing legislation which covers the ethical standards of PCCs is summarised below:

- Section 31 and Schedule 7 of the Police Reform and Social Responsibility Act 2011 deals with conduct and complaints, but this is phrased largely around the complaints process for PCCs, and does not set out any standards beyond confirming that the Nolan principles apply.
- The Schedule to the Local Policing Bodies (Specified Information Order) 2011 (as amended in 2012) requires, at paragraph 6(a), PCCs to publish “a statement of the policy of the elected local policing body in relation to the conduct of relevant office holders, including procedures for the handling of qualifying complaints and conduct matters.”
- The Police and Crime Commissioner Elections (Declaration of Acceptance of Office) Order 2012 sets out the oath of office which PCCs take, which includes promises to act with integrity, to give the public a voice, be transparent and to be accountable to the public.
- There is a range of other legislation which applies to PCCs dealing with specific aspects or matters which would be covered in any ethics framework, including issues such as whistleblowing procedures, data protection and information disclosure.

**D. PERSONNEL AND EQUALITIES ISSUES**

None.

**E. REVIEW ARRANGEMENTS**

None planned.

**F. RISK MANAGEMENT**

The adoption of the revised Code of Conduct incorporating elements of the APCC ethical framework would serve to further highlight the PCC’s commitment to maintaining high ethical standards.

**G. PUBLIC ACCESS TO INFORMATION**

Information in this form along with any supporting material is subject to the Freedom of Information Act 2000 and other legislation. Part 1 of this form will be made available on the PCC’s website within one working day of approval. However, if release by that date would compromise the implementation of the decision being approved, publication may be deferred. An explanation for any deferment must be provided below, together with a date for publication.

**Is the publication of this form to be deferred? No**

**If Yes, for what reason:**

**Until what date:**

Any facts/advice/recommendations that should not be made automatically available on request should not be included in Part 1 but instead on the separate part 2 form.

**Is there a part 2 form? No**

**If Yes, for what reason:**

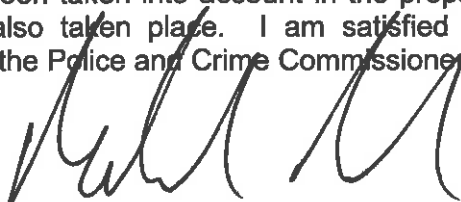
**ORIGINATING OFFICER DECLARATION**

<p>Originating Officer:</p> <p>The Chief Executive and Monitoring Officer recommends this proposal for the reasons outlined above.</p>	<p>Tick to confirm</p> <p style="text-align: center;">✓</p>
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**OFFICER APPROVAL**

**Chief Executive**

I have been consulted about the proposal and confirm that financial, legal and equalities advice has been taken into account in the preparation of this report. Consultation outlined above has also taken place. I am satisfied that this is an appropriate request to be submitted to the Police and Crime Commissioner for Lincolnshire.

**Signature:**  **Date:** 24/7/14

## **Annex A**

### **Ethical Framework for Police and Crime Commissioners**

This document sets out the key principles of ethical behaviour, which Police and Crime Commissioners may wish to apply locally, with suitable adaptations, to meet their obligation under the Local Policing Bodies (Specified Information Order) 2011 (as amended in 2012) to publish “a statement of the policy of the elected local policing body in relation to the conduct of relevant office holders, including procedures for the handling of qualifying complaints and conduct matters.”

#### **Selflessness**

- Taking decisions in the public interest, not for personal gain or that of family and friends
- Putting local communities (including victims, witnesses and vulnerable people) at the heart of what PCCs do
- Standing up for principles and local people

#### **Integrity**

- Not placing oneself under any financial or other obligation to external entities that might seek to influence the performance of official duties
- Not engaging in activity which is not demonstrably in the public interest
- Maintain appropriate transparency on approaches by lobbyists and ensure a balance of views in decision making
- Putting effective whistle-blowing procedures in place in the organisations for which the PCC is responsible

#### **Objectivity**

- Choices should be based on merit and objective criteria in:
  - making public appointments
  - awarding contracts
  - recommending individuals for awards and benefits; or
  - otherwise carrying out public business.
- Promoting and monitoring ethical standards through the procurement/commissioning process to ensure good standards of behaviour in organisations with which PCCs contract
- Ensuring appointees' commitment to ethical standards
- Acting fairly, irrespective of race, religion, gender, etc

#### **Accountability**

- Demonstrating accountability for decisions and actions to the public
- Submitting themselves to scrutiny by the public, police and crime panels, Parliament, or other appropriate bodies
- Promoting greater accountability in the organisations for which PCCs are responsible, especially the police, by holding them to account effectively on behalf of the public
- Improving public trust and confidence through promoting accountability.

## **Openness**

- Being as open as possible about all the decisions and actions that PCCs take, including giving reasons for decisions.
- Restricting information about the PCC's office only when the wider public interest clearly demands it.
- Being as open as possible about the organisations for which PCCs are responsible, except where information would not be in the public interest.
- Being as open as possible with the media, without breaching the privacy or confidence of others, or giving them inappropriate access to restricted information

## **Honesty**

- Declaring any private interests in relation to public duties and decisions in a regular and easily accessible format
- Taking steps to resolve any conflicts and mitigate risks arising in a way that protects the public interest, particularly in relation to:
  - Personal/prejudicial or financial interests
  - Use of resources
  - PCC expenses, gifts and hospitality
  - Procurement/commissioning process
- Being honest in dealings with the public and promoting greater trust in the office of the PCC.

## **Leadership**

- Promoting and supporting these principles by leadership and example , since as leaders of local policing bodies PCCs are critical to setting the culture of transparency and ethical behaviour in which the public can have trust across the criminal justice system in their area,
- Setting an ethical vision and approach as a leader and ensuring it makes a difference to the culture of the organisations for which PCC is responsible
- Not bringing their office into disrepute
- Treating the public with dignity, respect and fairness to increase their confidence in the criminal justice system

## **Complaints Process**

Complaints about the behaviour of Police and Crime Commissioners are dealt with by local Police and Crime Panels. If the matter is a serious complaint (an allegation of criminal behaviour against the PCC), the Panel will refer it on to the Independent Police Complaints Commission to deal with. If it is a less serious matter, the Panel is responsible for resolving the problem and seeking a satisfactory outcome. For instance, this might be an explanation or apology from the PCC, or an agreement to prevent or improve a problem in the future.

The administration of the complaint is dealt with by the Monitoring Officer for the Police and Crime Panel. The Monitoring Officer handles the paperwork about the complaint and may be asked to provide advice about the law in relation to complaints. Monitoring officers need to ensure the details of the complaint are recorded properly, but they are not involved in making any decision about the outcome of the complaint.

In some cases Police and Crime Panels will have asked one of the PCC's staff to act as their Monitoring Officer, in other cases it may be a member of staff of a local authority – but in any event a Monitoring Officer is under a statutory duty to act fairly and objectively in this role. For this reason, in some cases, Police and Crime Panels may ask complainants to contact a member of staff of the Police and Crime Commissioner with details of the complaint.

Local ethical statements will need to set out appropriate contact details for their Police and Crime Panel.





# The Police and Crime Commissioner for Lincolnshire

## POLICE AND CRIME COMMISSIONER AND DEPUTY POLICE AND CRIME COMMISSIONER

### CODE OF CONDUCT

#### Introduction

1. This Code of Conduct applies to me in the office of Police and Crime Commissioner for Lincolnshire when acting or representing to act in that role. It also applies to my deputy when acting or representing to act in that role.
2. This Code does not apply when I am acting in a purely private capacity.
3. The Policing Protocol<sup>1</sup> and Ethical Framework<sup>2</sup> provides that all parties will abide by the seven principles set out in Standards in Public Life: First Report of the Committee on Standards in Public Life known as — the Nolan Principles.
4. I have adopted this Code and have agreed to abide by its provisions. I have also adopted the Code of Ethics produced by the College of Policing, setting out the principles and standards of professional behaviour expected for the policing profession of England and Wales.

#### The Seven Principles of Public Life

##### Selflessness

- I will take decisions in the public interest, not for personal gain or that of family and friends.
- I will put local communities (including victims, witnesses and vulnerable people) at the heart of what I do.
- I will stand-up for principles and local people.

*“Declarations of gifts and hospitality that are accepted as well as declined by me are published on my website so that the public are fully aware of any gifts and engagements I attend. This makes the process open and transparent and avoids any misrepresentation”*

##### Register of Gifts and Hospitality

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<sup>1</sup> The Policing Protocol Order 2011 No. 2744

<sup>2</sup> APCC Ethical Framework March 2014

## Integrity

- I will not place myself under any financial or other obligation to external entities that might seek to influence the performance of my official duties.
- I will not engage in activity which is not demonstrably in the public interest.
- I will maintain appropriate transparency on approaches by lobbyists and ensure a balance of views in decision-making.
- I will put effective 'whistle-blowing' procedures in place in the organisation for which I am responsible.

*"Upon my appointment as Police and Crime Commissioner I pledged to take all steps within my power to ensure transparency of my decisions so that I may be properly held to account by the public"*

## Declaration of Acceptance of Office

*"I have put in place an effective 'whistle-blowing' procedure to encourage and enable members of my staff to raise serious concerns rather than overlooking a problem or "blowing the whistle" externally"*

## Confidential Reporting 'Whistle-blowing' Policy

## Objectivity

- I will make choices based on merit and objective criteria in:
  - making public appointments
  - awarding contracts
  - recommending individuals for awards and benefits, or
  - otherwise carrying out public business
- I will promote and monitor ethical standards through the procurement / commissioning process to ensure good standards of behaviour in organisations with which I contract.
- I will ensure appointees' commitment to ethical standards.
- I will act fairly, irrespective of sexual orientation, age, marital status, race, colour, nationality, ethnic or national origins, creed, religion or disability.

*"Details of contracts and tenders which either I or the Chief Constable are a party to are routinely published on the national emergency services e-procurement website 'Bluelight', which can be accessed from my website"*

## Contracts and Tenders

## Accountability

- I will submit myself to scrutiny by the public, the Police and Crime Panel, Parliament and other appropriate bodies for my decisions and actions.
- I will promote greater accountability in the organisation for which I am responsible, especially the police, by holding them to account effectively on behalf of the public.
- I will improve public trust and confidence through promoting accountability.

*“The strategic decisions I make are published in a Register of Decisions on my website. In every decision I make, I consider whether or not I have any personal or prejudicial interest in the matter and take the decision in compliance with the NOLAN principles”*

## Register of Decisions

*“I will assess, support and challenge the overall performance of Lincolnshire Police against the priorities agreed within my Policing and Crime Plan 2013 - 2017, holding the police to account on behalf of the people in Lincolnshire”*

## Police and Crime Plan 2013 -2017

## Openness

- I will be as open as possible about all the decisions and actions that I take, including giving reasons for decisions.
- I will restrict information about my office only when the wider public interest clearly demands it.
- I will be as open as possible about the organisation for which I am responsible, except where information would not be in the public interest.
- I will be as open as possible with the media, without breaching the privacy or confidence of others, or giving them inappropriate access to restricted information.

*“I keep local communities informed through social media such as Twitter as well as through public engagements. My office issues proactive press releases about the work I conduct and responds promptly to other media enquiries”*

## Latest News and Events

## News Archive

## Honesty

- I will declare any private interests in relation to public duties and decisions in a regular and easily accessible format.
- I will take steps to resolve any conflicts and mitigate risks arising in a way that protects the public interest, particularly in relation to:
  - personal/prejudicial or financial interests
  - use of resources
  - my expenses, gifts and hospitality
  - procurement / commissioning process
- I will be honest in my dealings with the public and promote greater trust in the office of the Police and Crime Commissioner.

*"I act solely in the public interest whilst exercising the functions of my office. My website is accessible to members of the public and I openly publish my expense claims and a register of my disclosable interests and declarations of gifts/hospitality"*

## Expense Claims

### Register of Disclosable Interests

### Declarations of Gifts/Hospitality

## Leadership

- I will promote and support these principles by leadership and example, since as leaders of local policing bodies Police and Crime Commissioners are critical to setting the culture of transparency and ethical behaviour in which the public can have trust across the criminal justice system in their area.
- I will:
  - treat others with dignity and respect
  - not use bullying behaviour or harass any person
  - not conduct myself in a manner which could reasonably be regarded as bringing my office into disrepute
- I will treat the public with dignity, respect and fairness to increase their confidence in the criminal justice system.

*"I have agreed to abide by the seven principles of public life known as the Nolan Principles. This Code of Conduct allows transparency in all areas of my work as a Police and Crime Commissioner. These principles encompass my work locally and whilst representing my communities both regionally and nationally"*

## Written undertaking to observe the Code of Conduct

### Use of Resources

I agree:-

5. Not to use the resources of the elected local policing body for my personal benefit or for the benefit of myself, my friends, or any other person in relation to any business interest of mine.
6. Not to use the resources of the elected local policing body improperly for political purposes (including party political purposes).
7. To claim expenses and allowances in accordance with the published expenses and allowances scheme of the elected local policing body.

### Register of Disclosable Interests and Declarations of Gifts/Hospitality

I agree:-

8. To act solely in the public interest and in exercising the functions of my office not act to gain financial or other benefits for myself, my family, my friends, or any person in relation to any business of mine or use or attempt to use my office to confer or secure for any person, including myself, an advantage or a disadvantage.
9. Within 28 days of taking office to enter in the Register of Disclosable Interests maintained by the Monitoring Officer of the elected local policing body every disclosable interest as set out in the Schedule at Appendix A.
10. Within 28 days of any change in circumstances to enter in the register of interests the changes in so far as are related to disclosable interests.
11. Within 28 days of any gift or hospitality being accepted or declined to make a declaration in the Register of Gifts and Hospitality maintained by the Monitoring Officer of the elected local policing body.
12. If the nature of the interest is such that I and the Monitoring Officer consider that disclosure could lead to me or a person connected with me being subject to violence or intimidation, then any entry in the register should not include details of the interest but should indicate that the interest has been disclosed and is withheld by virtue of this section.

### Conflicts of interests

13. In any case where the interests of exercising the functions of my office may conflict with any disclosable or other interest, which has become known to me, I shall as soon as possible declare such conflict as is required in accordance with the policy issued under Para 3 of the Elected Local Policing Body (Specified Information) Order 2011 and determine whether the conflict of interest is so substantial that the function should not be exercised personally but should be

delegated or dealt with in some other manner to ensure the conflict of interest does not arise.

### Disclosure of information

14. I agree not to disclose information given to me in confidence or information acquired by me which is of a confidential nature, unless I have the consent of a person authorised to give it or I am required by law to do so or for the lawful purposes of my office provided that I shall not be prevented from disclosure to a third party for the purpose of obtaining professional legal advice where the third party agrees not to disclose the information to any other person.
15. Any disclosure made by me shall be reasonable, be in the public interest and made in good faith.
16. I agree not to prevent another person from gaining access to information to which that person is entitled by law.

### Making a Complaint

17. Any complaint about the conduct and behaviour of the Police and Crime Commissioner or Deputy Police and Crime Commissioner shall be referred to the Chief Executive and Monitoring Officer in accordance with the powers and duties delegated to the post holder by the Police and Crime Panel for Lincolnshire.

#### Procedure for making a complaint against the Police and Crime Commissioner

##### Explanatory Note

The Police and Crime Panel (PCP) is responsible for handling non-criminal complaints against the Police and Crime Commissioner (PCC) and criminal complaints and conduct matters that are referred back to the PCP by the Independent Police Complaints Commission. The PCP has delegated responsibility for the initial handling and recording of complaints to the PCC's Chief Executive under Regulation 7 of the Elected Local Policing Bodies (Complaints and Misconduct) Regulations 2012.

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