

<b>Title:</b> Reform of the Police Disciplinary System following the Chapman Review 2014. <b>IA No:</b> HO0158  <b>Lead department or agency:</b> Home Office  <b>Other departments or agencies:</b>   	<b>Impact Assessment (IA)</b>			
	<b>Date:</b> 01/12/14			
	<b>Stage:</b> Consultation			
	<b>Source of intervention:</b> Domestic			
	<b>Type of measure:</b> Primary/Secondary			
	<b>Contact for enquiries:</b> Police Integrity Consultation Team policeintegrityconsultation@homeoffice.gsi.gov.uk			

<b>Summary: Intervention and Options</b>	<b>RPC Opinion: N/A</b>
--	-------------------------

Cost of Preferred (or more likely) Option			
Total Net Present Value	Business Net Present Value	Net cost to business per year (EANCB on 2009 prices)	In scope of One-In, Two-Out? Measure qualifies as
NOT KNOWN	£0m	£0m	No   N/A

**What is the problem under consideration? Why is government intervention necessary?**  
Public perception of police integrity has suffered in the wake of incidents including 'Plebgate', the findings of the Ellison review into the investigation of the murder of Stephen Lawrence, and the findings of the Hillsborough Independent Panel. In a system of policing by consent, it is vital that the police maintain, and are seen by the public to maintain, the highest standards of integrity. Government intervention is required to maintain the confidence of the public in the police by making the police disciplinary system clearer, more independent and public-focused.

**What are the policy objectives and the intended effects?**  
The policies under consideration aim to increase the confidence that the public have in the integrity of the police and the justness of the police disciplinary process by making the police disciplinary system clearer, more independent and public-focused. The effect of this will be to improve the efficacy of the police force, which relies on the trust of the public to police by consent, and to improve police-public relations.

**What policy options have been considered, including any alternatives to regulation? Please justify preferred option (further details in Evidence Base)**  
Option 0 - Do nothing.  
  
Option 1 (preferred) – Implement the recommendations of the Chapman Review of the police disciplinary system.

<b>Will the policy be reviewed?</b> It will be reviewed. <b>If applicable, set review date: 2019</b>					
Does implementation go beyond minimum EU requirements?			N/A		
Are any of these organisations in scope? If Micros not exempted set out reason in Evidence Base.	<b>Micro No</b>	<b>&lt; 20 No</b>	<b>Small No</b>	<b>Medium No</b>	<b>Large No</b>
What is the CO <sub>2</sub> equivalent change in greenhouse gas emissions? (Million tonnes CO <sub>2</sub> equivalent)			<b>Traded:</b>		<b>Non-traded:</b>

*I have read the Impact Assessment and I am satisfied that, given the available evidence, it represents a reasonable view of the likely costs, benefits and impact of the leading options.*

Signed by the responsible :

.....Date:

# Summary: Analysis & Evidence

# Policy Option 1

**Description:** Implement the recommendations of the Chapman Review of the police disciplinary system

## FULL ECONOMIC ASSESSMENT

Price Base Year 2014	PV Base Year 2014	Time Period 10 Years	Net Benefit (Present Value (PV)) (£m)		
			Low: N/A	High: N/A	Best Estimate: NK

COSTS (£m)	Total Transition (Constant Price) Years	Average Annual (excl. Transition) (Constant Price)	Total Cost (Present Value)
Low	N/A	N/A	N/A
High	N/A	N/A	N/A
Best Estimate	NK	NK	NK*

### Description and scale of key monetised costs by 'main affected groups'

\* The vast majority of costs are non-monetised so the net present value is deemed to be not known. However, specific monetised costs are outlined in the evidence base, for example the cost to the IPCC of instructing counsel in some directed cases.

### Other key non-monetised costs by 'main affected groups'

**Police officers & Special constables:** there are likely to be additional travel costs to officers subject to the proceedings. Individuals who are dismissed will be affected financially in loss of salary. Potential for fines and/or a prison sentence if a criminal offence were introduced for not cooperating with the IPCC.

**IPCC** cost of investigations into chief officers, and likely administration associated with compelling officers to cooperate if criminal/disciplinary action is pursued. There will be familiarisation costs to all parties involved in the disciplinary process, including IPCC, police officers and staff and Professional Standards Departments in each force.

BENEFITS (£m)	Total Transition (Constant Price) Years	Average Annual (excl. Transition) (Constant Price)	Total Benefit (Present Value)
Low	N/A	N/A	N/A
High	N/A	N/A	N/A
Best Estimate	NK	NK	NK

### Description and scale of key monetised benefits by 'main affected groups'

No benefits have been monetised because data is not available at this stage.

### Other key non-monetised benefits by 'main affected groups'

**Police forces** benefit by (potentially) reducing the costs of hearings and appeals through economies of scale and shared resources. Potential efficiency savings through streamlining and simplifying the regulations, particularly for performance cases. Forces also benefit by (potentially) reducing the number of appeals due to having legally qualified chairs. Small reduction in investigations and appeals if chief officer cases transfer to the IPCC, freeing up chief officer time. Small reduction in costs of presenting directed cases if IPCC presents some of them.

**The wider public and the police** will benefit from a more efficient and effective police disciplinary system.

Key assumptions/sensitivities/risks

Discount rate (%) 3.5%

- 1) Assume that the workload (i.e. the level of misconduct and performance by police officers) stays broadly the same.
- 2) Greater transparency will have a positive effect on public confidence.

## BUSINESS ASSESSMENT (Option 1)

Direct impact on business (Equivalent Annual) £m:			In scope of OITO?	Measure qualifies as
Costs: £0	Benefits: £0	Net: £0	No	N/A

## **Problem under consideration**

In her oral statement on 22 July, the Home Secretary announced a review of the police disciplinary system from beginning to end, to be chaired by Major General (Retd.) Chip Chapman. This was in response to a number of negative high profile cases reported in the media and data which suggested the disciplinary system was not as effective as it could be. The Home Secretary asked Chip Chapman to look for ways to ensure that the disciplinary system is clearer, more independent and public-focused.

The Chapman Review was conducted over the summer of 2014 and the full report accompanies this consultation. A summary of recommendations can be found at Annex A of the report. The report sets out a wide-ranging analysis of the current state of police discipline and puts forward recommendations for reforming the system to meet the Home Secretary's stated objectives.

It has highlighted a number of issues within the disciplinary system:

- a) *The public and police lack confidence in the system*
  - i. Research from Greater Manchester Police indicates that Black and minority ethnic group officers are subject to disciplinary procedures disproportionately more than White officers
  - ii. Decision making across forces is inconsistent – with different outcomes for the same misconduct
  - iii. The system is opaque making it harder to understand, leading to delays
- b) *The system could be more effective*
  - i. Separate systems apply to police officers and staff meaning different standards are often applied. This can also mean separate hearings for officers and staff involved in the same case, increasing costs
  - ii. The system for performance is difficult to use – many performance issues are either not dealt with effectively or end up in the conduct system as a result, increasing costs
  - iii. There are no national training standards for Professional Standards Department (PSDs) officers: PSDs do not always have trained investigators filling roles which can affect the quality and success of investigations and outcomes
  - iv. Management interventions are not clearly defined – officers lack training in management skills, meaning rehabilitation can be absent or ineffective for officers who are not dismissed
- c) *The system could be easier to follow*
  - i. The system is hard to understand. It is difficult for those without experience and knowledge to navigate through the system – regulations are unduly complex, overly bureaucratic and burdensome which increases costs and the administrative burden
  - ii. Communication during a case is poor which can increase delays
- d) *The system could be more efficient*
  - i. The gap between final written warning and dismissal is too great with missed opportunities for rehabilitation of officers
  - ii. The length of time an officer spends on a final written warning is too short, so any further disciplinary action would need to start from the beginning and previous action would not be taken into account
  - iii. The join between Professional Standards Departments and Human Resources in some forces is poor which can be inefficient
  - iv. Delay is institutionalised – a combination of the adversarial nature of the system, regulations and delays caused by setting up a disciplinary panel
- e) *The system could be more independent*
  - i. The entire system is managed at a local level increasing the risk of vested interests influencing a case.
  - ii. Loyalty of police officers can sometimes be misplaced and skewed towards colleagues, rather than to upholding the values that officers should hold

## **Rationale for intervention**

The problems outlined above prevent the police maintaining, and being seen by the public to maintain, the highest standards of integrity.

Government intervention is required because it maintains the regulatory framework for the current disciplinary system. Due to a number of high profile cases, the integrity of the disciplinary system has

often been called into question; therefore there is a need to take action to ensure that the system is effective and maintains public confidence.

### **Policy objective**

The policies under consideration aim to increase the confidence that the public have in the integrity of the police by making the police disciplinary system:

- **Clearer**
- **Quicker**
- **More Objective**
- **More Robust**
- **More Open and public-focused**

### **Options considered**

#### **Option 0 - do nothing**

#### **Option 1- implement the recommendations of the Chapman Review of the police disciplinary system.**

The Chapman Review has made a number of recommendations for how the system can be reformed to address the issues that the review has identified. The Government proposes to make a number of changes from beginning to end of the police disciplinary system (the bracketed numbers denote the recommendation they relate to from the Chapman Review):

#### **1. Creating a clear system**

##### **Baseline: how the current system works**

(a) The system is locally managed by each of the 43 police forces in England and Wales. There is no coordinating body. Guidance is issued centrally by the Home Office on the regulations that govern the system.

(b) There are separate regulations for performance and attendance and for conduct. The performance process consists of three linear and sequential stages, whereas the conduct process has a single stage set at two levels depending on the severity. Attendance policy varies from one police force to another.

##### **Proposed changes**

- (a) The College of Policing would oversee the disciplinary system for the 43 police force areas (1). This could include:
  - i. Managing a benchmarking exercise with key stakeholders such as the IPCC, to determine clear standards for all forces. This would cover: what sanctions should apply to officers in disciplinary cases including which actions should usually lead to dismissal (2); what transformative action should be taken in cases below dismissal (6); and, what the common attendance triggers should be for sickness absence (17).
  - ii. Establishing a kitemark programme to rate the performance of police forces in dealing with discipline, linked to the Code of Ethics and based on assessments of: the training they provide (5, 9, 14); the transparency and availability of data (13); how well the Code of Ethics has been embedded in the values of their officers (3) and how well recruitment processes test those values (4).
  - iii. Producing clear guidance to forces on the disciplinary system in partnership with the Home Office, to improve consistency (1).
  - iv. Reviewing and developing training packages for police forces and hearings panels (5, 14).

- (b) Cases of under performance of police officers will be managed in the same way as misconduct cases; this would involve stripping away the current three-stage process and moving to an internal meeting for performance issues that do not lead to dismissal, and a disciplinary hearing for those that do lead to dismissal (33, 34).

## **2. Investigations must be quick, objective and robust. We therefore propose that:**

### Baseline: how the current system works

- (a) The IPCC investigates serious and sensitive misconduct cases involving senior officers. Less serious cases are usually investigated by a chief constable from a different force.
- (b) Language used in the system is set out in the regulations.
- (c) Authority currently sits with the chief constable and can be delegated to constable Chief Inspector or above, although certain decisions (for example on suspension) must be authorised by a senior officer.

### Proposed changes

- (a) The IPCC investigates all disciplinary cases involving Chief Officers (11), to remove the current practice of Chief Officers investigating each other. Whilst in practice the IPCC already investigates most of those cases, usually due to the seriousness and sensitivity of the cases that arise, it is not always the case.
- (b) Language used in disciplinary investigations be simplified (36), so that the terms used describe what the system actually does. For example, what is currently described as a 'severity assessment', where a decision is taken about whether a case is misconduct or gross misconduct, we will change to a simple 'dismissal test' (8, 18), and the terms misconduct and gross misconduct will be abandoned. Anything above the line agreed through the benchmarking exercise (described above) will usually lead to dismissal; anything below the line will lead to a robust focus on rehabilitation.
- (c) The 'appropriate authority' will be able to delegate their authority to the rank of inspector or above for matters that do not lead to dismissal (35).

## **3. Hearing and appeals must be open and fair. We therefore propose that:**

### Baseline: how the current system works

- (a) Hearings are currently convened locally and separately by each of the 43 forces in England and Wales.
- (b) Hearings are held in private currently
- (c) Hearings are chaired by a senior officer from the police force concerned.
- (d) Mitigation can be taken into account by hearing panels but there is not a clear policy and the practice may therefore vary from force to force.
- (e) The IPCC can direct a police force to take a case to a hearing even where the force disagrees with the IPCC's findings. This occurs in approximately 10 cases per year.
- (f) Appeals currently take place locally and are convened by the local policing body.
- (g) Retired officers currently sit on appeals panels.

### Proposed changes

- (a) Disciplinary hearings be held regionally rather than at a local level (as is currently the case) to improve the consistency of outcomes (21). Each region would be responsible for coordinating the hearings and providing the necessary administration and support. The College of Policing could have a role in supporting the administration of the hearings.

- (b) Disciplinary hearings and appeals will be conducted in public (20) - a separate consultation is being carried out on the specifics of the proposal, which will be implemented in 2015. This can be found at <https://www.gov.uk/government/consultations/changes-to-the-police-disciplinary-system>. This measure is therefore part of the do nothing baseline option, but is mentioned here for completeness.
- (c) The panel who preside over a disciplinary hearing (including performance cases) should be chaired by a legally qualified person (19), with a serving senior officer of Superintendent rank or above (22) and a lay member. To ensure objectivity in the process, the police officer would be from a different force to the person subject to the proceedings (23), and their role would be to provide an operational view of policing to inform the panel's decision. Both the legally qualified chair and the lay member would be recruited, their names added to a list and they would be paid a fee for each hearing they sit on. A separate consultation is being carried out on the proposal to introduce legally-qualified chairs to disciplinary hearings (19), which will be implemented in 2015. This measure is therefore part of the do nothing baseline option, but is mentioned here for completeness.
- (d) The panel is given the discretion to disregard or place less weight on a mitigation that could have been raised earlier, but that was only declared for the purposes of a hearing or appeal (31, 32). The officer would need to provide evidence that they had formally declared the mitigating circumstances to at least one of the following: the police force; a medical professional; or, a recognised staff association (such as the Police Federation).
- (e) The IPCC should present those cases where it has carried out an independent investigation and directs that a case should be taken to a hearing (and any subsequent appeals hearings) (24). This will usually apply where a police force disagrees with the IPCC's recommendation.
- (f) Appeals will be centralised rather than held at police force level to ensure greater consistency of outcomes (38). As with the regional hearings it will be for police forces to coordinate the hearings, and the College of Policing could have a role in managing and supporting the process. There are options around where the hearings are held that have implications for public access and logistic issues:
  - i. appeals could be heard regionally in the same venues as the regional hearings with the panel scheduled to attend
  - ii. appeals could take place in one location for the whole of England and Wales. There is a choice then about the best location.
- (g) The panel presiding over an appeal would consist of a legally qualified chair and a serving senior officer, as now, but the retired officer who currently sits on the panel would be replaced by a lay member.

**4. Outcomes must be fair, robust and either seek to rehabilitate or dismiss officers, as appropriate. We therefore propose that:**

Baseline: how the current system works

- (a) Officers can currently be given notice if they are dismissed. Where an officer already has a final written warning in place, this can be extended for 12 months as an alternative to dismissal.
- (b) Officers can only be reduced in rank as a result of under performance.
- (c) Language used in sanctions is set out in the regulations.

Proposed changes

- (a) The sanctions of 'dismissal with notice' and 'extension of a final written warning' be removed.

- (b) The sanction of 'reduction in rank' should be available for use in all disciplinary cases, not just performance as is currently the case, to give panels fuller discretion to make appropriate decisions. However, we are clear that the same standards should apply to all ranks and it would not be acceptable, for example, to reduce in rank where a constable in the same circumstances would have been dismissed.
- (c) The language used in warnings issued be changed to reflect the focus on rehabilitation for cases that do not lead to dismissal. A 'memo of correction' would replace 'management advice'; 'written corrective warning' and 'final corrective reprimand' would replace current written warnings.

## **5. Bringing the police officer and staff disciplinary systems together**

### Baseline: how the current system works

The systems for officers and staff are separate. The officer system is entirely regulated and guidance is produced by the Home Office. The staff system follows ACAS principles akin to most organisations and is managed locally by HR departments in police forces.

### Proposed changes

The separate disciplinary systems for Police officers (an internally managed, regulated system) and civilian staff (an employment tribunal system common to most organisations) be brought together into the same system (16). There are two options for this which we are seeking views on:

- i. Move civilian staff into the regulated police officer system
- ii. De-regulate the police officer system (wholly or in part) and adopt the civilian staff system

## **6. Compelling police officers to answer IPCC questions**

### Baseline: how the current system works

The IPCC has the power to compel officers to attend an interview. It has no power to compel officers to answer questions at such an interview.

### Proposed changes

- (a) Police officers should be compelled to cooperate with IPCC investigations, including responding to questions posed by the IPCC. This is to ensure that the IPCC has full access to the information it needs to fully and robustly investigate cases. There would need to be certain protections in place, for example an officer could not be forced to incriminate his or her self. Where officers do not cooperate with the IPCC there are three options to tackle this, which could apply separately or be combined, and which we would like to seek views on:
  - i. Make it a criminal offence for a Police Officer to refuse to answer a reasonable question posed by the IPCC; a summary offence could result in a fine or a maximum of 6 months imprisonment.
  - ii. Introduce a disciplinary sanction; a Police Officer could be disciplined and ultimately dismissed.
  - iii. IPCC could apply for a disclosure notice which would be enforceable through the courts. This would need to be linked to an existing offence, such as the new corruption law which is being implemented.

## **Costs and benefits of each option**

### **Option 0: do nothing**

There will be no impact.

### **Option 1: implement the recommendations of the Chapman Review of the police disciplinary system which the government proposes to take forward.**

We are not able to quantify the majority of costs or benefits at this stage. The consultation will be used to find evidence for monetisable costs and benefits of the recommendations and to enable us to assess the different sub-options available within this package of reforms.

#### **1. Creating a clear system**

##### **1(a) The College of Policing oversees the disciplinary system**

**Costs:** This would place a resource requirement on the College which is difficult to quantify at this stage. We are working with them to understand what the full resource implications may be. We do however expect the resource requirements to be relatively small, given their role is to provide oversight and guide police forces, and therefore does not represent a significant additional burden. Police forces will continue to be responsible for disciplinary matters below hearings. There will be a familiarisation costs for those involved in the disciplinary process, including police officers and staff, IPCC, and police forces' Professional Standards Departments.

**Benefits:** Greater consistency in the system will increase fairness, transparency and efficiency across police forces, and should help maintain public confidence in the police disciplinary system. Some of the familiarisation costs could be partly offset by the benefits of greater consistency and clarity around the system.

##### **1(b) Align performance and misconduct process into a single system**

**Costs:** This will require significant legislative changes and may increase the number of performance cases going to hearing. An increase in performance cases going to hearing could increase hearing and appeal costs, which will fall to police forces. A typical hearing under the proposed reforms could cost around £4.8k<sup>1</sup> and an appeal around £5.3k<sup>2</sup>. There will also be some familiarisation costs for those who work in the disciplinary system and police officers who are subject to it.

**Benefits:** This should enable forces to tackle poor performance more quickly. Currently the performance process consists of a complex three stage process. The system is currently under used and fewer than 25%<sup>3</sup> of cases progressed beyond stage one and only 3% led to dismissal in 2012-13. Anecdotal evidence obtained through the review suggests that the misconduct route is usually used in preference to performance, due to the relative ease of that process. We would therefore expect dismissals to increase for performance cases and decrease slightly or stay the same for conduct cases.

#### **2. Investigations must be quick, objective and robust. We therefore propose that:**

##### **2(a) IPCC investigates all chief officer cases**

**Costs:** There may be costs to the IPCC for conducting more investigations. However, the number of cases is very low and the IPCC tends to already investigate these cases due to the often

---

<sup>1</sup> Taking into account the cost of legally-qualified chair, superintendent, lay member and holding hearing in public.

<sup>2</sup> With costs as per hearings but with an assistant chief constable replacing the superintendent.

<sup>3</sup> Based on data collected from Professional Standards Departments on performance cases from 2012-13.

serious and sensitive nature of those cases. However, there may be additional cases the IPCC will need to investigate, such as less serious cases. We estimate the maximum cost to the IPCC would be around £120k per full investigation<sup>4</sup>, though less serious cases are likely to cost significantly less than that.

**Benefits:** This should make the position clearer for chief officer investigations and the investigative route for these cases will be independent of the police, which will help maintain public confidence. There will be savings for forces where chief officers currently carry out investigations against other chief officers.

## 2(b) Simplify language used in the disciplinary system

**Costs:** Some familiarisation costs to those working in the disciplinary system and police officers. There may also be some small costs to police forces to reprint forms, guides and information notices.

**Benefits:** This should make the system easier to follow. The changes will be straight forward and reflected in the legislative changes and in the guidance that is produced as a result.

## 2(c) Allow delegation of 'appropriate authority' to inspector

**Costs:** Expanding the number of potential decision makers in disciplinary cases could increase training costs and could create more inconsistency. The risk of inconsistency should be reduced by the benchmarking process and the proposed oversight and guidance from the College of Policing.

**Benefits:** This should free up the time of more senior officers and enable decisions to be taken more swiftly, thereby creating efficiencies in the timeliness of the process, enabling rehabilitation of officers to progress more quickly.

## **3. Hearing and appeals must be open and fair. We therefore propose that:**

### 3(a) Regional hearings

**Costs:** Subject to the potential changes in demand for hearings and appeals that may arise as a result of other changes we are making (i.e. holding hearings in public and introducing measures to ensure that chief officers refuse resignations and retirements in dismissal cases – both covered by other IAs), we do not expect the number of cases going to a hearing to change as a result of regionalising them. We have information from forces which indicates that at least one force in each region has the facilities to hold a hearing, therefore there should be no additional costs for facilities. However, there may be an opportunity cost to forces if those spaces could be used for other activities. Police officers will need to travel further to attend hearings (though still within the same region) which may increase their travel costs.

**Benefits:** There should be greater consistency in the process and outcomes, which will increase fairness across different forces. It will also encourage greater collaboration and sharing of resources between forces in each region. There are likely to be some efficiency savings in administrating the hearing centres as they will be fewer in number – currently all forces conduct their own hearings.

3(b) and 3(c) – Public hearings and introducing legally qualified chairs to hearings and reducing rank of senior officer panel members. As mentioned above, these measures are being considered as part of a separate consultation process and the costs and benefits are analysed in a separate impact assessment. This consultation can be found at

---

<sup>4</sup> House of Commons Home Affairs Select Committee, Independent Police Complaints Commission, 1 February 2013, HC 494 of session 2012–13, p 13.

<https://www.gov.uk/government/consultations/changes-to-the-police-disciplinary-system>. For the purposes of this IA these measures are therefore considered to form part of the do-nothing baseline case)

### 3(d) Disregarding mitigations

**Costs:** This should not in itself cost more though it may lead to a slight increase in the number of appeals against a decision to disregard or place less weight on mitigation. We would need to provide the panels with clear guidance on how to use their discretion. If medical evidence is required to be produced then there may be an additional cost to obtain that from a medical professional, which would need to be met by the person subject to the proceedings.

**Benefits:** This should ensure greater fairness in the way mitigations are handled in hearings and ensure they are not used by a small minority simply to frustrate the process.

### 3(e) IPCC presents cases it directs to a hearing

**Costs:** This would involve the IPCC instructing counsel to represent them at a disciplinary hearing or appeal. The IPCC would only present cases where the police disagree with the IPCC's finding or recommendation. The number of cases is likely to be small (data from police forces suggests only around 10 hearings per year are currently directed). Estimates provided by the police indicate that typical counsel costs are around £80 per hour. Based on an estimated 3.5 days per case (including preparation time) the cost per hearing could be around £2k. This represents an annual cost of almost £19k.

**Benefits:** This will ensure an independent, open and transparent process, whilst recognising that in most cases it will be appropriate for the police force to present the IPCC's findings at a disciplinary hearing.

### 3(f) Centralised appeals

**Costs:** The appeal hearings are currently held locally. The consultation poses two options: (i) hearing appeals in one central location or (ii) at regional centres. Both options could be cost neutral in terms of facilities, as forces are likely to be able to accommodate them with existing buildings. Travel costs will likely increase under either option from the current position. If appeals are all heard in one central location, the travel costs will be higher for police officers travelling to and from them. The travel costs would be met by the individual police officers or possibly their staff associations.

**Benefits:** This could improve the consistency of appeals and make administration more efficient and streamlined with a lower number of hearing centres. The administrative costs and travel costs for panel members should be less under both options.

### 3(g) Removing retired officers from appeal panels

**Costs:** We will be replacing retired officers with lay members. The lay members will also be fee paid and therefore there is assumed to be no cost change. In the current system, lay members participate in hearings and are paid a fee for their attendance, so this proposal is in line with those arrangements.

**Benefits:** Retired officers may lack up-to-date knowledge of operational policing, which is in any case already provided by the other senior officer panel member. Lay members will bring a different, public focussed and objective perspective and may therefore add more. This should introduce greater independence to the appeals panels whilst retaining the expertise and perspective of a senior police officer and avoid allegations that the police are over-represented on the panels.

#### **4. Outcomes must be fair, robust and either seek to rehabilitate or dismiss officers, as appropriate. We therefore propose that:**

##### **4(a) Remove 'dismissal with notice' and 'extension of a final written warning'**

**Costs:** This will require changes to legislation. There should not be any direct cost increases as a result of these changes. However, the removal of 'extensions' could lead to a small increase in the number of appeals as the outcome could be dismissal in future such cases. There will be a familiarisation cost to those working in the system and police officers. There may also be a negative financial impact on officers who would have received either sanction.

**Benefits:** This will ensure a robust approach by removing two current anomalies from the system, which should help maintain public confidence in the system.

##### **4(b) Make 'reduction in rank' available for all disciplinary cases**

**Costs:** This sanction is currently used only for performance cases. It could lead to fewer police officers who should be dismissed being dismissed if used inappropriately, however, there will be clear guidance to ensure that it is only used in the appropriate cases.

**Benefits:** This will provide managers with discretion to reduce officers in rank in appropriate circumstances, retaining good police officers.

##### **4(c) Change language of some sanctions**

**Costs:** We do not anticipate any additional costs to forces as a result of these changes. There may be a need for re-printing of local guidance which could attract a small cost. There may be a familiarisation cost to those working in the system and police officers.

**Benefits:** This should help to simplify the system, making it easier to follow and potentially increasing efficiency.

#### **5. Bringing the police officer and staff disciplinary systems together**

**Costs:** Bringing staff into the regulated system is likely to be expensive due to the costs of hearings and appeals. De-regulating the police officer system is likely to be the cheapest of the two options but brings with it risks of a less robust system and potentially could lead to demands for changes in employment rights for police officers.

**Benefits:** There are currently separate systems. Bringing them together will ensure greater consistency and fairness in the outcomes of disciplinary cases that involve both officers and staff, and the sanctions that are applied to both. There could also be savings in back office administration and functions through combining HR and PSD functions.

#### **6. Compelling police officers to answer IPCC questions**

**Costs:** All three options being considered will impact on police officers as they would potentially lead to dismissal from the force, so there could be a financial impact on those officers. This would be balanced against the need for robust investigations into the police. Option one and three would also impact on the workload of the courts, and if a prison sentence were imposed there could be a cost to the National Offender Management Service. However, the numbers of cases likely to arise - and therefore the costs - are likely to be extremely low as this power would only be used in the most serious cases where the public interest justifies it. We will work with the Ministry of Justice to better understand the cost and other potential implications of options one and three.

**Benefits:** The IPCC would have greater powers to conduct thorough investigations into the police, which could improve the effectiveness and outcomes of those investigations as well as maintain public confidence.

## **Proportionality**

These proposals will be subject to a public consultation process, during which further evidence and data will be sought in order to add to and improve the estimates presented in this impact assessment. In a final stage IA we would expect to have analysed the impacts of the various sub-options in order to enable an informed decision to be taken on the best package of reforms..

## **Risks and assumptions**

It is assumed that the workload (i.e. the level of misconduct and performance by police officers) stays broadly the same.

There is an assumption throughout that greater transparency will have a positive effect on public confidence.

These assumptions should be tested by the consultation.

## **Wider impacts**

If the policy options outlined in option one result in increased public confidence in the police then both the wider public and the police will benefit from a more efficient and effective policing system.

## **Preferred option and implementation**

Our preferred option is to implement option 1 (all of the Chapman Review recommendations) through a combination of administrative action and significant amendments to primary and secondary legislation within the next Parliament. We will consider the consultation responses for each proposal and which, if any, of the options we may wish to pursue, particularly where we are consulting on a number of sub-options. Following implementation, we would seek to monitor and evaluate the policy to determine whether it's being implemented as envisaged (the process) and is having the intended impact (the effect).