



**Declaring previous employment
with the police or other bodies
under IPCC jurisdiction**

Policy intent

The IPCC employs many former police officers and police staff, and values the skills and experience that they bring. However, it is critical to public confidence in the IPCC and in the complaints system overall that the perception of the impartiality of IPCC investigations is not compromised by a close connection between the person leading an investigation and those being investigated. It is also in the interests of the IPCC staff member not to allow the possibility of such a perception to arise. The same considerations apply to others who may have a role in making key decisions in relation to an investigation, such as approving terms of reference or signing off final reports.

The staff code of conduct requires all staff to declare any conflict of interest, that might arise from having personal relations with those under investigation, or having previously been employed by the police force being investigated. The purpose of this policy is to supplement that requirement with a clear rule to ensure that the onus to determine whether or not there is, or may be perceived to be, a conflict of interest, is removed from both the staff member and their management.

Given the number of former police officers and staff employed by the IPCC, and the value of their skills and knowledge, there are real practical constraints on a complete prohibition on ever leading or having a decision making role in an investigation into a force previously worked for. A number of qualifications to the basic principle are therefore justified.

The more time that has elapsed since previous employment, the lower the risk of actual or perceived lack of impartiality.

Certain specialist skills and knowledge that IPCC staff bring with them from previous employment can be invaluable, and are rare. The IPCC should not be deprived of the possibility of making use of them effectively.

If certain staff were unable to respond to certain incidents because of their previous employment, based on our existing resources we could not guarantee an effective 24/7 on call response to urgent incidents, and provide the level of leadership on the ground that the public, police and IPCC expect.

The policy

1. Subject to the exceptions below, no member of staff who has previously worked for a body under the jurisdiction of the IPCC shall be appointed to lead an investigation into a complaint, conduct matter, or death or serious injury in relation to that body, or take any significant decisions¹ relating to the course or outcome of that investigation, for three years after they stopped working for that body.

2. The exceptions to paragraph 1 are:

- Where the Director of Operations is satisfied that the investigation requires specialist skills, knowledge or training which cannot practically be provided by any other member of staff.
- Where the Director of Operations is satisfied that the capacity in which the member of staff was employed by the body was so junior, so brief, so distant in time, or so removed from the part of the body now under investigation, that no inference of possible lack of impartiality could reasonably be drawn.
- Where the member of staff is on call and is deployed to lead a team in response to an urgent referral. In this case, consideration will be given to redeploying the member of staff at the earliest opportunity, while maintaining the continuity and integrity of the investigation. The new lead investigator will review all decisions taken to ensure the integrity of the investigation.

3. Nothing in this policy overrides the continuing obligation under the staff Code of Conduct to declare any conflict of interest.

4. Transition arrangement: where at the time this policy comes into force, a member of IPCC staff is already leading or taking significant decisions on an investigation which they would not be eligible to perform under this policy, the Director Operations will make a decision on a case-by-case basis. They will decide whether the confidence of the parties and the wider public would be better served by replacing the member of staff, or by allowing them to continue.

5. The Director of Operations will monitor how frequently any of the exceptions are invoked, and record the decisions and the reasons for them in each case.

¹ Significant decisions means those specified in legislation as part of the investigative process and delegated by the Commission under the scheme of delegation

Guidance on applying the policy

All staff employed by the IPCC must complete a register of interests on first joining, update it whenever there is a change of circumstances, and review it annually. All staff should declare:

- If they have previously worked for the police or any other body under IPCC jurisdiction, in the last three years since the date of the declaration.
- If so, which body or police force and in what capacity?
- The date on which they stopped and the date when any automatic restriction is lifted.

The declaration will be held on the HR Information System. Line managers will be notified when a declaration has been made and will have ongoing access to declarations made by their staff. However, it remains the responsibility of the staff member to alert their line manager to their status if they are asked to lead, or take significant decisions on, an investigation into the force or body where they were previously employed within the last three years.

Irrespective of the declaration, members of staff will still need to declare potential conflicts of interest where they judge that they arise, on a case-by-case basis in accordance with the requirements of the Code of Conduct and Operations Manual.

If an Operations Manager considers that an exception should be made to appoint a person to lead or make key decisions on an investigation, despite having worked for the force or body within the last three years, they must seek the Director of Operations' written agreement. Their request for exemption should cite the appropriate reason as set out in the policy, and why there is no practical alternative.

If a member of staff responds while on call to an urgent referral from a force or body that they worked for in the last three years, they must declare this to the on call Operations Manager immediately. The Operations Manager will make a record of the fact, and of any decisions they take to restrict, or not restrict, that person's further involvement. They will inform the Director of Operations at the earliest opportunity.