



# People for Proper Policing in North Wales

## North Wales POLICE AUTHORITY 23rd January 2009

### VETTING PROCEDURE FOR MEMBERS a report by the Chief Executive

#### INTRODUCTION

On 31st October the Police Authority's Standards Committee considered a procedure which I had drafted for security vetting all Members. The Standards Committee resolved to recommend the procedure to the Authority for approval. The Committee also asked me to raise the issue with the Association of Police Authorities and the Home Office.

A copy of my report to the Standards Committee and the proposed procedure are set out below.

RECOMMENDATION – To approve the attached procedure.

#### Implications of this report

Diversity	-	No obvious implications.
Financial	-	There will be a small cost in terms of Officer's time.
Legal	-	No obvious implications.
Risk	-	The draft procedure will significantly reduce the risk to the Authority's reputation.
Welsh Language	-	No obvious implications.

#### VETTING PROCEDURE FOR MEMBERS a report by the Chief Executive

1. Unless and until proposals in the current **Green Paper for the direct election of Police Authority Members** are implemented, the constitution of North Wales Police Authority is as follows:

**9 Councillors appointed by the 6 County and County Borough Councils** in North Wales in accordance with political balance.

**8 Independent Members appointed by the Authority** from a short list prepared by a selection panel. One of the Independent Members has to be a Magistrate.

2. Independent Members are currently subject to **a form of security vetting** before their appointment is confirmed. **Councillor Members are not. The procedure is not documented.** The Standards Committee should be recommending the Authority to adopt a consistent written procedure.

3. Why do Members need to be security vetted when they are all bound by the Official Secrets Act anyway and give a written undertaking to comply with the Code of Conduct? There are two reasons:

**The public deserve to have confidence in the judgement of anyone who is monitoring the Police.**

□ **The Police themselves need to have respect for the Police Authority.** They also need to have confidence that Members will be unlikely to **allow confidential information to reach the wrong hands.**

4. Another point to clarify is that if a prospective Member or a member of their family or household have been convicted of an offence this will not automatically affect their appointment. **If the offence is minor I will not even be told by the Force who undertake the vetting.** If the offence is more serious I will be informed and a view will then be taken whether or not it is appropriate for the person concerned to serve on the Police Authority.

5. Vetting is not undertaken continuously during a Members' term of office. If, however, it transpires that a Member or a member of their family or household have committed an offence, similar arrangements should apply.

6. The remedy for dealing with a prospective Independent Member is clear; the Authority would decline to confirm his / her appointment. The position regarding a prospective Councillor Member or an existing Member (either Councillor or Independent) is more complicated.

**7. Under paragraph 11 (1) (d) of Schedule 2 to the Police Act 1996 a Member is automatically disqualified if he has received a prison sentence of not less than three months.**

8. Under paragraph 19 (1) of Schedule 2 to the Police Act 1996 (and this is relevant to another report on the agenda) a Police Authority may remove a Member from office by notice in writing if:-

a) he has been absent from meetings of the police authority for a period longer than three consecutive months without the consent of the authority,

(b) he has been convicted of a criminal offence (but is not disqualified for being a member under paragraph 11),

(c) the police authority is satisfied that the member is incapacitated by physical or mental illness, or

(d) the police authority is satisfied that the member is otherwise unable or unfit to discharge his functions as a member.

9. What we require is a speedy, efficient, fair, agreed procedure for exercising the whole procedure. I have drafted a procedure for discussion. **The procedure has been sent to the Force for their observations.**

## **DRAFT PROCEDURE FOR VETTING**

**(1) All new Members of the North Wales Police Authority and all existing Members seeking re-appointment shall be security vetted.**

**(2) The Security Vetting (SC) will be carried out by North Wales Police (NWP). The standard of SC will be that applied to Non-Police Personnel.**

**(3) Independent Members will receive SC between their short listing and their final interview.** If NWP have concerns they will inform the Chief Executive. The Chief Executive will consult with the Chair of the Standards Committee and advise the Authority in order that those concerns can be taken into consideration before any offer of appointment is made.

**(4) Councillor Members will receive SC as soon as their appointment on the Police Authority has been confirmed.** If NWP have concerns they will inform the Chief Executive. The Chief Executive will consult the Chair of the Authority. Depending on their views the Chief Executive will:

- Ask the relevant Council or leader of the relevant political party within that Council to re-consider their nomination, or
- Ask the Police Authority to consider whether to remove the Member from Office in accordance with Paragraph 19 of Schedule 2 to the Police Act 1996.

(5) In the event of a change in personal circumstances of an existing Member they are obliged to inform the Chief Executive who will consult NWP. If NWP have concerns the Chief Executive will consult the Chair of the Standards Committee and will ask the Police Authority to consider whether to remove the Member from Office in accordance with Paragraph 19 of Schedule 2 to the Police Act 1996.

Note – if a Member receives a prison sentence of not less than 3 months he / she is disqualified automatically.

(6) Members of the Authority who require long-term, frequent and uncontrolled access to secret information (e.g. Members of the Police Authorities of Wales) will be subject to a national security check. If NWP have concerns they will inform the Chief Executive. The Chief Executive will consult the Chair of the Authority and will decide:

- Whether it is practical to restrict that Member's access to secret information; or
- Whether to select a different Member to undertake that particular role.

**The PPP comments ... Vetting of PA members is a necessary part of any selection process for a sensitive public office. Our members have been subject to stringent national security vetting for a range of work including as interviewers for the British Crime Survey (BCS). We would much prefer that a PA member was vetted by another force or preferably an independent body ( if such a body still exists in this country) NOT THE FORCE THEY will be party to 'managing'. The past record of NWPA/PF relationships is such as to give us little confidence in the proposed arrangement.**

**The past record of NWPA/PF in terms internecine conflicts is such that there are still real concerns about misuse/abuse of so called secret information. Our concerns are such that we believe that the current system is unfit for purpose and we hope to participate in the debate initiated by the Green Paper for the direct election of Police Authority Members.**

The whole