

APPENDIX 3

To accompany statement by IPCC Deputy Chair,
Deborah Glass

ipcc
independent
police complaints
commission

MPA referrals of recordable conduct for Sir Paul Stephenson, John Yates, Andy Hayman and Peter Clarke in connection with Metropolitan Police Service response to phone hacking

Introduction

1. On 18 July 2011 the Professional Standards Sub-committee of the Metropolitan Police Authority met to consider complaints and conduct matters involving two serving senior officers (Commissioner Sir Paul Stephenson and Assistant Commissioner John Yates), and two retired senior officers (former Assistant Commissioner Andy Hayman and former Deputy Assistant Commissioner Peter Clarke). Sir Paul Stephenson had announced his resignation the previous evening. Andy Hayman and Peter Clarke had retired, respectively, in March and January 2008. John Yates is still serving but he too has since announced his resignation.

2. The MPA Committee considered a number of complaints from members of the public about some or all of these officers; they decided not to record these as these people did not meet the statutory definition of someone entitled to make a complaint¹ but did decide to record the following as “conduct matters”:
 - Sir Paul Stephenson, for his overall responsibility as Commissioner for the Metropolis for the review conducted by AC Yates into the phone hacking investigation;
 - John Yates, for two matters:
 - (a) His involvement in the phone hacking investigation, including statements made to the Select Committee and his interview with the Telegraph newspaper; and
 - (b) The circumstances leading to the employment by the MPS of the daughter of Neil Wallis.
 - Andy Hayman, for his involvement in the phone hacking investigation; and

¹ Section 12(1) of the Police Reform Act defines a complaint as about the conduct of a person serving with the police made by:

- a) A member of the public who claims to be the person in relation to whom the conduct took place;
- b) A member of the public who claims to be have been adversely affected by the conduct;
- c) A member of the public who claims to have witnessed the conduct;
- d) A person acting on behalf of one of the above.

- Peter Clarke, for his involvement in the phone hacking investigation.
3. These referrals were made verbally to the IPCC that day, and the supporting documentation was provided by the MPA on 19 and 21 July. Separately, on 19 July 2011 the Metropolitan Police referred the conduct of the MPS Director of Public Affairs, Dick Fedorcio, in relation to the awarding of a contract between the MPS and Neil Wallis's company Chamy Media. This is currently the subject of an IPCC independent investigation.
 4. In making these decisions I have considered the supporting documentation provided by the MPA and the remit of the IPCC as set out in the Police Reform Act 2002. I have also considered the background to the MPS response to phone hacking, transcripts of evidence of all four individuals to the Home Affairs Select Committee, the report of that Committee, the extensive media reporting of these matters and the role of Lord Justice Leveson's public inquiry.

Background to MPS response to phone hacking

5. The original phone hacking investigation concluded in January 2007 with the convictions of the former News of the World royal correspondent, Clive Goodman, and private investigator Glen Mulcaire. The police investigation obtained a huge amount of material, which was, in effect, not examined for further victims or offences. The senior officer with responsibility for this investigation was Deputy Assistant Commissioner Peter Clarke, who was head of the Anti-Terrorist Branch. Further up the chain of command at the time were Assistant Commissioner Andy Hayman, Deputy Commissioner Paul Stephenson and Commissioner Ian Blair.
6. Although the police investigation had concluded, a number of people who suspected they had been the victims of phone hacking began civil proceedings against News International. In the course of those proceedings, disclosure requests were made of the MPS for material in

their possession. This material not only fuelled those proceedings, it provided fertile ground for those who were concerned about the nature and extent of illegal practices within News International.

7. On 8 July 2009 The Guardian published a story about the head of the Professional Footballers Association having been paid a substantial sum by News International as a settlement, subject to a gagging clause, in response to the alleged hacking of his mobile phone. The implication of this story was that phone hacking was far more widespread than had been uncovered and that News International was attempting to buy people's silence. By this time Peter Clarke and Andy Hayman had retired and Sir Paul Stephenson was Commissioner. He asked Assistant Commissioner John Yates to "*establish the facts around the case and to consider whether there is anything new arising in the Guardian article.*"²

8. John Yates considered the matter, and concluded that the Guardian's reports provided no new information that would justify re-opening or reviewing the investigation. He issued a statement the following day, which concluded:

"This case has been subject of the most careful investigation by very experienced detectives. It has also been scrutinised in detail by both the CPS and leading Counsel. They have carefully examined all the evidence and prepared the indictments that they considered appropriate.

No additional evidence has come to light since this case has concluded.

I therefore consider that no further investigation is required."³

9. Keir Starmer Q C, the Director of Public Prosecutions, who had ordered an urgent review of the material supplied to the CPS, also concluded that it would not be appropriate to re-open the case.

² John Yates evidence to Home Affairs Select Committee 19 July 2011

³ Statement from AC John Yates 9 July 2009

10. Despite this, the issues continued to be pursued in the media, the civil courts and by Parliamentary Committees. In September 2010 it was reported that John Prescott, among others, was to launch civil proceedings against the MPS, seeking a judicial review of the police response. Neither he nor any other alleged victims made a formal complaint about that response. Also in September 2010 the Home Affairs Select Committee (HASC) launched an inquiry. The Culture, Media and Sport Committee had conducted an inquiry into 'Press Standards, Privacy and Libel' (which included hacking) which reported in February 2010 and has held further 'one-off' sessions in light of recent events.
11. In January 2011 a significant amount of further material was provided to the Metropolitan Police by News International, as a result of which the MPS launched a fresh investigation into phone hacking, codenamed Operation Weeting, under the responsibility of Deputy Assistant Commissioner Sue Akers of the Serious Crime Directorate. That investigation is continuing.
12. In June 2011, following the provision of further material by News International to the Metropolitan Police, the IPCC received a referral from the MPS about a number of unidentified officers having received payments from the News of the World. These allegations were inextricably connected to Operation Weeting, and in the circumstances, I decided to personally supervise the MPS investigation to identify any officer who may have committed an offence. This investigation is also ongoing.

The remit of the IPCC/ requirements of Police Reform Act

13. The IPCC has statutory responsibility for public confidence in the system for handling complaints and conduct matters, as defined in the Police Reform Act. It can, and does, independently investigate the most serious matters and IPCC investigators have the powers of a constable (including

the power to arrest police officers, enter and search premises) in connection with an independent investigation.

14. Conduct is defined in section 12(2) of the Police Reform Act:

(2) In this Part "conduct matter" means...any matter which is not and has not been the subject of a complaint but in the case of which there is an indication (whether from the circumstances or otherwise) that a person serving with the police may have--
(a) committed a criminal offence; or
(b) behaved in a manner which would justify the bringing of disciplinary proceedings.

15. Paragraph 11 of Schedule 3 sets out the recording obligations and conditions for an appropriate authority regarding conduct matters:

11(1) Where—
(a) a conduct matter comes...to the attention of the police authority...who is the appropriate authority in relation to that matter, and
(b) it appears to the appropriate authority that the conduct involved in that matter falls within sub-paragraph (2),
It shall be the duty of the appropriate authority to record that matter.
(2) Conduct falls within this sub-paragraph if...
(a) it appears to have resulted in the death of any person or in serious injury to any person;
(b) a member of the public has been adversely affected by it; or
(c) it is of a description specified for the purposes of this sub-paragraph in regulations made by the Secretary of State.

16. Regulation 5 of the Police (Complaints and Misconduct) Regulations 2004 (as amended) states that:

(1) For the purposes of paragraph 11(2)(c) of Schedule 3 ...the following descriptions of conduct are hereby specified-...
(f) conduct whose gravity or other exceptional circumstances make it appropriate to record the matter in which the conduct is involved...

17. The MPA has recorded conduct in relation to Sir Paul Stephenson, John Yates, Andy Hayman and Peter Clarke on the basis that it considers that there is an indication that all four have behaved in a manner that would indicate that the conduct, if proven, would justify disciplinary proceedings being brought and have referred it owing to its "gravity or other exceptional circumstances". It is not alleged that any of the four had behaved in a manner that would justify criminal proceedings.

18. The MPA has not specified in any detail what the conduct is or what evidence exists to justify its recording decision. The matters appear to have been recorded and referred on the basis that all four were/are:

“Senior officers, these are matters of public interest which has the potential to undermine the public’s confidence in the MPS; and in the interests of transparency.”

19. Paragraph 14 of Schedule 3 sets out the IPCC’s obligations once a conduct matter has been referred:

14(1) It shall be the duty of the Commission, in the case of every recordable conduct matter referred to it by a police authority...under paragraph 13, to determine whether or not it is necessary for the matter to be investigated.

(2) Where the Commission determines under this paragraph that it is not necessary for a recordable conduct matter to be investigated, it may if it thinks fit, refer the matter back to the appropriate authority to be dealt with by that authority in such manner (if any) as that authority may determine.

(3) Where

(a) the Commission refers a matter back to the appropriate authority under this paragraph, and

(b) the Commission does not consider that to do so might prejudice a possible future investigation of that matter,

the Commission shall give a notification of the making of the reference to the person to whose conduct that matter relates.

20. Under paragraph 15 of Schedule 3, if the IPCC decides that the matter referred to it must necessarily be investigated then it must determine the form that investigation will take, i.e., local, supervised, managed or independent.

The public inquiry and its relationship with the role of the IPCC

21. The Leveson Inquiry has been tasked first, with investigating the culture, practices and ethics of the press, and second, to inquire more specifically into improper conduct within News International or other media, and the relationship between the media and the police. Part 2 of the Inquiry’s terms of reference are of direct relevance to these referrals:

4. To inquire into the way in which any relevant police force investigated allegations or evidence of unlawful conduct by persons within or connected with News International, the review by the Metropolitan Police of their initial investigation, and the conduct of the prosecuting authorities.

5. *To inquire into the extent to which the police received corrupt payments or other inducements, or were otherwise complicit in such misconduct or in suppressing its proper investigation, and how this was allowed to happen.*

6. *To inquire into the extent of corporate governance and management failures at News International and other newspaper organisations, and the role if any, of politicians, public servants and others in relation to any failure to investigate wrongdoing at News International.*

7. *In the light of these inquiries, to consider the implications for the relationships between newspaper organisations and the police, prosecuting authorities, and relevant regulatory bodies – and to recommend what actions, if any, should be taken.*

22. It will be clear from the detail set out below in relation to each of the referrals that the IPCC has received from the MPA, that the above aspects of the Inquiry are likely to cover almost all of what has been referred by way of alleged recordable conduct.

23. I do not think that, because the Inquiry will be investigating the same matters, it necessarily follows that the IPCC does not need to investigate them. First, the Inquiry does not relieve the IPCC of its statutory obligations. Second, given that these matters fall within Part 2 of the Inquiry's terms of reference and following the completion of criminal investigations, it is likely that they may not be reached for some time. If there is an indication of potential misconduct it is obviously in the public interest, as well as the interests of the persons concerned, to initiate an effective investigation which secures evidence at the earliest opportunity and which culminates in disciplinary proceedings where appropriate. I do, however, think it is also important to consider that all four officers are either no longer serving or shortly to retire, as well as the respective powers that the IPCC and the public inquiry have to investigate these matters, in particular, to compel witness evidence.

24. On 4 August I met the Secretary and Solicitor to the Inquiry and discussed our respective roles and powers. I have confirmed to the Inquiry that it is

the role of the IPCC to investigate serious allegations of misconduct or criminality involving police officers, retired or otherwise. The Inquiry will be informed of any relevant investigations being carried out by the IPCC, and if conduct matters are revealed during the course of the Inquiry, I expect the IPCC will be informed of these so that any further investigations can be initiated as appropriate.

25. I set out my decisions in relation to each of these referrals below.

The referral for Sir Paul Stephenson

26. The MPA has referred to Sir Paul Stephenson's conduct in the following terms:

"Members considered that, due to your role as Commissioner, there were concerns about elements of your involvement in the matter. First, in relation to the review conducted by AC Yates and your oversight of it. Second, in relation to your apparent reluctance, as expressed at the strategic and operational police committee on 14 July 2011, to take responsibility, in your capacity as Commissioner, for the actions of AC Yates for the way in which he conducted the review, despite his admission of regrets."

27. The MPA does not say what the 'concerns' are, in relation to the two 'elements' of the Commissioner's involvement in the review into the phone hacking investigation. In relation to the first element, the only reason the matter seems to allegedly indicate conduct is because Sir Paul Stephenson was Commissioner of the Metropolitan Police and therefore responsible in a conduct sense for any alleged failings of John Yates. In relation to the second element, the conduct stems from an alleged reluctance by the Commissioner to take responsibility for the 2009 'review', which again was the responsibility of John Yates.

28. While Sir Paul Stephenson is in principle answerable for decisions made on his watch as Commissioner for the Metropolis, it cannot be said in this

case that he committed a misconduct offence because one of his officers may have carried out a poor or inadequate investigation.

29. At a general level, when the police carry out a poor investigation it is important for Chief Officers to understand what went wrong and how it can be put right. This means ensuring that the officers who did the poor job are held to account for their actions, which may involve misconduct, or providing them with advice or training to ensure they do not make the same mistake again. The appropriate response to a seriously flawed investigation is often to commission a new one. Failures of investigation can also reveal wider systemic issues or failures of supervision. Whatever the reason, the accountability of Chief Officers for any poor investigation in which they are not personally involved should be to ensure that the force as a whole has systems and processes in place to identify and address such failings and to learn from them.

30. Applying this to the facts as known, the conduct of John Yates is separately under consideration. In terms of the Commissioner's own role, he explains it as follows:

Q756 Chair: So he [Yates] rang you and told you, "I have tried to establish the facts"... and this is my result."

Sir Paul Stephenson: From memory, I don't know whether he told me the result before he announced it, but that would not be a problem to me. I gave him the job to do, and he did the job.⁴

31. Whether or not John Yates did a poor job in 2009, which is discussed further, the fact that Sir Paul Stephenson was Commissioner at the time and did not question his decision does not, in my view, amount to recordable conduct.

32. While I am required only to make a decision on the matter referred by the MPA, I am mindful of the concerns in the public arena that have not been referred. If any of these amounted to recordable conduct I could request

⁴ Evidence to Home Affairs Select Committee 19 July 2011

the MPA to record and refer them to us, and I have therefore considered whether the public interest requires any other matter to be investigated by the IPCC.

33. The concerns most widely expressed, and to some degree explored by the Home Affairs Select Committee, were Sir Paul's acceptance of some £12,000 of hospitality earlier this year from Champneys Medical, which was later revealed to have its public relations provided by Neil Wallis, former deputy editor of the News of the World, who, separately, had been providing advice to the MPS in 2009-10 and had recently been arrested by the MPS's own Operation Weeting. When questioned about this⁵ Sir Paul Stephenson had explained that at the time he was on sick leave recovering from a serious health condition and the treatment had facilitated his return to work, that his acceptance of the hospitality had been fully disclosed on the hospitality register, and that he had been entirely unaware of any connection between Champneys and Neil Wallis.

34. The public will make its own judgements about whether any senior public official should accept hospitality to this extent from anyone - or indeed about a policy which regards hospitality as acceptable merely because it is disclosed. But, whether or not the acceptance of hospitality amounts to recordable conduct, I do not consider that it is necessary to investigate it further. Sir Paul Stephenson has already given an account of his actions and of course, has resigned. Separately, the contract between the MPS and Neil Wallis's company Chamy Media is currently the subject of an IPCC independent investigation.

The referral for John Yates

35. This referral contains two separate matters. The first aspect relates to his 'review' of the hacking investigation:

⁵ Evidence to Home Affairs Select Committee 19 July 2011

"Members considered the allegations made by four members of the public and the information in the public domain relating to your involvement in the phone hacking investigation, including statements made by you to the Select Committee and your interview with the Telegraph newspaper."

36. The referral in this respect is devoid of detail and once again no reference is made to the basis upon which the information "in the public domain" or statements give an indication that John Yates has behaved in a manner which would justify the bringing of disciplinary proceedings.

37. The HASC report provides some assistance and I have considered the report and the transcript of his evidence to the Committee. John Yates made it very clear that all he did was consider whether any new information had come to light following a Guardian article and other stories about the use of Glenn Mulcaire and/or other journalists by News of the World. He was not asked to, and did not, conduct a review in the formal sense of the word:

"The form of Mr Yates's consideration of the hacking allegations appears to have been that he received detailed briefings from the Senior Investigative Officer for the 2005-07 investigation, including considering the CPS's contemporaneous advice (he did not take fresh legal advice), and after discussing it with some of the officers involved in the investigation he came to the conclusion that the Guardian articles gave no new information unknown to the police in 2005-07 that would justify either re-opening or reviewing the investigation. The whole process took about eight hours."

38. John Yates's judgment in not deciding either to review or re-open the phone hacking investigation has come in for the most robust criticism, particularly by HASC, which he has been accused of misleading. He responded specifically on these points in evidence to the Committee:

"Had I know what I should have known, it is a poor decision... Every answer I have given to this Committee and other Committees has been in good faith on the basis of what I knew and what I had been briefed."

6

⁶ Evidence to Home Affairs Select Committee 12 July 2011

39. John Yates told HASC that he took an operational command decision about resources, risk and the priority of other matters under his purview at the time. He admitted that he made a poor decision in his evidence to HASC and on 18 July, the same day as his conduct was referred to the IPCC, announced his intention to resign. In his evidence to HASC the following day he said:

"I have expressed regrets that more was not done about those potentially affected in 2005-06 and 2009. I paid a heavy price for it in announcing my intention to resign, but I am accountable for what took place."

40. Although many people have, particularly with the benefit of hindsight, questioned his judgement, on the evidence available the actions of John Yates in July 2009 involved an operational decision that on its own could not, even if proven, result in disciplinary proceedings. I have also considered whether, were we to receive a complaint about his actions, there would any basis for further investigation. Considering that he has been questioned over many hours in six separate Parliamentary sessions, it is difficult to see what further investigation would achieve. We would agree that he made a poor decision in 2009, for which he has now taken responsibility. Had no new investigation into phone hacking begun this may well have been a recommendation, but the current Operation Weeting which started in January 2011 makes this unnecessary.

41. I am aware that questions have been asked, mostly under Parliamentary privilege, about whether John Yates's judgement was in any way influenced by improper considerations such as hospitality received from News International or his friendship with Neil Wallis. There is no evidence available to me that it was. The Leveson Inquiry will be considering, among other things, *"the extent to which the police... were otherwise complicit in such misconduct or in suppressing its proper investigation"* and if any evidence emerges from that inquiry of any impropriety by any officer, I would expect it to be referred to the IPCC.

42. The second aspect of the referral concerns the circumstances leading to the employment of the daughter of Neil Wallis at the MPS. John Yates told the Committee he had "*simply forwarded a CV.*"
43. From the material I have reviewed, bearing in mind his own very senior position within the Metropolitan Police and the significant public interest in public bodies following the most scrupulous processes for employment, in my view this does indicate recordable conduct and I have determined that this will be the subject of an independent investigation.

The referrals for Andy Hayman and Peter Clarke

44. As noted above, both Andy Hayman and Peter Clarke retired from serving with the police some years ago. This does not mean that their conduct cannot be recorded or investigated. It does however limit the powers available to an investigating body for dealing with that conduct. While all the usual powers apply to a criminal investigation into retired officers, there is no power to compel a retired officer to co-operate with a conduct investigation and of course disciplinary proceedings and penalties (the ultimate sanction being dismissal) cannot apply once someone has ceased to be an officer.

45. The letter to Andy Hayman says:

"Members noted that you conducted the initial investigation into the phone hacking allegations in 2005/6 which led to the arrest of the two individuals at the New (sic) of the World. Members considered your role and media reports on this matter, in particular that you allegedly failed to uncover evidence of hacking crime victims' voicemails messages during the initial investigation, and in addition, former deputy prime minister Lord Prescott, and three others, have been allowed to seek relief by way of judicial review in respect of their claims that there were human rights breaches in the police handling of their cases."

46. The letter to Peter Clarke is similar:

"Members noted that you were involved in the initial investigation into the allegations of phone hacking by the News of the World in 2005/6"

and that there have been allegations of the failure of the initial investigation to uncover evidence of hacking of crime victims' voicemail messages...[same re Lord Prescott and judicial reviews]"

47. Investigations into badly conducted police investigations are familiar territory for the IPCC and the IPCC not infrequently finds that those responsible for them have committed conduct offences. Does the evidence show that either Peter Clarke or Andy Hayman may have done so in relation to the original investigation which concluded with the convictions of Goodman and Mulcaire in 2007?

The actions of Peter Clarke

48. Peter Clarke gave evidence to HASC on 12 July 2011. He was at the time of the original investigation both head of the Anti-Terrorist Branch of the MPS and the National Co-ordinator of terrorist investigations, and was responsible for some 70 live operations relating to terrorist plots. He explained the parameters of the investigation, as well as the reasons why the huge volume of material seized from Mulcaire was not subject to exhaustive analysis:

"First, given the wider context of counterterrorist operations against actions that posed an immediate threat to the British public, when set against the criminal course of conduct that involved gross breaches of privacy but no apparent threat of physical harm to the public, I could not justify the huge expenditure of resources this would entail over an inevitably protracted period.... second ... that the original objectives of the investigation could be achieved through [other] measures...." ⁷

49. In response to further questioning about whether resources might have been provided outside the Anti-Terrorist Branch he says:

"I took the view that it would be completely unrealistic, given that we were heading towards a prosecution of Goodman and Mulcaire, to then go to another department and say, "We've got a prosecution running. We have a huge amount of material here that needs analysing. We don't know, given the uncertainties of the legal advice, whether there will be further offences coming from this or not. Would you like to devote 50, 60, 70 officers for a protracted period to do this?" I took the

⁷ Peter Clarke evidence to Home Affairs Select Committee 12 July 2011

judgment that that would be an unreasonable request and so I didn't make it."

50. The HASC report does not draw any conclusions about Peter Clarke's judgement or conduct other than to note that the consequences of his decision to limit the parameters of the investigation were serious and that:

"...whilst the 2005-07 inquiry succeeded on its own terms, we cannot say that inquiry was a success given the extent of the intrusion now becoming apparent and the fact that even now not all the victims of interception have been identified let alone contacted."⁸

51. In my judgement, none of this reveals any evidence of recordable conduct. Had a complaint been made about the original investigation, fairness would require any investigation to consider whether Peter Clarke's decision to set narrow parameters was reasonable and proportionate in all the circumstances as they existed at the time, not to judge it with the benefit of hindsight.

Andy Hayman

52. Andy Hayman's conduct is referred on the basis that he "...conducted the original investigation in 2005-06..." From the evidence available, this does not appear to be the case. Peter Clarke was very clear that he was the senior officer responsible for the investigation.

Q439 Chair: What was your relationship at that point to Andy Hayman? Where did he fit into the overall investigation? Was it your investigation? Were you the top man?

Mr Clarke: In essence, yes. Obviously, ultimately the Commissioner is responsible for everything that happens in the Metropolitan Police.⁹

53. Although Peter Clarke's investigation was within Andy Hayman's overall command, it is difficult to see how Andy Hayman could have been any more responsible for it than his own bosses, who at the time were Deputy Commissioner Paul Stephenson and Commissioner Ian Blair. In any

⁸ Home Affairs Select Committee report para 62

⁹ Evidence of Peter Clarke to Home Affairs Select Committee 12 July 2011

event, if no recordable conduct is disclosed by the actions of Peter Clarke in the original investigation, it is similarly not disclosed in Andy Hayman's more remote role.

54. The HASC report makes clear that its exploration of Andy Hayman's role in the 2005-06 investigation stems from his social contacts with News International at the time and in his subsequent employment by the Times. His conduct in this regard comes in for severe criticism, and the report recommends that Lord Justice Leveson explore the issue of police officers taking employment with a company they have been investigating, in the course of his inquiry.

55. Neither of these matters were referred to us by the MPA, although I have considered whether they amount to recordable conduct. While there are serious issues that need to be scrutinised about the extent of contact between senior police officers and the media, and particularly around hospitality, in the absence of any actual evidence of impropriety these are, in my view, for the Inquiry to explore.

Conclusion

56. The role of the Metropolitan Police in its response to allegations of phone hacking by News of the World has rightly come under huge public scrutiny. There can be no doubt about the damaging effect of the perceived inadequate response – in particular, the failure to notify its many apparent victims – on public confidence. Sir Paul Stephenson and John Yates both acknowledged this in their decisions to resign.

57. It should also be acknowledged that the recent disclosures of alleged wrongdoing within News International, including the hacking of the phone of murdered schoolgirl Milly Dowler, have come about through the work of the current MPS investigation, Operation Weeting. The arrest in July 2011 of Neil Wallis was also carried out by Operation Weeting. These facts all

suggest that the current investigation is being carried out without fear or favour, and regardless of any embarrassment caused to senior police officers.

58. There can be little doubt about the cumulative effect on the public mind about the series of revelations about connections between senior police officers and News International, combined with the referral in June about unidentified officers taking bribes from News International. But the IPCC has to identify what is, and is not, conduct that needs to be investigated.
59. In relation to the conduct of the four individuals referred to us by the MPA, only Peter Clarke and John Yates actively took decisions or carried direct responsibility for the police response, or lack of it – the former in 2005-06, and the latter after Peter Clarke's retirement in 2008. The rationale for their actions, from their evidence to date, is set out above and will no doubt be explored further in the Leveson Inquiry. Neither Sir Paul Stephenson nor Andy Hayman had direct involvement in the investigation or decision-making; both appear to have come into the frame either as line managers of those who took decisions or because their own links with people associated with News International have been called into question. As explained above, except for the specific matter about John Yates's alleged involvement in securing a job for the daughter of Neil Wallis which is now the subject of an independent investigation, the matters referred do not, in my judgement, amount to recordable conduct for which further investigation is required.
60. The IPCC is now involved in three investigations arising from these matters – an independent investigation into the Chamy media contract, a further independent investigation, as explained in this decision, into John Yates's alleged involvement in securing a job for the daughter of Neil Wallis, and the supervised investigation into alleged police corruption that is linked to Operation Weeting. Each of those investigations will follow the evidence before reaching any conclusions. In addition to this, I will

maintain close contact with the Leveson Inquiry team. Should evidence emerge, through the investigations or from the Leveson Inquiry, of any impropriety by any officer, retired or otherwise of any rank, I would expect it to be recorded by the appropriate authority and referred to the IPCC. On that basis I will keep all of these decisions under review as the Inquiry progresses.

Deborah Glass
Deputy Chair
17 August 2011