



FREEDOM OF INFORMATION REQUEST

FOI Reference number: 51/2017

Date: 11 September 2017

Request:

Where a member of a District Community Policing Partnership is aware – or has knowledge based on a reasonable person's expectation to be aware – that a close family member (such as a spouse, sibling or parent) has initiated a complaint to Police which is being investigated by an Investigating Officer attached to the same DCU for which that member represents, is there a duty for said member to disclose that Complaint and the details of the relevant family member to the Partnership Board or equivalency, given that it may involve a conflict of interest or be perceived as being potentially open to being perceived as open to undue influence pertaining to that Investigation if that information is not disclosed?

If the answer to the above is “yes” and there is a failure by that member to disclose, what is the penalty or sanction that should or could then be imposed or the procedure to be implemented in such circumstances where a reasonable expectation to disclose exists and has not occurred?

Indeed, can you advise if there is remit to refer the matter to the Police Ombudsman?

I would be grateful if you could - where appropriate - provide excerpts of policy/ies involved.

Answer:

I enclose Section 3 of the PCSP's Members Handbook "PCSP's Members Code of Conduct". The section entitled "Register of Interests" outlines the duty of members to register interest and specifically deals with personal or business interests. Any breach of this code or allegations of a breach should be referred to the PSCP Manager in the first instance.

The Police Ombudsman's remit is in relation to making a complaint about a police officer or some members of police staff.

If you have queries about this request or the decision please contact the Board quoting the reference number above. If you are unhappy with the service you have received and wish to make a complaint or request a review you should write to the Board's Chief Executive at the following address:

Northern Ireland Policing Board
Waterside Tower
31 Clarendon Road
Clarendon Dock
Belfast BT1 3BG

Email: foi@nipolicingboard.org.uk

If you are not content with the outcome of your complaint, you may apply directly to the Information Commissioner. Generally, the Information Commissioner's Office cannot investigate or make a decision on a case unless you have exhausted the complaints procedure provided by the Board. The Information Commissioner can be contacted at:-

Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
SK9 5AF

Telephone: - 0303 1231114
Email: - ni@ico.org.uk

Please be advised that Policing Board replies under Freedom of Information may be released into the public domain via our website @ www.nipolicingboard.org.uk.

Personal details in respect of your request have, where applicable, been removed to protect confidentiality.



SECTION 3

PCSP MEMBERS' CODE OF CONDUCT

INTRODUCTION

This section sets out the Code of Conduct for Members of the Policing and Community Safety Partnerships (PCSPS) and District Policing and Community Safety Partnerships (DPCSPs) which should govern their conduct during their term of appointment as an Independent Member.

Members of PCSPs / DPCSPs are responsible for ensuring that they fulfil their statutory duties under the Justice Act (Northern Ireland) 2011 and other relevant legislation.

In carrying out these responsibilities, PCSP /DPSCP Members, like others who serve the public, should follow the Seven Principles of Public Life set out by the Committee on Standards in Public Life along with the five further principles of conduct that have been adopted by the Northern Ireland Assembly. These are:-

Public Duty	PCSP / DPCSP Members have a duty to uphold the law and to act on all occasions in accordance with the public trust placed in them. They have a general duty to act in the interests of the community as a whole.
Selflessness	PCSP /DPCSP Members should take decisions solely in terms of the public interest. They should not do so in order to gain financial or other material benefits for themselves, their family or their friends.
Integrity	PCSP / DPCSP Members should not place themselves under any financial or other obligation to outside individuals or organisations that might influence them in the performance of their official duties.

Objectivity	In carrying out public business, including making public appointments, awarding contracts or recommending individuals for rewards and benefits, PCSP / DPCSP Members should make choices on merit.
Accountability	PCSP / DPCSP Members are accountable for their decisions and actions to the public and must submit themselves to whatever scrutiny is appropriate to their office.
Openness	PCSP / DPCSP Members should be as open as possible about the decisions and actions that they take.
Honesty	PCSP / DPCSP Members have a duty to declare any private interests relating to their public duties and to take steps to resolve any conflicts arising in a way that protects the public interest.
Leadership	PCSP / DPCSP Members should promote and support these principles by leadership and example.
Equality	PCSP / DPCSP Members should promote equality of opportunity and not discriminate against any person by treating people with respect regardless of race, age, religion, gender, sexual orientation, disability, political opinion, marital status and whether or not a person has dependants.
Promoting Good Relations	PCSP / DPCSP Members should act in a way that is conducive to promoting good relations by providing a positive example for the wider community to follow and which seeks to promote respect, equality and trust and embraces diversity.

Respect The exchange of ideas and opinions on policies may be robust but should be kept in context and not extend to individuals being subjected to unreasonable and excessive personal attack. PCSP / DPCSP Members should keep in mind that rude and offensive behaviour may lower the public's regard for, and confidence in, PCSP / DPCSP Members. PCSP / DPCSP Members should therefore show respect and consideration for others at all times.

Good Relationships PCSP / DPCSP Members should work responsibly with each other for the benefit of the whole community. PCSP / DPCSP Members must treat other PCSP / DPCSP Members with courtesy and respect. PCSP / DPCSP Members should promote an effective working environment within their council.

Between PCSP Members and PCSP staff. The relationship between PCSP Members and PCSP staff must at all times be professional, courteous and based on mutual respect. PCSP / DPCSP Members should show respect and consideration at all times and ensure that their actions do not compromise the PCSP's impartiality.

GENERAL RESPONSIBILITIES OF PCSP / DPCSP MEMBERS

PCSP / DPCSP Members have a general duty to act in the public interest at all times, avoiding conflicts between personal and public interests.

In fulfilling their statutory responsibilities PCSP / DPCSP Members must at all times:

- observe the highest standards of propriety involving impartiality, integrity and objectivity in relation to the stewardship of public funds and the management of the PCSP;
- maximise value for money by ensuring that services are delivered in the most efficient, effective and economical way, within available resources and with independent validation of performance achieved where practicable;
- be accountable to users of services, the community, the Policing Board and Department of Justice for their activities, their stewardship of public funds and the extent to which key performance targets and objectives have been met;
- ensure that dealings with the public are in accordance with the principle of openness (see paragraph 2);
- act with full regard to the duties and obligations expected of a Member of a public body including displaying respect for equality, human rights and diversity.

REGISTRATION OF INTERESTS

All PCSP / DPCSP Members should declare any personal or business interests, financial or otherwise, which might reasonably be thought by others to conflict with their responsibilities as a PCSP / DPCSP Member. The following procedures are aimed at ensuring that any potential conflicts are identified at an early stage and appropriate action taken to resolve them.

REGISTER OF INTERESTS

The PCSP Manager will maintain a Register of Interests for each Member.

DUTY OF MEMBERS TO REGISTER INTERESTS

- It is a PCSP / DPCSP Member's own responsibility to declare any personal or business interests, financial or otherwise, which the public might reasonably think could influence a Member's judgment.
- PCSP / DPCSP Members should also declare any relevant past interests or potential future interests where the public could reasonably perceive these to influence a PCSP Member's judgment.
- PCSP / DPCSP Members will be asked to notify the PCSP Manager of all such registerable interests. Any subsequent changes or additions to a PCSP / DPCSP Member's registration should be notified immediately in writing to the PCSP Manager.
- If any PCSP / DPCSP Member is uncertain whether they are required to register a particular interest, they should consult with the PCSP Manager.

DECLARATION OF INTERESTS DURING THE CONDUCT OF BUSINESS

PCSP / DPCSP Members must declare a personal or business interest, financial or otherwise, immediately upon becoming aware of the potential conflict or before discussion on an agenda item begins.

Interests of immediate family members and persons living in the same household should also be declared. PCSP / DPCSP Members should consider whether they also need to disclose relevant interests of other connected persons or past and potential interests which might be perceived to affect their consideration of any matter.

As a general rule, PCSP / DPCSP Members should not take part in, and normally

should not be present for, discussions or decisions if they have a personal or business interest, financial or otherwise, in the matter under consideration. In determining whether withdrawal from the proceedings is appropriate, the following test should be applied:-

Would a member of the public, knowing the facts of the situation, reasonably think that their presence could influence the judgment of the PCSP Member or other Members present?

The minutes of the meeting will record any declaration of interest made by a PCSP / DPCSP Member.

Additionally, as the PCSP is required to follow International Financial Report Standards (IFRS), PCSP / DPCSP Members must facilitate compliance with the requirement, under International Accounting Standard 24 for material transactions with related parties to be disclosed in financial statements. 'Related parties' include family members or members of the same household who may be expected to influence, or be influenced by, PCSP / DPCSP Members.

PCSP / DPCSP are reminded that certain provisions in the Local Government Act (NI) 1972 apply to them (a summary of the relevant provisions are attached at Annex 1).

MISUSE OF POSITION

PCSP / DPCSP Members have a duty to maintain the reputation of the PCSP through fair, open and impartial dealings with external contacts. Therefore PCSP / DPCSP Members:

- Should conduct themselves in relation to whoever they may come into contact with in their capacity as PCSP / DPCSP Members in the same manner as they would expect to be dealt with themselves;
- Must not conduct themselves in such a manner which could bring the PCSP into

disrepute;

- Must not use their position to promote their private interests;
- Must not use their position to secure privileges or exemptions for themselves or others;
- Acting as members of political delegations and having contact with government or police officers, must not purport to be acting in their capacity as PCSP Members; and
- Should be careful to avoid any words or conduct in relation to PCSP staff which might give rise to an allegation of bullying.

USE OF PCSP RESOURCES

PCSP / DPCSP Members must not use or authorise others to use, the resources of their Council:

- Imprudently;
- In breach of the PCSP's requirements;
- Unlawfully;
- Other than in a manner which is calculated to facilitate, or to be conducive to, the discharge of the functions of their PCSP;
- Improperly for political purposes; or
- Improperly for private purposes.

EXPENSES AND ALLOWANCES

PCSP / DPCSP members must observe the law and the rules governing the claiming of expenses and allowances in connection with their duties as PCSP / DPCSP Members.

PUBLIC COMMENT

- The Chair is the official spokesperson of the PCSP.
- In the absence of the Chair, the Vice Chair or the secretary to the PCSP may determine what information is to be made public.

- Whenever a PCSP / DPCSP Member expresses a personal or political opinion on an issue relating to their statutory functions, it must be made clear from the outset that the Member is not purporting to speak on behalf of the PCSP. The Chair and Vice-Chair shall be mindful of their representative positions on behalf of the PCSP in making public comments of a personal or political nature relating to the PCSP.
- In public sessions of PCSP meetings, questions should not be asked nor answers given where they are likely to identify individuals in a context or situation where the consequence of the individual being so identified might cause the individual to suffer a real and immediate risk of harm or disproportionately infringe any other human rights of the individual or the individual's family; or where the questions and answers might unfairly deprive the individual of due process or a fair procedure.

CONFIDENTIALITY

No PCSP / DPCSP Member shall disclose to any person, other than another PCSP / DPCSP Member any information, whether written or verbal or electronically recorded, generated or received by the PCSP / DPCSP Member in his/her capacity as such which breaches the level of confidentiality placed on the information by the PCSP or which would be injurious to the interests of the PCSP or unfairly prejudicial to any other body or person without the authorisation of the Chair of the PCSP.

No PCSP / DPCSP Member shall disclose to any person, other than another PCSP / DPCSP Member the contents of any document or any part thereof or an electronic record bearing any of the protective markings listed in the Information and Data Security Guide annexed hereto without the authorisation of the Chairperson of the PCSP.

It is the duty of PCSP / DPCSP Members to safeguard all official documents (including copies thereof). It is also the duty of PCSP / DPCSP Members to take appropriate steps to safeguard equivalent electronic records.

PCSP / DPCSP Members who do not adhere to, or do not give, an undertaking on appointment that they will comply with the requirements of confidentiality will limit the ability of the PCSP to conduct its business and limit the information made available to them and other Members. It may also result in exclusion from attendance at confidential briefings.

Where information relating to the PCSP functions is proffered to the Chair, and/or the Vice-Chair, on the basis that it is confidential and is not to be disclosed to the PCSP, they may normally only receive that information and withhold it from the PCSP if it is agreed between the Chair and the Vice-Chair that it is in the best interests of the PCSP that the information be received and not disclosed to the PCSP.

HOSPITALITY, GIFTS AND ENTERTAINMENT

As a result of carrying out official duties, PCSP / DPCSP Members may on occasion be offered gifts/hospitality from third parties. Before accepting, PCSP / DPCSP Members should consider if it would be acceptable to the public for such a gift/hospitality to be received. Where a PCSP / DPCSP Member, having considered this issue accepts a gift/hospitality, it should be notified immediately to the PCSP Manager to be recorded in the Council Hospitality, Gifts and Entertainment Register. This disclosure requirement also relates to gifts/hospitality which are presented to a Member's immediate family and persons living in the same household.

PCSP / DPCSP Members may only offer hospitality, at the expense of the PCSP, with the prior approval of the Chair or in his/her absence the Vice-Chair. A pre-condition for any such hospitality is that it will be in the direct interests of the PCSP and will assist the PCSP in fulfilling its statutory responsibilities.

BREACH OF CODE

If an incident occurs where there may be a breach of the Code, or if there is an allegation of a breach, it will be referred to the PCSP Manager in the first instance for informal resolution.