

## NOT PROTECTIVELY MARKED

### INDEPENDENT POLICE COMPLAINTS COMMISSION

#### COMMISSIONERS' CODE OF CONDUCT (MARCH 2013)

*All IPCC Commissioners must follow the code of conduct as laid down below. The code is broadly in keeping with the principles laid down by the IPCC staff code of conduct.*

#### **1. Public service values**

- 1.1. You are a Commissioner of the Independent Police Complaints Commission (IPCC), and will at all times:
  - remain unbiased and honest when making decisions and exercising governance of the Commission; and
  - be accountable to Parliament, its staff, and the general public for its activities, its stewardship of public funds and ensuring value for money, and for the standard of service the IPCC provides.
- 1.2. The respective roles of the Home Office and the IPCC are set out in the Management Statement and Financial Memorandum. You should make sure that you understand your responsibilities as set out in both of these documents.
- 1.3. The Home Secretary is answerable to Parliament for IPCC policies and performance, including the policy framework within which we work.
- 1.4. Failure to uphold the code of conduct will be dealt with through the procedure for dealing with complaints against IPCC Commissioners.

#### **2. Standards in Public Life**

All Commissioners must do the following:

- 2.1. Follow the Seven Principles of Public Life shown at the end of this code as set out by the Committee on Standards in Public Life;
- 2.2. Keep to and promote the values of the IPCC when carrying out your duties:
  - act justly and respect human rights;
  - be independent;
  - value diversity;
  - show integrity; and
  - be open.

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- 2.3. Keep to this Code, and the detailed procedures and guidance developed to provide a shared understanding of the matters in it. Make sure you understand your duties, rights and responsibilities, and are familiar with the IPCC's function and role and any relevant Government policy.
- 2.4. Attend relevant training or induction courses.
- 2.5. Ensure your actions do not damage your or the IPCC's reputation.
- 2.6. Respect and value IPCC staff.
- 2.7. Actively promote IPCC policies on diversity and equal opportunities and value the creativity, insights and experience of the people and organisations with whom we work.
- 2.8. Make sure you do not use any information you receive in the course of your public service for your own personal gain or for political purpose.
- 2.9. Make sure you do not use the opportunity of public service to promote your private interests or those of people, firms, businesses or other organisations connected with you.

### **3. The role of the Commission**

- 3.1. The Commission is the governing board of the IPCC. It holds collective responsibility for governance of the Commission including oversight of the Executive. As public office holders, Commissioners oversee and take ultimate responsibility for IPCC investigations, casework and the promotion of public confidence in the complaints system.
- 3.2. **Commission must:**
  - Demonstrate independence from the police, Government, politicians and outside organisations.
  - Make sure the IPCC does not act outside its powers, authority or duty.
  - Ensure that any statutory or administrative requirements for the use of public funds are complied with.
  - Produce an annual report and, where reasonably possible and appropriate, hold at least one public meeting a year.
  - Fully consider all relevant issues, taking account of the particular circumstance and any guidance issued by the Home Office or the responsible minister.

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- 3.3. As IPCC Commissioner, you should let the responsible minister know about any matter you believe raises important issues about your duties as a board member. In such cases the agreement of the Chair should normally be sought.
- 3.4. Commissioners act under the delegated authority of the Commission both in exercising force responsibilities and in making decisions on individual cases. Guidance on the operational role and responsibilities of Commissioners is available in the Operations manual.
- 3.5. The Home Secretary can remove a person from their role as a Commissioner if they do not act in line with the standards expected in public office [set out in schedule 2 - 2(6) of the Police Reform Act 2002]. Please also see the procedure for handling complaints made against Commissioners.

### **4. The role of the Chair**

- 4.1 The Chair is responsible for providing effective leadership of the Commission and:
  - be a strong voice in communicating the IPCC's findings.
  - demonstrate the IPCC's independence and be the face of the IPCC in delivering messages to partners who often have conflicting views.
  - bring strategic leadership to the IPCC in discharging its statutory remit for the police complaints system and in holding the executive to account in the delivery of its functions.
  - work in close partnership with the CEO and Deputy Chair in delivering the IPCC's statutory responsibilities.
  - ensure that the Board operates effectively and with due propriety, working with the CEO as Accounting Officer to the IPCC.
  - provide visible leadership in developing a positive culture for the organisation and reflecting this in its actions.

### **5. The role of the Deputy Chair**

- 5.1. The Deputy Chair deputises and acts as the face of the IPCC for the Chair in his/her absence. In addition, this role includes:
  - Leadership and management of all operational Commissioners, including allocation of cases to them
  - Carry out annual performance reviews of operational Commissioners

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- Leadership and strategic direction for the IPCC internally and externally in relation to its operational responsibilities

### **6. Obligations on all Commissioners, including the Chair and Deputy Chair**

You have the following obligations:

- 6.1. You must be fully committed to IPCC work and devote all your contracted working hours to the IPCC.
- 6.2. You must respect the confidentiality of any sensitive information held by the IPCC and keep to the Data Protection Act.
- 6.3. You must adhere to the security policy of the IPCC and ensure you attend mandatory annual security briefings.
- 6.4. If you have concerns about staff performance you should raise these with the relevant Director or Chief Executive.
- 6.5. If you have concerns about the way the IPCC is being run, you should raise these concerns with the Chair or the Deputy Chair in the first instance. If, for proper reasons, this is not possible, the following steps should be taken:
  - The matter should be raised with one of the two non-executive Commissioners.
  - If, for proper reasons, this is not possible, it may be raised with the Chief Executive
- 6.6. If there are proper reasons why none of these options are possible or that these options have been fully explored, the Head of the Sponsor team at the Home Office should be approached.
- 6.7. The role of a full-time Commissioner is very demanding and includes the need to be flexible, responsive to demand and available for out of hours and emergency cover. It is not anticipated therefore that this will be compatible with other paid employment. Permission to take up any other paid post or any commitment that will restrict hours available for IPCC work must be obtained in advance from the Deputy Chair who will consider it in light of the business needs of the organisation and the other matters dealt with below.

### **7. Declaring your interests and possible areas of conflict**

- 7.1. It is fundamental to the IPCC's credibility that it is seen as an independent body. Given your responsibility as a public appointee and the nature of the IPCC's remit, you must be prepared to face scrutiny and demonstrate that your decision making is free from any bias or influence.

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- 7.2. A real or perceived conflict of interest occurs when a reasonable member of the public could perceive that your behaviour or decision making might be subject to influence.
- 7.3. To manage the risk of a conflict of interest arising, you are expected to identify and register specific personal interests. You should declare any personal or business interest that may influence your judgement, or appear to influence your judgement. This includes declaring interests in companies who may be involved in tendering for work with the IPCC. This includes financial and non-financial interests. It also includes known interests of relatives and close friends.

### Financial interests

- 7.4. Part-time Commissioners must declare other public appointments or employment, including self-employment, freelance work or being a director or partner of a company. This must be declared whether paid or not. This must include the name of your employer, any firm you are a partner of, and any company you are a paid director of.
- 7.5. You must declare the name of any 'corporate interest'. This means, any corporate body which has a place of business or land in any area of your work and in which you have a 'beneficial interest' in a type of share with a face value, as shown on the share certificate, of more than £25,000 or 1% of the total amount invested in that corporate body by shareholders. You have a beneficial interest in a type of share if, for example, you own, you are entitled to the proceeds of, or you may, as a beneficiary under a trust, become entitled to the proceeds of that type of share. You do not need to give the value of any shareholdings or land that you register.
- 7.6. You must provide a description of any contracts, for goods, services or work, between the IPCC and you, any company you are a partner of, any company you are a paid director of, or any of your corporate interests.

### Relationships

- 7.7. You must register any conflict of interest relating to a complaint made against the police service.
- 7.8. You must declare if any close family member or close personal friend is any person serving with the police who falls under the jurisdiction of the Police Reform Act (PRA) (as amended by the Police Reform and Social Responsibility Act):
- Chief Officer
  - A member of a police force
  - A civilian employee of a police force

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- An employee of the Common Council of the City of London who is under the direction and control of a chief officer
- A special constable who is under the direction and control of a chief officer
- An employee of the Serious Organised Crime Agency (SOCA); the UK Borders Agency (UKBA), HMRC or the National Crime Agency (NCA).

It also includes an individual or member of any body affiliated or associated with overseeing the management of police forces in England and Wales or seeking to influence the provision of police services in England and Wales.

7.9. You must declare if you or a close family member living at the same address is:

- arrested, charged, summoned to appear in a criminal court (Magistrates' or Crown Court), or in receipt of a fixed penalty notice, in relation to any criminal offence – including any road traffic offence that results in endorsements to your driving licence. Any road traffic offence incurred while driving an IPCC vehicle should be reported to the Deputy Chair and the procurement team.

7.10. You must also declare any close personal relationship with another IPCC Commissioner, member of staff, contractor or anyone seeking work with the IPCC to the Deputy Chair or Chair.

### **Other interests**

7.11. You must declare your membership or position of general control or management in:

- Other public authorities or organisations which deliver public services
- Companies who may be involved in tendering for work with the IPCC.
- Organisations associated with or affiliated to any police force in the UK
- Companies, industrial and provident societies, charities or charitable organisations
- Organisations with a main purpose which includes influencing public opinion or policy
- Trade unions or professional associations
- Membership of any society, including a secret society, where there could be a conflict or perception of a conflict of interests.
- Political party

Where appropriate, this information will be kept confidential and included on the private register of interests.

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- 7.12. You must declare any significant change in personal circumstances that could have a perceived influence on your decision making, independent or affect your security clearance.

### **8. Registering your interests**

- 8.1. You need to register your interests so the public, IPCC's staff and fellow Commissioners know which of your own interests might give rise to a conflict of interest. The register is a document, which can be consulted when, or before, an issue arises, and lets others think about whether or not you may have a conflict of interest. The register also protects you. It is also important for public confidence that people who are interested in the IPCC's work know about any interest that might have to be declared by you or other Commissioners.
- 8.2. You must register your interests to the Commission Secretary within 28 days of being appointed as a Commissioner. You must give the Commission Secretary written or emailed details of any interests you need to register by completing the Commissioner Register of Interests Form.
- 8.3. The register must be kept up-to-date and you should tell the Commission Secretary about any changes to your interests within 28 days of the change occurring. On behalf of the Commission Secretary the Governance Secretary will ask you to confirm or update your list of interests every 6 months. The Chair and CEO will review the register at this point and report to Commission.
- 8.4. The register will be published on the IPCC website and updated every six months. The IPCC will make arrangements to protect the privacy of close family members and friends you make declarations in relation to.
- 8.5. The form and content of the published register will be subject to the agreement of the Commission. Interests relating to close family members who are who are employed by the police service, National Crime Agency, SOCA or HMRC, or where other conflicts of interest may arise, will not be published, but a version will be made available on request.

### **Declaring interests at meetings**

- 8.6. You need to declare your interests at all meetings or in respect of any issue, including complaints handled by the IPCC, where the matters being discussed, or to be discussed, affect your interests. This must be done irrespective of whether or not you have registered the interest with the Commission Secretary.
- 8.7. You must declare that you have a personal interest, and the nature of that interest, before the matter is discussed at a meeting or as soon as it becomes apparent to you.

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- 8.8. You can still take part in the meeting and vote on the matter unless your personal interest is also a **prejudicial interest**. A prejudicial interest is one, which a member of the public who knows the relevant facts would reasonably think is so significant that it is likely to adversely affect your judgement of the public interest. You must ask yourself whether a member of the public – if he or she knew all the facts – would think that your personal interest was so significant that it would probably adversely affect your decision on the matter being discussed. If he or she would think that your judgement would be adversely affected, then you have a prejudicial interest and you must leave the meeting.
- 8.9. If necessary, the Chair of the meeting will make the ultimate decision as whether or not you have a prejudicial interest and therefore should leave the room for the duration of that discussion.

### 9. Gifts and Hospitality

- 9.1. You must not accept any gifts in connection with your official duties as a Commissioner, except in circumstances where the refusal to accept a gift is judged to cause unnecessary offence. In these circumstances the Commissioner must register receiving the gift and pass it onto the Commission Secretary, who will forward the gift to a charity designated by the IPCC.
- 9.2. You may accept conventional hospitality provided it is normal and reasonable in the circumstances. This includes:
- Tea, coffee, biscuits and sandwiches at meetings
  - An invitation to an annual dinner of an organisation with which the IPCC has regular contact
  - An official function at which the IPCC should be represented or to which you have been invited as a member of a public body
  - A working lunch in the course of normal business provided this is not frequent, regular or lavish. IPCC Commissioners should not drink alcohol during working hours and should not claim expenses for alcohol brought during or as part of a work function.
- 9.3. All other invitations or hospitality (including official visits/meetings abroad) should be declared to the Commission Secretary prior to accepting. All hospitality received must be in relation to delivering your duties as IPCC Commissioner and you should apply the test as to whether a reasonable member of the public would consider it appropriate for you to accept. Invitations made by stakeholders and service providers to attend purely social, artistic or sporting functions must be declined and returned to the sender.
- 9.4. Any hospitality provided should be in line with the IPCC's Business Expenditure Policy.

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- 9.5. Any fees or remuneration paid to an IPCC Commissioner arising out of his/her appointment to the IPCC, for example, speaking fees from conferences, must be paid to one of the IPCC's nominated charities.

### **Registering gifts and hospitality**

- 9.6. You must give the Commission Secretary written details, on the Commissioner Gifts & Hospitality Registration Form, about the gifts and hospitality you receive in connection with your role as a Commissioner.
- 9.7. You must register the gift or hospitality within 28 days of receiving it.
- 9.8. The register of gifts and hospitality will be updated every 6 months. The Chair and CEO will review the register at this point and report to Commission. The register is then published on the IPCC website.

### **10. Political activities**

- 10.1. During the term of your appointment you are not permitted to occupy paid party political posts or hold particularly sensitive or high roles within a political party. Subject to this, you are free to engage in political activities provided that you are conscious of your general public responsibilities and exercise a proper discretion, particularly with regard to the work of the IPCC. You should not make political speeches, or be involved in other political activities, relating to matters directly affecting the IPCC or that could appear to influence your work for the IPCC.
- 10.2. If you accept a nomination for election to the House of Commons you will be required to resign immediately from your appointment as an IPCC Commissioner.
- 10.3. These restrictions do not apply to peers in relation to their conduct in the House of Lords. If you are a peer, you are expected not to take a party whip.
- 10.4. Non-executive and part-time Commissioners must ensure that commitments outside the IPCC do not cause a conflict of interest with IPCC's role or beliefs. The time you commit to any other duty must not have a negative effect on your duties as a non-executive/part-time Commissioner, and the duty must not damage the reputation of the IPCC.

### **11. Writing and speaking to the public and responding to the media**

- 11.1. The Chair and Commissioners collectively act as 'The Commission' and must, at all times reflect its views.
- 11.2. You are encouraged to promote the work of the IPCC. Your speeches or articles that relate to the work of the IPCC must reflect IPCC policies and objectives. You should take appropriate advice, normally co-

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ordinated by the Commission Secretary, before deciding to accept an invitation to speak in public or write an article.

- 11.3. The IPCC Chair is the main spokesperson for the IPCC. Requests for media interviews/statements/articles and quotes should be directed to the News Team and considered first by the Chair.
- 11.4. Commissioners should be supported and advised by the Head of News ahead of and during media interviews and speeches.
- 11.5. When writing for or speaking to the public (formally or informally) you are likely to be seen as representing the IPCC's position on an issue, even if you think you are writing or speaking as an individual citizen, academic or professional.

## **12. Delegating responsibilities**

- 12.1. The IPCC Scheme of Delegation sets out how responsibilities are delegated to staff and individual Commissioners. You must carry out your own duties and responsibilities, and respect those of others, in line with the Scheme of Delegation.
- 12.2. The Commission may decide to delegate responsibility for certain matters to individual Commissioners or committees. Any decisions Commissioners or committees make under such delegated responsibilities should be recorded and made available to the Commission as a whole.

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**THE SEVEN PRINCIPLES OF PUBLIC LIFE**

The principles of public life apply to anyone who works as a public office-holder. This includes all those who are elected or appointed to public office, nationally and locally, and all people appointed to work in the civil service, local government, the police, courts and probation services, NDPBs, and in the health, education, social and care services. All public office-holders are both servants of the public and stewards of public resources. The principles also have application to all those in other sectors delivering public services.

**Selflessness**

Holders of public office should act solely in terms of the public interest.

**Integrity**

Holders of public office must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family, or their friends. They must declare and resolve any interests and relationships.

**Objectivity**

Holders of public office must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.

**Accountability**

Holders of public office are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this.

**Openness**

Holders of public office should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for so doing.

**Honesty**

Holders of public office should be truthful.

**Leadership**

Holders of public office should exhibit these principles in their own behaviour. They should actively promote and robustly support the principles and be willing to challenge poor behaviour wherever it occurs.

**Extract from the fourteenth report of the Committee on Standards in Public Life (Standards Matter: A review of best practice in promoting good behaviour in public life) (January 2013)**