

Committee(s): Professional Standards and Integrity Committee	Dated: 15 September 2023
Subject: Communicating Misconduct	Public
Which outcomes in the City Corporation's Corporate Plan does this proposal aim to impact directly?	1- People are Safe and Feel Safe
Does this proposal require extra revenue and/or capital spending?	N/A
If so, how much?	N/A
What is the source of Funding?	N/A
Has this Funding Source been agreed with the Chamberlain's Department?	N/A
Report of: Commissioner of Police Pol 96-23	For Information
Report author: Glenn Sebright, Director of Communications, City of London Police	

Summary

This report is for information and provides reassurance on the City of London Police protocol for communicating misconduct information publicly. It has been developed and agreed by the City of London Police Director of Communications and T/Chief Superintendent for Professionalism and Trust. It was presented to and agreed at the City of London Police Chief Officer meeting on the 9th August 2023.

Recommendation(s)

Members are asked to note the report.

Main Report

Background

1. One element of scrutiny and challenge all police forces have faced since the murder of Sarah Everard by a serving Metropolitan Police Officer, is how misconduct information is shared, including the publication of upcoming misconduct hearings and outcomes.
2. Aligned to the City of London Policing Plan, force values and Police (Conduct) Regulations 2020, the Director of Communications has worked closely with the T/Chief Superintendent for Professionalism and Trust to produce a clear and concise protocol for practical use and public reference.

3. The protocol seeks to explain how misconduct outcome information can be shared, dependent on the direction of a misconducting hearing Chair, and will become a Standard Operating Protocol (SOP) supporting Force efforts to improve trust and confidence.

Current Position

4. *This information does not replace or conflict with [The Police \(Conduct\) Regulations 2020 \(legislation.gov.uk\)](#) and has been produced for the City of London Police to explain its approach to misconduct cases, in relation to how the public are made aware of hearings and what information is published at the conclusion of a hearing. It has been produced by the Corporate Communications Department working closely with and using guidance from the Professional Standards Department. It may be used in response to enquiries from the City of London Corporation acting in its capacity as the Police Authority (or other key stakeholders holding the City of London Police to account), journalists and staff, and it will be used to maintain the accuracy of information held on the City of London Police website.*

How does City of London Police provide information about officer and staff misconduct?

5. When visiting the [home page on the City of London Police website](#), you can click on the large 'Apply or Register' button at the top of the screen and select 'Attend a misconduct hearing'. You will be taken to a misconduct area on the City of London Police website. Alternatively, you can search using the words 'conduct' or 'misconduct' and again be taken to the appropriate area on the website. In this area you will find;
 - a section [about misconduct hearings](#)
 - a section about [upcoming hearings and how to apply to attend](#), and
 - a section about [misconduct hearing outcomes](#).

How does City of London Police publish details of upcoming misconduct cases?

6. In accordance with [The Police \(Conduct\) Regulations 2020 \(legislation.gov.uk\)](#) and guidance published by [The College of Policing](#), details about upcoming misconduct cases are published a minimum of five working days ahead of the hearing date.
7. Information about the allegations and the timings of the hearing are clearly presented, including how long it is expected to last, which can vary.
8. Information about an upcoming hearing will be taken down from the website when the hearing begins.

Can I attend a hearing?

9. If you wish to attend, you are asked to apply to allow for police security clearance purposes. We use the Police National Computer. Information held on the Police National Computer allows all police forces to carry out checks, for example, on a

person's criminal record. This is an essential requirement for safety and security reasons.

10. Attendance will not be allowed if you do not apply beforehand. This is explained on the City of London Police website.

How does the City of London Police publish details of hearing outcomes?

1. When a misconduct hearing has concluded, and the allegations are upheld, but the Chair of the misconduct panel applies harm test reasons and directs not to publish a full misconduct hearing report.

A summary explaining the allegations of the case and the panel decision will always be published, as soon as possible taking into consideration the need for accurate reporting and assurance that all parties involved have been informed.

When harm test reasons have been applied only a summary will be published, which will include the main allegations and hearing outcomes. The Chair will have provided reasons why a full misconduct hearing report is not published in accordance with [The Police \(Conduct\) Regulations 2020 \(legislation.gov.uk\)](https://www.legislation.gov.uk/uksi/2020/121/section-10). In summary and for wider understanding, the current reasons would be:

- (a) necessary for the purpose of preventing the premature or inappropriate disclosure of information that is relevant to, or may be used in any criminal proceedings;
- (b) necessary in the interests of national security;
- (c) necessary for the purpose of the prevention or detection of crime, or the apprehension or prosecution of offenders;
- (d) necessary for the purpose of the prevention or detection of misconduct by other police officers or police staff members or their apprehension for such matters;
- (e) justified on the grounds that providing the information would involve disproportionate effort in comparison to the seriousness of the allegations against the officer;
- (f) and proportionate for the protection of the welfare and safety of any informant or witness, or
- (g) otherwise in the public interest

The details published will include further requirements, for example that a named officer or staff member is placed on the national barred list, meaning they cannot work for another police force.

2. When a misconduct hearing has concluded, and the allegations are upheld, and the Chair of the panel does not feel there are reasons not to publish the full misconduct report.

A summary explaining the allegations of the case and the panel decision will always be published, as soon as possible taking into consideration accuracy and assurance that all parties involved have been informed.

Where the Chair of a misconduct panel has decided there are no harm test reasons, the full misconduct report will be published at the earliest opportunity. This may be

redacted, for example to protect the identity of vulnerable people or witnesses involved.

Again, details published will include further requirements, for example that a named officer or staff member is placed on the national barred list, meaning they cannot work for another police force.

3. When a misconduct hearing has concluded, and the allegations are not upheld?

In line with [The Police \(Conduct\) Regulations 2020 \(legislation.gov.uk\)](https://www.legislation.gov.uk) at the conclusion of a case the chair must provide a report for publication (still subject to the harm test). Details of non-proven allegations will therefore still be published as soon as possible taking into consideration the need for accurate reporting and assurance that all parties involved have been informed. Support will be provided to ensure staff continuing to serve are aware of the need to publish an outcome as a regulatory requirement and that all staff well-being issues considered.

4. What other communications take place?

The Corporate Communications Department will publish information internally for staff to read, as well as externally on the City of London Police website in the misconduct outcomes area. This is both for transparency reasons and to reinforce the organisations commitment to managing misconduct in accordance with its values of integrity, compassion and professionalism.

The Corporate Communications Department may, if and when required, also provide additional information to journalists or the media at large (quotes, full media releases or media statements). Again, this demonstrates the organisations commitment to transparency, its values and its continuing work to build trust and confidence in our service.

Conclusion

11. The communication protocol has been developed in line with Police (Conduct) Regulations and agreed by the Chief Officer Team. The use of the protocol in all corporate communications will ensure consistent and transparent messaging and support the City of London Policing Plan Values of Professionalism & Integrity.

Appendices

None

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