

NOT PROTECTIVELY MARKED

Witness statement (part 1) from Jane Furniss, Chief Executive Officer, Independent Police Complaints Commission to the Leveson Inquiry in response to Section 21 Notice.

(1) Who you are and a brief summary of your career history

I am the Chief Executive Officer (CEO) and Accounting Officer (AO) of the Independent Police Complaints Commission (IPCC). I was appointed to the post in December 2006. I am responsible for the effective leadership of the IPCC and its staff to ensure that it delivers its statutory duties and responsibilities. I report to the Chair of the IPCC and to the Commission as the Board. In my Accounting Officer role I am accountable for the effective and efficient management of the IPCC's grant-in-aid (finances) to the Permanent Secretary at the Home Office and to Parliament.

Prior to my appointment I had been a senior civil servant in the Home Office, responsible for various aspects of criminal justice policy, legislation and reform. From 2001 to 2006 I led a team of civil servants known as the Office for Criminal Justice Reform (OCJR), working on a programme of legislative and policy changes designed to improve the way the criminal justice system worked, reporting to the Lord Chancellor, Attorney General and the Home Secretary. My primary role was in leading the OCJR to ensure delivery of the CJS Ministers' vision, strategic plan and targets, which specifically sought to improve public confidence in the system. I was responsible for the establishment of the National Criminal Justice Board and the Local Criminal Justice Boards which were set up in each area of England and Wales.

From 1995 - 2001 I was a member of Her Majesty's Inspectorate of Probation (HMIP), starting as one of HM Inspectors of Probation and being promoted over time to be HM Deputy Chief Inspector. I was briefly HM Chief Inspector during 2001 when Sir Graham Smith retired and prior to the appointment of his successor, Prof Rod Morgan. During my time in HMIP, in addition to leading a number of probation area and thematic inspections, I led a programme of work to identify and promote Effective Practice, research based methods of work with offenders which reduced reoffending rates.

From 1975 - 1995 I was a probation officer at various grades in W Yorkshire Probation Service, rising in 1990 to Assistant Chief Probation Officer, prior to my appointment in 1995 as HM Inspector of Probation.

Over the past 30 years, I have held a number of non executive and trustee posts in public and charitable bodies. Currently I am a lay member of the Solicitors Regulation Authority and a trustee of Crisis, the homelessness Charity. The Inquiry may wish to be aware that in my trustee capacity I have worked professionally with Sir David Bell, the Chair of Crisis who is, I understand, an advisor to the Inquiry.

NOT PROTECTIVELY MARKED

IPCC SUBMISSION TO LEVESON - CEO RESPONSE FINAL PART 1- NPM

Page | 1

MOD200008161

NOT PROTECTIVELY MARKED

(2) Please outline, in broad terms, the functions, remit and powers of the Independent Police Complaints Commission (IPCC).

In the statement submitted in September 2011 by Deborah Glass, Deputy Chair of the IPCC, more detail of the role and remit of the IPCC is provided and for brevity we have not repeated all that information here.

The IPCC was established by the Police Reform Act 2002 (PRA) and became operational in April 2004. Its primary statutory purpose is to secure and maintain public confidence in the police complaints system in England and Wales. In addition to this statutory responsibility, part of its guardianship role involves an obligation to measure, monitor and where necessary, seek to improve the current system. The IPCC is independent – by law, Commissioners cannot have worked for the police service in any capacity. The IPCC makes its decisions independently of the police, Government, complainants, and interest groups.

The IPCC has the power to carry out independent investigations into the police, and its investigators have the powers of a constable when carrying out investigations. Its statutory powers and responsibilities are set out in the PRA, which also:

- sets out the processes underpinning the police complaints system, including the ways in which recorded complaints are dealt with;
- gives the IPCC a duty to establish and maintain public confidence in the police complaints system

The PRA did not, however, establish a system in which all investigations are carried out by the IPCC. Four modes of investigation (independent, managed, supervised and local) are set out in the PRA, in addition to three rights of appeal (against the police decision not to record a complaint, against the process of local resolution and against the outcome of a supervised or local investigation) and other mechanisms, such as local resolution, dispensation and discontinuance, by which complaints and conduct matters can be dealt with.

Although the IPCC has responsibility for the police complaints system overall, we investigate a very small proportion of cases ourselves, usually only the most serious complaints and allegations of misconduct against the police in England and Wales. Each police force has its own Professional Standards Department (PSD) who deal with the vast majority of complaints and conduct matters against police officers and police staff. Complainants have a right of appeal to the IPCC if they are not satisfied with the way the police have dealt with their complaint. The bulk of the resource within the system is within the police themselves - this is not always well understood and there is a widespread public misconception that the IPCC investigates all complaints itself.

The IPCC's remit has since 2004 been extended to include serious complaints and conduct matters relating to staff at the Serious Organised Crime Agency (SOCA), Her Majesty's Revenue and Customs (HMRC) and the UK Border Agency (UKBA).

NOT PROTECTIVELY MARKED

IPCC SUBMISSION TO LEVESON - CEO RESPONSE FINAL PART 1- NPM

Page | 2

MOD200008162

NOT PROTECTIVELY MARKED

(3) What role, if any, can/ does the IPCC currently play in ensuring that relationships and communications between police officers and police staff are appropriate and operate in the public interest? Please explain when answering this question what you consider to be "appropriate" contact with the media and what you consider to be "the public interest"?

(4) Do you consider that the IPCC should play a greater role? If so, what changes would be necessary (whether to powers and remit or to systems and procedures).

The IPCC remit is set out in the Police Reform Act - see 2 above. The Commission has no general remit or oversight of the police or policing matters. We do not exercise any general role in ensuring the police and media have appropriate relations/ communication. We are involved in such matters only if a relevant complaint or conduct matter arises. As an evidenced-based, statutory body we do not hold or express opinions on general policing matters unless we have robust evidence, based on our investigations, handling of appeals or our specific research. We currently have no such evidence on the issue of police and the media - though as a result of current investigations we may have in the future. Given this I regret I do not have any basis on which to comment on questions 3 or 4.

RELEVANT COMPLAINTS/ CONDUCT MATTERS

As regards questions (5) and (7) below, the Inquiry is interested in complaints and conduct matters of which the IPCC has had sight, including following complaints made directly to the IPCC and referrals from a chief officer or police authority (whichever body ultimately investigated the conduct), dispensation applications and in the context of any statutory appeal.

(5) Over the last 5 years, how many (complaints or conduct matters has the IPCC dealt with involving or concerning an allegation that a person serving with the police (as defined by s.12(7) of the Police Reform Act 2002) has made an unauthorised disclosure of information to the media and/or private detectives? Please give a breakdown details of:

a. How many were complaints and how many were conduct matters.

The IPCC does not hold information on all **conduct** matters unless it has been the subject of a referral to us; this applies only to the most serious ie the minority of conduct allegations. The Police Reform Act (2002) requires forces or police authorities to be responsible for recording all **complaints** from the public and **conduct** matters identified against police officers and staff employed by them. The IPCC does, however publish annual statistics on **police complaints** (*Police Complaints: statistics for England and Wales*) which are compiled from the statistics submitted to the IPCC by each force on a quarterly basis. In our statistics reports, information is presented for each of the last 7 years on the number and nature of allegations arising from public complaints against the police (please see **Annex A** for the 2010/11 report). Each report

NOT PROTECTIVELY MARKED

IPCC SUBMISSION TO LEVESON - CEO RESPONSE FINAL PART 1- NPM

Page | 3

MOD200008163

NOT PROTECTIVELY MARKED

contains information on the breakdown of allegation categories, for example, '*improper disclosure of information*' but it would not be possible to identify from these statistics whether the improper disclosure was made to the media or private detective, or to another party. This information could be obtained only by asking each police force to identify this information.

Although it is not possible to identify the number of allegations relating specifically to leaks of information to the media or private detectives, what the data does show is the number of allegations where '*improper disclosure of information*' was alleged in each financial year. There were 5,179 allegations of '*improper disclosure of information*' in total over the 5 year period, which represents around 2% of all allegations recorded for that period. The following table shows the number of allegations nationally of '*improper disclosure of information*' by financial year:

Allegation category	Financial Year					Total
	2006/07	2007/08	2008/09	2009/10	2010/11	
Improper disclosure of information	*774	884	1,053	1,189	1,279	5,179
Total allegations	**45,883	48,790	54,274	58,399	59,442	266,788
% related to improper disclosure of information	1.7	1.8	1.9	2.0	2.2	1.9

*, ** These two figures in 2006/07 do not include allegations against British Transport Police

It is not possible due to earlier IT systems to provide the figures by force for 2006/07 and 2007/08. However for force level analysis of the allegations of '*improper disclosure of information*' recorded by forces for the last three financial years 2008/09, 2009/10 and 2010/11, please see **Annex B**.

b. Numbers of (i) leaks to the media and (ii) leaks to private detectives.

For the reasons explained at 5a the IPCC would not know how many **complaints** or **conduct** matters individual forces have investigated relating to leaks.

Referrals

The IPCC has received approximately 15,000 referrals of all types between April 2004 and March 2011 and has not previously analysed the details of those referrals in respect of leaks/unauthorised disclosure. Forces are required to refer such matters only if they believe the allegation is serious enough to meet the mandatory referral criteria or if they believe it is the public interest to do so voluntarily.

The IPCC has investigated independently or overseen by 'management' or 'supervision' (as defined in the PRA) a small number of cases involving unauthorised disclosures over the period

NOT PROTECTIVELY MARKED

NOT PROTECTIVELY MARKED

of its existence. These are detailed below in Q5c along with the force involved and outcome/current status.

In July 2011, the Home Secretary used her powers under Section 11 (2) of the Police Reform Act 2002 to request a report on the IPCC's experience of investigating corruption in the police service. As part of this review of a wide range of allegations of corruption, we are reviewing all referrals of unauthorised disclosure. The review which is still ongoing, is concentrating on the last three financial years; 2008/09, 2009/10 and 2010/11 only as we hold comprehensive data for this period. We expect to submit the report to the Home Secretary by the end of March and to make it public once she has placed it before the Parliament.

c. The outcomes of the investigations, setting out how many resulted in criminal proceedings (and the outcome of the same), how many resulted in misconduct proceedings (and the outcome of the same) and how many concluded that the allegations were not proved or substantiated.

I have detailed below the referrals which it is clear involve allegations of the type referred to during the three years 2008/09-2010/11.

Please note: this information has been retrieved from conducting a word search of the IPCC's 'Case Tracking Management System'. The figures are therefore reliant on how the particular individual referrals are recorded on our system and may understate the actual number. If a referral contains multiple conduct allegations, the details of each may not be identifiable electronically; the only way to do this definitively would be by a review of each individual case file by the relevant Commissioner and investigators.

Seven referrals related to improper or unauthorised disclosure of information to the media and/or journalists. Three were referred by the Metropolitan Police; one each by Avon and Somerset, Norfolk, Leicestershire and West Yorkshire. The outcomes of five of the cases are not known to the IPCC. On referral of each of these five cases, we determined they were suitable to be investigated by the local force. Forces do not report the outcome of such cases to the IPCC so I am unable to provide that information.

We are however, aware of the outcome for the two cases that were investigated under the 'supervision' of the IPCC. Neither investigation resulted in criminal nor misconduct proceedings as there was insufficient evidence to substantiate the allegations. One referral from the Metropolitan Police related to the improper or unauthorised disclosure of information to a private investigation company. This case was supervised by the IPCC and is included in the confidential annex provided by Deborah Glass.

So far as we can be certain we have identified those cases involving "leaks"/unauthorised disclosure where the IPCC has independently investigated or had oversight i.e. conducted a managed or supervised investigation. I would just caveat this by indicating that there may have been other cases where allegations of a similar nature have been raised but as they were only part of a larger investigation and not the primary focus, it is possible neither our electronic case systems or the recollections of Commissioners and/or investigators have identified them. The

NOT PROTECTIVELY MARKED

IPCC SUBMISSION TO LEVESON - CEO RESPONSE FINAL PART 1- NPM

Page | 5

MOD200008165

NOT PROTECTIVELY MARKED

list is broadly accurate to the best of our recollections and reliability of our case system but may not be absolutely definitive.

I have not repeated here the cases provided by Deborah Glass to the Inquiry in her statement at paragraphs 41-44 and the confidential annex except where there is an update to provide. Cases are provided in chronological order according to when they were referred to the IPCC:

1. Metropolitan Police Service (2006) - a managed investigation of an allegation that information about pornographic images of children found during an investigation was leaked to the News of the World. While the investigation did not lead to any criminal or misconduct case against any specific officer, the final report recommended that the force consider how such intelligence is shared amongst officers. No recommendations were made around relationships with the media.
2. Metropolitan Police Service (2006)- an allegation was made that a member of the Metropolitan Police Service leaked sensitive information to the press concerning a live investigation, that resulted in a number of articles in the national press. A supervised investigation into the allegation was inconclusive in identifying a possible source of the leak.
3. South Wales (2007) – in 2007 South Wales Police were alerted to the possibility that an employee had misused police computer systems to assist a retired Detective Superintendent who was then operating a business as a private investigator. An investigation conducted by South Wales Professional Standards Dept under the supervision of the IPCC found that the force administrator undertook checks on behalf of the retired police officer and passed on information gleaned from force systems. The investigation resulted in the prosecution of the retired police officer. He was sentenced to eighteen months imprisonment and the force administrator received four years imprisonment after admitting charges of misconduct in a public office and conspiracy to commit fraud.
4. Cambridgeshire (2011) - Mr Bailey is the brother of convicted murderer Ian Huntley. Mr Bailey complained that during the investigations in August 2002 of the murders of Holly Wells and Jessica Chapman, unnamed officers attended the home address of his father. The house was cordoned off and an extensive search took place. Mr Bailey stated that a matter of days after the search, whilst the property was still in possession of the police, certain wedding photos from the property were published in three national newspapers. He believed that the photographs were taken from his father's house and sold by a corrupt police officer to the newspapers. The IPCC supervised Cambridgeshire Police investigation which concluded that there was no evidence to support the proposition that the wedding album or loose photographs were supplied by police officers to the press.
5. Surrey (2011) - in August 2011, Surrey Police made a referral to the IPCC following allegations that a police officer gave information to journalists during Operation Ruby, the investigation into the disappearance of Amanda (Milly) Dowler in 2002. Following an

NOT PROTECTIVELY MARKED

NOT PROTECTIVELY MARKED

IPCC independent investigation it was determined there was no evidence to support the allegations made and no further action was taken.

6. Serious and Organised Crime Agency (2011)- a mandatory referral was received in December 2011 from SOCA in relation to a current employee who, while previously working for the Metropolitan Police Service is suspected of having provided material, including sensitive police documentation to identified journalists. The individual in question has been arrested by IPCC investigators and released on bail. The investigation continues.
7. Operation Elveden (2011/12) – the IPCC is supervising a Metropolitan Police Service investigation into alleged corruption between police officers and journalists. The investigation is ongoing.
8. Metropolitan Police Service (2011/12)- the Metropolitan Police Authority referred a number of matters arising from concerns about the Met's phone-hacking related investigations and concerns about relationships with New International; these matters are ongoing.

A number of other investigations have involved allegations about information being 'shared' with though not necessarily 'leaked' to the press. While the examples below do not identify individual culpability or failings, these cases identified learning recommendations for forces:

9. Essex (2007) - a managed investigation of an allegation that the force issued inaccurate and malicious information in a press release following the death of a man who was involved in a struggle with a police officer. Learning for the force was around the need to have a clear approval process for press releases before they are issued; and for staff to be more aware of and to follow the ACPO/IPCC media protocol. This report is available on the IPCC website.
10. North Wales (2007)- an independent investigation examined how photographs of the body of a man who died in a high speed motorcycle accident were used in a presentation delivered by the Chief Constable and subsequently appeared in the media. The force was asked to review the way it engages with the media in events which require their cooperation and involvement. This report is available on the IPCC website.
11. Essex (2007) - an independent investigation confirmed that information was passed from a police source to Mirror Group Newspapers. No specific recommendations were made about relationships with the media. A report is available on the IPCC website.

d. The police forces involved.

Complaints

As explained at 5a we are unable to provide the detail by force of the specific complaints. Some details regarding complaints involving allegations of *improper disclosure of information*, are included in the *Police Complaints: statistics for England and Wales 2010/11*; we can provide

NOT PROTECTIVELY MARKED

IPCC SUBMISSION TO LEVESON - CEO RESPONSE FINAL PART 1- NPM

Page | 7

MOD200008167

NOT PROTECTIVELY MARKED

copies for each year since 2004/05 if the Inquiry would find this useful. **Annex B** provides a breakdown of the allegations of 'improper disclosure of information' recorded by forces for the last three financial years 2008/09, 2009/10 and 2010/11.

Referrals

See 5c above.

(6) Do you consider that police forces allocate sufficient priority and/or resources to investigating such allegations?

See Q3 and 4 above. I regret have no evidence on which to express a view.

(7) Over the last 5 years, how many complaints or conduct matters has the IPCC dealt with involving or concerning an allegation that a police officer has failed to investigate or failed adequately to investigate an offence allegedly committed by the media (including, but not limited to, (a) harassment by paparazzi and journalists; (b) traffic and/or public order offences committed by photographers and journalists pursuing stories; (c) blackmail; (d) inciting officials to communicate confidential information held by the Police Service/ conspiring with them to obtain such information)?

(8) Please give a breakdown/ details of:

a. The outcomes of the investigations, setting out how many resulted in criminal proceedings (and the outcome of the same), how many resulted in misconduct proceedings (and the outcome of the same) and how many concluded that the allegations were not proved or substantiated.

b. The police forces involved.

Complaints

It is not possible to be absolutely definitive about this because of the general nature of the recording categories but none to our knowledge.

Referrals

So far as we can tell from our electronic case system and to the best of our collective recollection there have been no referrals related to the allegations included as at Question 7 (a), (b), (c), (d).

(9) Where complaints are made about the conduct of the national media, which police force or forces is/ are responsible for investigating the alleged crime? Do jurisdictional difficulties arise? If so, how do you consider they should be resolved?

NOT PROTECTIVELY MARKED

NOT PROTECTIVELY MARKED

As far as I understand it, this question is asking about the responsibility of the police to investigate allegations of criminal acts committed by the national media. As this is not a matter for the IPCC, I have no evidence or basis to comment on this.

NOT PROTECTIVELY MARKED

IPCC SUBMISSION TO LEVESON - CEO RESPONSE FINAL PART 1- NPM

Page | 9

MOD200008169

NOT PROTECTIVELY MARKED

THE IPCC AND THE MEDIA

(10) How does the IPCC manage, monitor and control its own relationships and communications with the media? What policies, procedures and/or training are in place?

The IPCC Code of Conduct sets out the expectations and requirements to which Commissioners and staff are expected to adhere. The Code is underpinned by the IPCC's values, in particular Independence and Integrity (the others being Justice and Human Rights, valuing diversity and openness). The Code establishes the principle that all media contact should be referred to and channelled through the IPCC Press Office. All press statements are cleared by the individual Commissioner in the case, the Chair or me as CEO where it is addressing a wider organisational issue. No other member of staff is ever authorised to issue press statements. Additionally all speeches or articles written by IPCC employees are cleared with the relevant Director in advance, ensuring both oversight and quality assurance of IPCC media contact and messages. As part of the Corporate Induction all staff receive a briefing session on the Code of Conduct including scenarios based on media contact and information security.

The Commission has agreed a Communication Strategy (revised and agreed March 2010) that sets out the organisational approach to media and stakeholder engagement. The strategy supports the IPCC's purpose of securing and maintaining public confidence in the police complaints system and complements the IPCC's wider strategic planning.

At an operational level, a weekly round-up meeting of Commissioners, senior management and press officers considers high profile cases and media coverage for the next fortnight and daily press cuts relevant to public confidence in policing and the IPCC are monitored.

Media training for Commissioners and the Chief Executive has been delivered by a professional media training company. Further support and training is provided by the press office for Commissioners and staff ahead of any specific dealings with the media. Specific media training for investigators (also covering media awareness) is delivered by the IPCC press office.

Press officers have all been trained by virtue of experience in dealing with the media. All members of the team have received refresher training in new skills such as social/digital media management within the last 2 years. The job descriptions for the Head of News and Press Officer posts (provided as **Annex C and D**) outline the experience and skills of the respective roles.

Our press contact is supported by the use of a media management tool (Spotlight) which is used to log all media contact and which is now being used to review and assess our media coverage.

(11) How does the IPCC ensure that its personnel know what is and what is not appropriate contact with the media?

NOT PROTECTIVELY MARKED

IPCC SUBMISSION TO LEVESON - CEO RESPONSE FINAL PART 1- NPM

Page | 10

MOD200008170

NOT PROTECTIVELY MARKED

In addition to the principles outlined in Q10, the IPCC Code of Conduct also establishes the individual responsibility in avoiding both actual and perceived conflict of interests in the way in which IPCC staff conduct themselves both at and outside of work which includes media contact. In the event of any uncertainty staff are expected to consult the Press Team or their senior manager for further guidance.

(12) Are you satisfied that the policies, procedures and training described above are sufficient and working effectively? Do you consider that they are capable of improvement?

I am confident that current provisions are working effectively but they remain under regular review to ensure they reflect the changing environment in which we work. The events of the Summer of 2011 have caused the organisation formally to review how we respond to the press and public appetite for information following a high profile case (such as a police shooting) and how the police should respond when the IPCC is conducting an investigation. We have recently issued revised guidance to the police and our own staff in this respect (see **Annex E**).

(13) How do the media (both locally and nationally) obtain information from the IPCC?

The IPCC press office is the organisation's single point of contact for both national and local media. It may be helpful to explain that the IPCC is a very small organisation, employing around 400 staff in total to perform our statutory duties across England and Wales. We have a press/news team comprising the Head of News, plus 1 Regional Press Officer based in each of our offices in Manchester and Cardiff, and a team of 3 Press Officers based in our London office.

Information is provided to journalists via the press office in a variety of ways. We make use of 'Spotlight', an incident/case related piece of software designed to record and track contact with the media.

- Press releases – are distributed to national and local media contacts by the press office via the media management database, Spotlight.
- Statements and responses – are provided to the media by the press office in response to queries and coverage. Statements and responses can be given verbally and/or in writing – all are recorded and logged on Spotlight.
- Online – all press releases are published on the IPCC website. Additionally all are logged on Spotlight.
- Social media – press releases and significant statements are circulated via social media channels - which then link back to the information published on the IPCC website.
- Press conferences / briefings – usually at the beginning or end of an investigation or policy issue/announcement.

NOT PROTECTIVELY MARKED

NOT PROTECTIVELY MARKED

The IPCC contact lists which are used for distribution of press releases are not limited to the select journalists and titles. They include a wide range of specialist, trade and bodies serving black and minority ethnic publications and websites. The contact lists have been built up over the last 8 years and attempts are made to keep them as up to date as possible.

(14) Is contact with the media restricted to certain staff or are all staff able to deal with the media?

As stated in Q10, all media enquiries are channelled through the Press Office; other IPCC staff are able to speak to the media only with senior management authority and in the context of facilitated interviews or briefings; i.e. any interaction with the media would be facilitated by a member of the press office. Aside from the occasions when it is appropriate for the organisational spokesperson to be me as CEO, ordinarily this would be undertaken by an IPCC Commissioner (who act as official IPCC spokespersons) or an investigator on a particular case. In some cases someone with an area of specialism – for example the Head of Research or Head of Casework can deal with the media (for example if the enquiry specifically relates to their specialism).

Any contact with the media by any IPCC staff would be pre-arranged and in the presence of an IPCC Press Officer and would therefore be logged/ recorded on Spotlight – the Press Office management system.

(15) What mechanisms are in place to monitor and record contact with the media generally? Please answer in relation to both formal and informal communications.

All contact between the media and the IPCC is recorded and monitored on Spotlight as indicated above. Calls, briefings, press releases, responses and statements are all recorded on this piece of software.

Each week the IPCC Press Office produces a weekly round up of all press activity as well as a forward look (and grid) of press activity for the week ahead. This includes meetings, briefings, announcements, press releases, enquiries, statements and issues relating to the IPCC and the media.

(16) Does the IPCC conduct "off-the-record" conversations with the media? What is your view of such conversations between IPCC personnel and the media?

All conversations with the media are on the record and are logged on the Spotlight media management system. The Commission agreed some years ago as matter of principle that it would not provide "off the record" briefings.

(17) What role does the IPCC Press Office fulfil? What, in practice, does it do?

The Press Office operates as the single point of contact between the IPCC and the media. Through the provision of information to the media the press office is supporting the IPCC's

NOT PROTECTIVELY MARKED

NOT PROTECTIVELY MARKED

values of openness and transparency and the aim of achieving confidence in the complaints system.

In addition the press office undertakes to do the following for the IPCC; 24 hour/seven days per week media planning, handling and management, strategic external communications advice, forward planning and horizon scanning, delivering social media, media monitoring and evaluation and support on internal and stakeholder communications. It also provides media training to investigators and staff that are likely to deal with the media.

The IPCC Press Office consists of a Head of News supported by 5 Press Officers. Job descriptions which provide additional detail on the remit and responsibilities of these roles, plus a team organisation chart are provided as **Annex C, D and F respectively**.

(18) Why is it necessary for the IPCC to have a Press Office and what is your view as to its utility and role?

The IPCC is a public body accountable to Parliament and to the public and its statutory duty as set out in the Police Reform Act 2002 is to secure and maintain public confidence in the police complaints system. Our values of openness and transparency require us to provide information to the public often via national and local media outlets. It is therefore necessary for the IPCC to have a team that provides accurate information to the media about its role, investigations, policies and issues that it faces. Last year the IPCC Press Office dealt with 4084 calls from the media (**Annex G- IPCC Media Activity and Social Media Information provides further detail**). Without a press office the IPCC would be subject to media enquiries and media interest to which the organisation would be obliged to respond.

(19) What is the media's attitude towards the IPCC's Press Office? In particular, are they satisfied by the provision of information and the routing of communications through the press office, or do they prefer direct contact with individual personnel within the IPCC?

A survey conducted in 2010 by the IPCC's Research Team (a small team of professional researchers working independently of other IPCC staff) canvassed the views of a collection of national and local journalists about the service that the IPCC Press Office provided. The aim of the survey was to gather feedback and opinions from the journalists who have contact with the IPCC Press Office in order to assess levels of satisfaction with the service and identify any possible improvements. Overall, the findings from the survey were positive, with all of the respondents rating the overall service provided by the Press Office as either excellent or good. Respondents stated that they were treated in a timely and professional manner. Moreover, several commented on the service being of a higher standard than press offices in other public bodies they contacted.

The majority of respondents felt that press releases were extremely clear and contained more detail than those from other organisations.

NOT PROTECTIVELY MARKED

IPCC SUBMISSION TO LEVESON - CEO RESPONSE FINAL PART 1- NPM

Page | 13

MOD200008173

NOT PROTECTIVELY MARKED

There was a general understanding that the IPCC Press Office provides as much information as they can, and most of the respondents sympathised that the press officers were often dealing with very sensitive information and were therefore unable to share this with the press.

With regards to the latter part of the question – “do they prefer direct contact with individual personnel within the IPCC?” – we did not ask the media this question in the survey. We believe anecdotally from our contact with them the answer would be ‘yes’. It is my view as CEO that it is vital for us to manage media enquiries through the Press Office for all the reasons cited, ie providing a professional service, openness, consistency and accountability.

(20) What hospitality are IPCC personnel permitted to accept from the media? Inter alia, are they entitled to accept a meal or a drink from a journalist?

On occasion, staff have received from or provided limited hospitality to the media. In accordance with the IPCC Code of Conduct, staff are required to declare to the Commission Secretary all hospitality received or provided. It is recorded in the IPCC’s published Gifts and Hospitality Register. Staff are permitted to receive a working lunch in the course of normal business provided this is not “frequent, regular or lavish” (the language of the IPCC Code of Conduct) and that it has been declared to the Commission Secretariat, but it is rare that the IPCC would itself provide such hospitality.

(21) What hospitality are IPCC personnel permitted to afford to the media?

Commissioners and Staff are expected to demonstrate integrity and restraint in providing hospitality. The IPCC Business Expenditure Policy outlines what hospitality Commissioners or staff are permitted to provide at our expense:

“The costs of refreshments purchased outside IPCC offices for third parties in the course of IPCC business are eligible for reimbursement, e.g. tea / coffee purchased for members of the public assisting the IPCC. Other kinds of hospitality will only be permitted under exceptional circumstances and with the prior agreement of the relevant director. “

The expenses claims of Commissioners, Directors and my own records (which would include any hospitality paid for) are all authorised by me or the Chair as relevant, are reviewed each quarter and published on the IPCC website every six months. There is also a regular audit of expenses claims against the policy.

(22) How (if at all) is hospitality between the IPCC (including yourself) and the media controlled and/or regulated?

All staff, including the Chief Executive and Directors, are required to declare to the Commission Secretary all hospitality received or provided. This is recorded in the IPCC’s Gifts and Hospitality Register. The Chair and Chief Executive formally review the Register every 6 months and report to the Commission. It is then published on the IPCC website. Any significant hospitality received or provided is only with the prior agreement of myself/the relevant Director.

NOT PROTECTIVELY MARKED

NOT PROTECTIVELY MARKED

The IPCC's auditors undertook an audit in 2010 to review the receipt, recording and treatment of gifts and hospitality. A similar audit forms part of our regular audit plan to ensure the IPCC is following best practice guidelines in relation to the acceptance, provision and recording of gifts and hospitality. All such audits (as mentioned here and in Q21 above) are reported to me as CEO and to our Audit Committee chaired by one of our non executive Commissioners and attended (amongst others) by our external auditors, the National Audit Office.

(23) What mechanisms are in place to record hospitality as between the media and IPCC personnel (including yourself)?

Please see response to Q22.

(24) Are records of hospitality and other contact with the media audited and/or policed and, if so, how and by whom?

Please see response to Q22.

(25) Do you consider that there is, or has been, an inappropriate level of hospitality accepted by the IPCC from the media? In addressing this issue please give your reasons and set out what you consider to be an appropriate level of hospitality for IPCC personnel to accept from the media (if any).

No. Any hospitality received or provided by staff at the IPCC is kept to a minimum and reflect our view about public expectations, interest and accountability.

(26) To what extent do you believe that leaks from IPCC personnel to the media are a problem for the IPCC?

This has been an extremely limited problem for the IPCC. In one high profile case (referred to below at 29) a member of staff shared information with the press without authority. There have been a limited number of other occasions when information arising from our investigations has been provided to journalists. Our general approach is one of openness with a presumption of disclosure (subject to a harm test). We share information as an investigation progresses with the complainant/family members, provide updates and/or formal disclosure to officers being investigated and put out public statements about our findings and /or approach. We brief a whole range of interested parties. We are therefore unsurprised that some of that information is, on occasions, reported in the press perhaps somewhat earlier than we intended. We do not have any concern that this is due to IPCC personnel providing the media with such information.

(27) What measures are in place to deter or prevent the leaking of information to the media by IPCC personnel?

The main deterrent to leaking is in the values driven approach which we apply to our work. Our staff and Commissioners are committed to doing a thorough investigation in which the parties and the public can have confidence. They know that leaking information or providing it in an

NOT PROTECTIVELY MARKED

NOT PROTECTIVELY MARKED

unauthorised way can damage both the investigation and credibility of the IPCC so they are generally committed to not doing so. Of course no organisation can prevent the occasional member of staff who makes an honest mistake, is misguided or misconducts themselves.

In highly sensitive cases we strictly limit the numbers of people who have information that might be of interest to journalists until we are ready to share it publicly. High profile investigations are subjected to strict exhibit and document management control and are generally managed on a recognised secure database, the Home Office Large Major Enquiries System (HOLMES). We have an Intelligence Cell which handles particularly sensitive material which is accredited to handle material up to Top Secret. In order to manage the sensitive nature and limit access, the team reports to a Director responsible for our professional standards and integrity, the Director of Standards and Quality.

Copying of any IPCC material is restricted, auditable and in some cases supervised. We have audit systems in respect of our information technology, mobile and landline telephones. Our systems are all password protected and access is available on a strictly need to know basis. Our documents are routinely marked with the protected markings recommended across government. It is possible in the event of a leak to audit use of our IT systems.

All our staff are security cleared to the level appropriate to their role and the levels for individuals are kept under review. All our staff are required to undertake training which supports the appropriate handling and safeguarding of data/personal information. There is an annual refresher training programme which staff are required to undertake and obtain a pass mark. This training is designed to remind staff of their obligations under the Data Protection Act and the IPCC's own policies and standards and test their knowledge and adherence to them.

(28) What systems and procedures are in place to identify, respond to and detect the source of leaks?

See above for the technical systems. In 2009 we established an internal team, the Standards and Quality Directorate who undertake investigations at my instigation in appropriate cases. We would involve an external police force if we had very significant concerns and/or if we thought a criminal offence might have been committed.

The Standards function of the directorate is responsible for carrying out quality reviews of high profile investigations and where something has gone wrong, audit reviews of high profile investigations. Any learning or strengthening of policies identified is actioned, implemented and monitored.

Parliament created the IPCC as an independent body and determined that there should be no other organisation with powers to handle complaints, appeals against the IPCC or inspection of it. Members of the public can be left dissatisfied with our service and have formal recourse only to judicial review. It was in recognition of this that I decided to establish the Standards and Quality Directorate. We have also agreed a formal Memorandum of Understanding with the Scottish Police Complaints Commission, the Police Ombudsman for Northern Ireland and the Garda Siochona Ombudsman, Ireland to provide external independent scrutiny or investigation

NOT PROTECTIVELY MARKED

NOT PROTECTIVELY MARKED

of a complaint or where identified serious failings have been alleged or identified in a high profile case. I have made use of this MOU on two occasions but neither was in relation to a suspected leak.

(29) How many internal investigations have been conducted into actual or suspected leaks from the IPCC to the media during the last 5 years and how many led to the successful identification of the source of the leak. What was the outcome of the other investigations?

1. In 2005 a member of staff leaked information about a high profile investigation. S/he was suspected of being the source, was suspended, admitted that s/he was and resigned before being dealt with under our disciplinary proceedings. This is the same matter referred to at paras 37-40 in the September 2011 statement of Deborah Glass, IPCC Deputy Chair.

There have been three other allegations that information had been leaked to the media since 2005:

2. 2007- the information in question was held by both a police force and the IPCC. We asked a member of our Audit Committee to undertake a review of who in the IPCC knew what and whether they could have been the source and the police force did its own review. The report of the IPCC review concluded that no individual in the IPCC knew all the information which had been shared with the press and it was not possible to definitively conclude whether any individual had been a partial source (and if so when).
3. 2008- very sensitive material held by both the IPCC and a police force was shared with a national newspaper. In view of the nature of it and the fact that either IPCC investigators or the police force had to be the source, I asked an external police force recommended by HMIC to investigate both the IPCC and the police force. It reported that whilst it could not be certain of the source, the IPCC had not held copies of the material securely enough to be certain it was not the IPCC. As a result I apologised to family members affected, we changed our internal procedures and provided staff with additional training.
4. 2011- an internal review concluded on the evidence that personal information about IPCC personnel which was reported in a national newspaper did not come from IPCC staff but rather a named individual from outside the IPCC.

(30) Has disciplinary action been taken against any member of staff for leaking information to the media during the last 5 years? If so, please identify the number of cases and their outcome. There is no need to identify the person or persons the subject of the disciplinary process.

No – as indicated at Q29 there is little doubt it would have been taken in case 1) if the staff member had not resigned first. In case 3 above, it was clear there had been mistakes made but we identified the need to improve our policy and procedures rather than any individual misconduct.

NOT PROTECTIVELY MARKED

IPCC SUBMISSION TO LEVESON - CEO RESPONSE FINAL PART 1- NPM

NOT PROTECTIVELY MARKED

(31) What payments (if any) are considered to be legitimate financial transactions between IPCC personnel and the media?

None

(32) What policies and/or guidance are in place in relation to financial transactions between IPCC personnel and the media?

The IPCC Code of Conduct makes absolutely clear that financial transactions with any person or body are either prohibited or are regulated and must be declared. In the event of any uncertainty the Commission Secretariat or Director of Business Services should be consulted.

(33) To what extent do you believe bribery of IPCC personnel by the media to be a problem for the IPCC (if at all)?

So far as we are aware there has been no incident of this nature. The IPCC values and Code of Conduct make clear our expectations of staff. We are not complacent but do not believe we are at greater risk than any other law enforcement/public body from staff being involved in bribery by the media.

(34) What steps are taken: (a) to educate your personnel about bribery; (b) otherwise to prevent the bribery of your personnel; (c) pro-actively to detect bribery; (d) retrospectively to investigate bribery; and (e) to discipline personnel (if any) who are found to have accepted bribes from the media?

The IPCC's Code of Conduct requires all Commissioners and staff to adhere to the Nolan Committee Standards in Public Life. In addition the organisation's Gifts and Hospitality Policy states that "*as an IPCC employee you should not use your official position to receive, agree to accept or attempt to obtain any payment or other consideration for doing, or not doing, anything or showing favour, or disfavour, to any person. You should not receive benefits of any kind from a third party, which might reasonably be seen to compromise your personal judgement and integrity*".

The Code has recently been expanded to include the provisions of the Bribery Act 2010, together with the organisation's Counter Fraud and Corruption Policy which has also been recently updated to include details of this legislation and their impact on our Commissioners and staff. A notification was issued to the organisation giving an overview of the Bribery legislation which was then published on the IPCC intranet.

An audit of our current policies and arrangements during 2011 acknowledged that the Code of Conduct provided staff with good advice and relevant guidance.

In addition, any staff member who becomes aware or has suspicion that another staff member was taking bribes would, in addition to usual managerial reporting lines be able to use the provisions and processes within the Internal Whistle Blowing Policy to raise their concerns. This

NOT PROTECTIVELY MARKED

IPCC SUBMISSION TO LEVESON - CEO RESPONSE FINAL PART 1- NPM

Page | 18

MOD200008178

NOT PROTECTIVELY MARKED

policy was publicised to all staff following approval by Commission and is readily available on the organisation intranet. The policy is also cross-referenced in the Code of Conduct and Counter Fraud and Corruption policy.

(35) Describe the personal contact which you currently have with the media. The Inquiry would like an overall picture of the type, frequency, duration and content of the contact with the media.

All my contact with journalists is formal, on the record and supported by the presence of a member of the Press Office. It will generally be in the form of a press release or a recorded interview. The Commission has established the practice that it is the Chair, Deputy and Commissioners who act as the formal spokespersons supported by our press and news team members. I therefore have very limited personal contact with the media and no personal meetings other than for interviews (with one exception see end of this section).

I lead for the Commission in respect of matters related to my role as Accounting Officer i.e. providing statements in respect of National Audit Office audits or studies, or Public Accounts Committee reports etc. I am the named person in press releases relating to resources or staffing issues etc. I have been interviewed by the "police trade press" on a number of occasions in order to highlight general issues arising from our Annual Report, complaints statistics etc. The only occasions I have been interviewed by national broadcast or print journalists have been alongside the Chair of the IPCC. I would estimate that aside from press releases, my contact has been fewer than 3 or 4 occasions per year over the past 5 years.

The Chair and I met the Editor and Deputy Editor of a national newspaper recently to discuss a complaint we had made to the paper and the Press Complaints Commission. This was an informal (not for reporting) discussion (attended by the IPCC's Head of News) to discuss our complaint and concerns.

(36) Describe what you seeking to gain for the IPCC through any personal contacts you have with the media.

Informed reporting of the IPCC's role and related matters.

(37) Describe in general terms and using illustrative examples what you consider the media has been seeking from you in your personal dealing with them during your tenure as CEO of the IPCC.

To inform their coverage of IPCC business.

(38) To what extent do you accept hospitality from the media?

In the past 5 years I have not accepted any hospitality, with one exception (see Q39). All hospitality offered or accepted by me is governed by our Code of Conduct, and is declared (see Q22).

NOT PROTECTIVELY MARKED

NOT PROTECTIVELY MARKED

(39) Insofar as you have accepted hospitality from the media, what has been the nature of the hospitality that you have accepted?

Attendance at Jane's Police Review Magazine dinner at which awards are made to police officers and staff. The Chair of the IPCC would normally attend and as he was not available, I attended in his place in 2011.

(40) To what extent have you provided hospitality for the media on behalf of the IPCC?

The IPCC is mindful that it is funded from the public purse and tends to be rather parsimonious in offering hospitality to any groups or individuals. We will offer light refreshment (no alcohol) to journalists when they attend launches of our Annual Report, publication of significant research reports and coffee/tea when they attend our offices to conduct interviews. In 2009 we hosted a one off reception for a wide range of journalists providing alcohol and food. The purpose was to improve their understanding of our role. A small number of journalists attended the farewell party organised to mark the departure of our former Chair, the cost of which was met by him personally plus a contribution from the IPCC funds.

(41) Insofar as you have provided hospitality to the media, what has been the nature of the hospitality that you have provided?

See Q40 above

(42) Do you ever discuss the media, or media coverage, with politicians (local or national)? If so, how important is such communication and why?

Local MPs are key people when we are conducting an investigation into an incident which happened in their constituency and/or which involved one of their constituents. Commissioners will meet with MPs as and when required to brief them on the investigation and any issues of concern. In high profile investigations, discussions can include consideration of either local or national media coverage that the incident or investigation has attracted. Ensuring that MPs are adequately briefed is crucial, particularly when they choose to speak publicly about the investigation that we are conducting. Commissioners would usually be accompanied by an appropriate member of staff from the Commission and all such meetings would be confidential but on the record.

My personal contact with politicians in relation to individual cases is rare as this is predominantly led by IPCC Commissioners. Alongside the Chair, I do however meet periodically with those politicians that have a national home affairs remit (this includes for example the Home Secretary, Policing Minister, Shadow Home Affairs team, and Welsh Assembly Minister for Communities and Local Government). Media coverage of IPCC investigations can sometimes be a topic of discussion at these meetings. Again all such meetings are attended by officials and are on the record.

(43) Do you know, or sense, that a politician has put pressure on you to take a particular course of action as a result of lobbying or influence exerted on that politician by the

NOT PROTECTIVELY MARKED

IPCC SUBMISSION TO LEVESON - CEO RESPONSE FINAL PART 1- NPM

Page | 20

MOD200008180

NOT PROTECTIVELY MARKED

media? If so, please explain (although you need not identify the politician at this stage if you do not wish to do so).

No

(44) Has the prominence which politicians have given to subjects ever given rise to pressure to alter the priority given/ or resources allocated to a particular investigation? If so, please explain.

The IPCC is an independent body which makes its decisions entirely independently of the police, complainants, politicians and Parliament. Deployment of resources and the prioritisation of work is solely a matter for myself and my Executive Team at the IPCC. The Home Secretary does however have legislative powers to request specific reports relating to our functions and these powers have been used twice since we became operational in 2004.

The first time was in 2004, when the then Home Secretary, Rt Hon David Blunkett MP exercised his powers under Section 79 of the Police Act 1996 to ask the IPCC to conduct a review into the death of Christopher Alder. In 2011, the current Home Secretary used her powers under Section 11(2) of the Police Reform Act to request a report on the IPCC's experience of corruption in the police service in England and Wales. Part 1 was submitted to the Home Sec in August and published in early Sept 2011; Part 2 will be submitted in late March and published in April.

Although the exercise of these powers has been rare, we clearly have a duty to respond with sufficient resources in order to be able to deliver a high quality report within the agreed timeframe.

NOT PROTECTIVELY MARKED

IPCC SUBMISSION TO LEVESON - CEO RESPONSE FINAL PART 1- NPM

Page | 21

MOD200008181

NOT PROTECTIVELY MARKED

THE MPS

(45) What is your impression of the culture within the MPS in relation to its dealings with the media (the media in all its forms)?

(46) To what extent do you believe bribery of personnel by the media is a problem for the MPS (if at all)?

(47) To what extent do you believe leaks from the MPS to the media are a problem for the MPS (if at all)?

(48) Do you consider that there is, or has been, an inappropriate level of hospitality accepted by the MPS from the media? In addressing this issue please give your reasons and set out what you consider to be an appropriate level of hospitality for a police officer to accept from the media (if any).

POLICE FORCES OTHER THAN THE MPS

(49) What is your impression of the culture within police forces other than the MPS in relation their dealings with the media (the media in all its forms?)

(50) To what extent do you believe bribery of personnel by the media is a problem for the other forces (if at all)?

(51) To what extent do you believe leaks from to the media are a problem for the other forces (if at all)?

(52) Do you consider that there is, or has been, an inappropriate level of hospitality accepted by the other forces from the media? In addressing this issue please give your reasons and set out what you consider to be an appropriate level of hospitality for a police officer to accept from the media (if any).

GENERAL MATTERS

(53) What is your view of the practice of police officers and police staff having "off-the record" conversations with the media?

(54) What do you consider to be the motivation for police officers and/or police staff to leak information to the media? In other words, what do you consider to be the root cause of such leaks?

(55) Is it necessary for police forces to have a press office, and what is your view of the utility and role of police press offices?

NOT PROTECTIVELY MARKED

NOT PROTECTIVELY MARKED

leaving the Police Service to work for the media and vice versa?

(57) What role do you consider that Police Authorities (or, as will be, Police and Crime Commissioners) and the Mayor's Office for Policing and Crime (which replaced the Metropolitan Police Authority on 16.1.12) should have in ensuring that relationships and communications between the police and the media, both locally and nationally, are appropriate and operate in the public interest?

(58) What is your view of the recommendations contained in the HMIC's recent report 'Without Fear or Favour' insofar as they concern relations between the media and the police? (If you have not seen it, the report is available online).

(59) What is your view of the recommendations contained in Elizabeth Filkin's report 'The Ethical Issues Arising from the Relationship Between Police and Media'? (If you have not seen it, the report is available online).

(60) Do you consider that there are different or further steps which could and/or should be taken to ensure that relationships between the police and the media are and remain appropriate?

Questions 45 – 60 ask for my opinion or impression of various matters relating to relationships between the Metropolitan Police/other police forces and the media. As mentioned in Q3 above the IPCC is an evidenced based organisation. We offer opinions and judgments purely based on evidence gathered from individual investigations and/or learning from a collection of similar cases or when we undertake specific research relevant to the discharge of our statutory duties.

We have no relevant body of evidence in respect of the matters raised in these questions so I regret that I am unable to assist the Inquiry in response to these questions at this time. The Commission is however mindful of the public's interest and concerns and will wish in due course to make its findings in respect of the individual current investigations public, including drawing out any general lessons and recommendations for the Home Office, police forces and related bodies.

I believe that the reports produced by HMIC and Dame Elizabeth Filkin provide relevant evidence and sound recommendations. I am sure that those reports and the findings of Lord Justice Leveson's Inquiry itself will assist the police service and media to address the public's concerns about relations between the police service and the media.

=====



Jane Furniss, CEO, Independent Police Complaints Commission
Dated: 20 February 2012

NOT PROTECTIVELY MARKED

IPCC SUBMISSION TO LEVESON - CEO RESPONSE FINAL PART 1- NPM