

Approving Chief Officers' post-service employment (toolkit)

1. Introduction

Why introduce a new system to approve Chief Officers' post-service employment?

Lord Leveson's Report into the 'Culture, Practices and Ethics of the Press' (2012)¹ recommended that consideration be given to whether limits should be placed upon the nature of any employment of Chief Officers within or by the media, post-service.

In response to Lord Leveson's recommendation, all forces are being asked to introduce a new system to review and approve the suitability of Chief Officers' post-service employment. The new system is intended to support integrity and transparency, by capturing information on all post-service appointments taken up by Chief Officers, within 12 months of them leaving the force. It also seeks to further embed the standards of professionalism and the principles set by the **Code of Ethics**, recognising that transparency in post-service employment is also important in upholding public confidence in policing, and maintaining public respect.

How has the new system been developed?

The Home Office has worked collaboratively with National Police Chiefs' Council (NPCC), Chief Police Officers' Association (CPOSA), Association of Police and Crime Chief Executives (APACE) and Association of Police and Crime Commissioners (APCC) to agree a new process for reviewing and approving Chief Officers' post-service appointments, resulting in this 'toolkit'. The new process is modelled on the well established Business Appointment Rules which apply to all civil servants, members of the Armed Forces and Diplomats.

Whilst there is no legislative requirement to adopt the new system, we anticipate all forces and local policing bodies² will be supportive of the move to increase transparency in post-service employment. It is therefore expected the system will be adopted across all 43 force areas. This 'toolkit' is intended to assist forces and local policing bodies in being able to adopt a consistent approach to implementing the new system.

¹ <http://webarchive.nationalarchives.gov.uk/20140122145147/http://www.official-documents.gov.uk/document/hc1213/hc07/0780/0780.asp>

² Police and Crime Commissioners, Mayor's Office for Policing and Crime (MOPAC) and the Common Council of the City of London.

Who does the new system apply to?

The new system for approving post-service employment should apply to the following Chief Officer ranks

- Chief Constables (CC);
- Deputy Chief Constables (DCCs);
- Assistant Chief Constables (ACCs);

And in the Metropolitan Police Service/City of London Police:

- Commissioner;
- Deputy Commissioner;
- Assistant Commissioner;
- Deputy Assistant Commissioner; and
- Commander.

When should the new system come into force?

The system should be in place for any new appointments, promotions or transfers that are agreed after 01 January 2018. We are content that forces and local policing bodies decide how best to introduce the new condition into their existing terms in their standard letters of appointment (or similar), requiring the new appointee to abide by the new system for approving post-service employment.

We also expect that existing Chief Officers will wish to voluntarily agree to abide by the new system. We recognise that it may take a short period for forces' or local policing bodies' HR Departments to seek this agreement across the existing Chief Officer cohort, and amend conditions of service (if applicable).

It is not expected that Chief Officers who left the force prior to 01 January 2018, will be subject to the new system for approving post-service employment.

How long will the requirement to notify be in place, and to what types of employment does it apply?

The requirement for Chief Officers (or former Chief Officers) to provide notification of their post-service employment will remain in place for any appointment which commences within 12 months of them leaving the police service. This covers all types of paid employment, including self-employment and any relevant unpaid appointments. If a Chief Officer is uncertain as to whether they need to complete a notification form, they should seek advice from their Chief Constable or local policing body (as relevant).

2. Process

Making a notification

Chief Officers (or former officers) notifying their force of an appointment (including any employment, self-employment or unpaid position) which they would like to take up after having left the police force will complete a form providing information on the proposed employment. The form will also ask about any links they had to the proposed employer while they were a serving officer. A separate form should be completed for each appointment to be considered, as each request will need to be considered on its own merit.

A notification form can be found in **Annex A**. For consistency purposes we suggest the same form should be used by all forces and OPCCs.

Officers of Chief Constable or Commissioner rank should submit their notification to their local policing body (i.e. their PCC or equivalent). Other Chief Officer ranks should submit their notification to their Chief Constable or Commissioner.

Assessing the notification form

The notification form should be reviewed by the Chief Constable or Commissioner, for officers under their direction (or formerly under their direction), and by local policing bodies in the case of Chief Constables/Commissioners or former Chief Constables/Commissioners.

In considering the suitability of the proposed post-service employment, the Chief Constable or local policing body should consider the following factors:

- Could the role be construed as a 'reward for past favours' granted by the applicant to the employer?
- Would it enable a particular organisation to gain an improper advantage by employing someone who had *access to information which is not available to competitors*?
- Would it enable a particular organisation to gain an improper advantage by employing someone who *had access to information that a competitor might legitimately regard as their own trade secrets*?
- Could the role be deemed sensitive for any other reasons?

If required, the applicant should be contacted to provide further information, or to clarify any points, which might assist the Chief Constable or local policing body to make a recommendation on the suitability of the proposed post-service employment.

The notification form should be assessed and a recommendation made within 10 days of submission. The absence of a local policing body or Chief Constable

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(e.g. due to leave) should not delay the process of assessing a notification or making the recommendation. Where a local policing body is unavailable, responsibility for considering the notification and making a recommendation should be delegated to a deputy (or other authorised officer). In the case of a Chief Constable or Commissioner being unavailable, responsibility should be delegated upwards to the local policing body.

Making a recommendation

The Chief Constable or local policing body (as applicable) should make a recommendation in writing using the format laid out in Part 3 of the notification form (in Annex A) on the appropriateness of the proposed post-service employment. The feedback should include a clear assessment of the basis on which the recommendation has been reached.

The decision-maker will be able to make a recommendation that the employment is:

- 'appropriate'
- 'appropriate with conditions'
- 'not appropriate'.

The option to recommend '*approve with conditions*' recognises that there may be situations where for integrity and transparency reasons it is appropriate to stipulate that the individual avoids a scenario where they may be seen to give their prospective employer an improper advantage. This could include a condition that they are not involved in commercial or contractual dealings with their former employer (for a specified period of time), for example. Again, this mirrors the approach which is used in the Business Appointment Rules for civil servants.

We do not wish to be too prescriptive about the types of 'conditions' that might be attached to a recommendation to approve, as each situation should be judged on its own merits. We do not expect any recommended 'conditions' to apply for longer than 12 months, given that this is a maximum time period within which Chief Officers are expected to submit a notification of post-service employment. In other words, the recommended conditions need only apply up to the 12 month anniversary of the Chief Officer having left the force.

Requesting a review of the recommendation

Where a Chief Officer disagrees with the recommendation made on the suitability of their post-service employment, there will be a right to request the recommendation is reviewed by an independent panel, if this request is made within 10 working days. However, where practical it will be desirable for Chief Officers to discuss their planned post-service employment with their Chief Constable or PCC, ahead of submitting the request for consideration, to allow early discussion

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of any potential conflicts and to avoid the likelihood of requests to review a recommendation.

The Review Panel will be advisory and will be organised by the force's HR Director (for officers below Chief Constable rank) or the local policing body's Chief Executive for Chief Constables/Commissioners. The review panel for Chief Constables/Commissioners will include a local policing body and Chief Executive of a local policing body (both from a different force area to the Chief Constable requesting the review), as well as a CPOSA representative. For review requests from Chief Officers below Chief Constable/Commissioner rank, the panel will comprise a Chief Constable/Commissioner and HR Director (from different force areas to the person appealing) and a CPOSA representative.

There are no set requirements for the format of Review Panel meetings (e.g. it could be done by telephone or in person), but the panel should provide their advice within 10 working days of the review being requested, unless an extension is agreed with the individual requesting the review. The Panel may seek further information or clarification from the individual seeking the review, or the original decision-maker, where this aids them to make a recommendation.

The panel should confirm their recommendation in writing to the original decision-maker (Chief Constable/Commissioner or local policing body) and the Chief Officer requesting the review. The original decision-maker will then be able to change their recommendation should they wish to, based on the advice provided by the Panel.

Publishing decisions

To ensure transparency, the summary recommendations made by the local policing body or Chief Constable/Commissioner should be published, alongside any recommended conditions, on the force or local policing body website. An example reporting template can be found in Annex B. However, the recommendation on suitability will not be published until such time as the person takes up their new post.

Where a Review Panel and the original decision-maker continue to disagree in their recommendation, then both should be published for transparency purposes.

Next steps

Local policing bodies and Chief Constables /Commissioners will be contacted to confirm that the requirement to provide notification of post-service employment is now reflected in the terms and conditions for Chief Officers who are newly appointed, promoted or have transferred. An update on the number of existing Chief Officers agreeing to voluntarily abide by the new system, will also be requested. HMIC will be asked to review forces' adherence to the new system for approving post-service employment, as part of their future inspection programmes.

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Annex A – Notification form

CHIEF OFFICER – POST EMPLOYMENT NOTIFICATION

(For all appointments commencing within 12 months of leaving the police service)

PART 1 *To be completed by the applicant*

Applicant Details

Q1.

Name	
Police Force	
Chief Officer role (most recent)	
Dates of police service (in Chief Officer role)	
Dates of police service (overall)	
Postal Address	
Daytime Telephone Number	
Email Address	

Q2.

Proposed start date of outside appointment				
Have you previously notified of any other post-service employment	Yes		No	
If 'yes', when?				

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PART 2 *To be completed by the applicant*

Full or Part-time Appointments Outside the Police Service

Please provide details of the proposed appointment.

Q3. Appointment Details

Job Title									
Name of new employer									
Nature of business									
The proposed appointment is: (please tick)	Full-time		Part-time		Paid		Unpaid		
If part-time, please state how much time is likely to be involved:				[.....] days per week/month/year					
Proposed start date for new appointment									
Details of your new role and responsibilities. Please give as much information as possible									

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Is the appointment likely to include any contact or dealings with your former Force, or the Police Service more generally	Yes		No	
If yes , please explain				
Did you apply for an advertised post? <i>(please tick)</i>	Yes		No	
If 'No' please state when and how the offer of the post arose.				

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Dealings with prospective employer or clients

Please complete a separate entry for each employer/client.

Q4.

(a)	Please state if you have personally had any direct contractual or other dealings with your prospective employer (or a parent company) over your last five years of service?				
	<table border="1"><tr><td data-bbox="159 459 606 515">Yes</td><td data-bbox="606 459 718 515"></td><td data-bbox="718 459 1212 515">No</td><td data-bbox="1212 459 1329 515"></td></tr></table>	Yes		No	
Yes		No			
(b)	If you answered 'yes' to 4 (a) please describe in each case the nature of your dealings. Please be as clear as possible				
(c)	Is there any other information that you feel would assist in formulating a recommendation on the proposed appointment, or any factors which might affect the public's perception of your appointment? Please provide any further information below				

PART 3 *To be completed by the PCC or CC***Police and Crime Commissioner or Chief Constable Assessment**

1.	<p>The aim of the rules is to maintain public trust in the Police Service and in the people who work in it. Please give your assessment of the application, including regard for public perception.</p>
2.	<p>What is your proposed or recommended course of action?</p> <ul style="list-style-type: none"> - Appropriate - Appropriate with conditions - Not appropriate
Signature	
Name in Capitals	
Job Title	
Telephone Number	
Email	
Date	

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Annex B: MODEL TEMPLATE FOR PUBLISHING TRANSPARENCY INFORMATION ABOUT CHIEF OFFICER POST-SERVICE EMPLOYMENT [X FORCE OR OPCC]

[illegible]