

Witness Name: **Catherine Crawford**

Statement no: **First**

Exhibits: **CC1 – CC35**

Date: **29 February 2012**

**THE LEVESON INQUIRY**

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Witness Statement of **Catherine Crawford**

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I, Catherine Crawford, will say as follows:

1. I make this statement on the basis that I have relevant information to provide the Inquiry in accordance with the list of issues for Module 2 published by the Inquiry.
2. I am in receipt of a Section 21(2) Notice dated 7 February 2012 from the Chairman of the Leveson Inquiry, Lord Justice Leveson, requiring me (on behalf of the MPA / MOPC Press team) to provide evidence in respect of 46 questions/issues. In addition, there are a number of questions contained within a Section 21(2) Notice dated 20 January 2012 addressed to the Deputy Mayor for Policing and Crime (and formerly Chair of the MPA), Kit Malthouse, that I am best placed to address, given my role and responsibilities at the MPA / MOPC. The remaining questions are addressed in the statement of Kit Malthouse or my colleague Julie Norgrove, the Director of Audit, Risk and Assurance.
3. I have appended to my statement at Annex A, a document that identifies the sections of my statement (and indeed the statements of Kit Malthouse and Julie Norgrove) that correspond with the relevant Section 21 questions.

**Personal background**

4. I was the Chief Executive of the Metropolitan Police Authority ("MPA") and am now the Chief Executive for the Mayor's Office for Policing and Crime ("MOPC").

5. In terms of my career history, I started working for the Home Office in 1970, serving in a number of departments including ministerial private offices. In 1992, I moved to work in the Police Department. At that time, the Home Secretary was directly responsible for the Metropolitan Police, effectively discharging the functions of a police authority, and I was his principal advisor in that role. In 1996, I was seconded to set up the Association of Police Authorities, which was the new national body representing police authorities in England and Wales. When the MPA was established in 2000 by the Greater London Authority Act 1999, I was appointed as Chief Executive. I have therefore been involved in the accountability and governance structures for policing since 1992 and was Chief Executive of the MPA throughout its existence. I was awarded an OBE in 2011.
6. Under the Police Reform and Social Responsibility Act 2011, police authorities will be abolished, and replaced with directly elected Police and Crime Commissioners in November 2012. In London, the transition from the MPA to the MOPC took place on 16 January 2012.
7. I make this statement in the context of my role of Chief Executive of the MPA for the duration of its existence, and now of the MOPC. Kit Malthouse was the Chair of the MPA from January 2010 (he was Vice Chair from October 2008) until the recent transition to MOPC. Kit Malthouse was appointed as statutory Deputy Mayor for Policing and Crime by the Mayor of London, Boris Johnson, as occupant of the MOPC. As such, he will continue to be responsible for setting strategic direction to the Metropolitan Police Service ("MPS"), and allocating resources. I understand that he will give evidence to the Inquiry in relation to the transition and in response to a Section 21 notice.
8. As Chief Executive of the MPA, my role was to establish a working relationship with the MPS which enabled me to discharge my duties effectively. Those duties included:
  - Maintaining an efficient and effective police force for the Metropolitan Police District;
  - Managing the policing budget;
  - Holding the Commissioner to account;
  - Appointing ACPO officers;

- Monitoring, probing and supporting the MPS in its response to policing problems;
- Fulfilling a disciplinary role in relation to ACPO officers;
- Supporting Members to monitor, probe and support the MPS; and
- Liaising between the Commissioner and his senior staff, MPA Members, the GLA and the Home Office.

9. It is important to point out that my role was not to deal with or interfere in operational matters. In practice, much of my time was spent in managing relationships, in effect interpreting Members' (including elected Members') wishes and expectations to the police, and vice versa.

### **Role and Remit of the MPA**

10. The MPA's key statutory duty was to secure the maintenance of an efficient and effective police service for London. This was achieved by working with the MPS and other partners across the capital.

11. The MPA was responsible for holding the Commissioner rigorously to account. This was a strategic role. The Metropolitan Police Commissioner had operational responsibility for the day-to-day delivery of policing. The MPA worked closely with the MPS and its partners, including London's 32 borough councils, crime and disorder reduction partnerships and other agencies in the criminal justice system.

12. In summary, the MPA's remit extended to:

- 12.1 Setting policing targets and monitoring performance regularly against those targets;
- 12.2 Securing continuous improvement in the way policing was provided in London;
- 12.3 Overseeing the appointment and conduct of senior police officers;
- 12.4 Setting, managing and being accountable for the police budget;
- 12.5 Publishing annual accounts;
- 12.6 Increasing community confidence and trust in London's police service;
- 12.7 Publishing an Annual Report and a Policing Plan in consultation with London's communities, and setting priorities for the forthcoming year;

- 12.8 Participating in the crime and disorder reduction partnership in each London borough or ensuring that arrangements existed to enable community engagement with local police;
  - 12.9 Overseeing formal inquiries and the implementation of their recommendations; and
  - 12.10 Operating the London Independent Custody Visiting Scheme.
13. The MPA also had the following responsibilities:
- 13.1 A duty to monitor MPS performance and ensure continuous improvement in the service they provided to the people of London. To help carry out this responsibility, the MPA also undertook in-depth projects, or scrutinies, into specific aspects of MPS work.
  - 13.2 Estate management responsibilities - the MPA owned or leased all the buildings used by the Metropolitan Police in London.
  - 13.3 The employment of police staff (i.e. non-warranted officers).
  - 13.4 Contributing to the national work undertaken by the Association of Police Authorities (APA), by:
    - 13.4.1 influencing the national policing agenda on behalf of police authorities;
    - 13.4.2 lobbying government and others; and
    - 13.4.3 developing guidance and advice to assist authorities.
  - 13.5 The MPA had a role in the appointment of senior MPS officers. It advised the Home Secretary on the appointment of the Commissioner and the Deputy Commissioner, who are both appointed by The Queen on the Home Secretary's recommendation. The MPA itself appointed other ACPO ranks, of which there were around 40. The MPA was also responsible for the conduct matters for all senior officers. (In the MPS and in the City of London Police, ACPO officers are those with the rank of Commander, Deputy Assistant Commissioner, Assistant Commissioner, Deputy Commissioner and Commissioner; in other UK police forces, ACPO officers are those with the rank of Assistant Chief Constable, Deputy Chief Constable and Chief Constable.)

### **General Observations on the Remit of the MPA**

14. The MPA's key statutory duty was to secure the maintenance of an efficient and effective police service for London. This was achieved by working with the MPS and other partners across the capital.
15. The MPA remit did not extend to control of operational decisions. The overarching principle that has always applied to the MPA's interactions with the MPS was that a clear line must exist between matters of policy and matters of an operational nature. Constitutionally, the MPA was an unusual animal: part regulatory, part executive and part disciplinary. Its unique blend of responsibilities, some direct and some more oblique, meant that Members had to tread a difficult path between advising, directing, understanding and working with the MPS. But the influencing that is so critical to ensuring that the MPS delivers what Londoners need is subtle and difficult to capture through formal processes. Key to delivery of success – working together to make London a safer city – was the calibre of the people in the MPS and the relationship between, in particular, the Chair, the Chief Executive of the MPA and the Commissioner.
16. It was a cardinal rule that the MPA must not interfere with operational matters, but it was far from easy to define what "operational" meant. This is the same for other police authorities. For example, in crude terms, the MPA could not require the Commissioner to set in train a particular investigation or control its direction. It would, however, have been appropriate for the MPA to enquire about the resource requirements or implications of any investigation.

### **The MPA's structure in outline**

#### Members

17. Members led the work of the MPA, primarily through the committee structure. Although all police authorities had a mix of elected and independent Members, the MPA was perhaps unusual in the extent to which party political issues influenced the agenda.
18. The MPA had 23 Members, 12 elected London Assembly Members appointed to the MPA according to the proportional representation on the Assembly and 11 independent Members, one appointed directly by the Home Secretary and the others through an open recruitment campaign. They were appointed for four years.

19. Part of the responsibilities of the MPA included taking into account the views of local people when setting priorities. We therefore instituted a system of "link members", whereby each of which London's 32 Boroughs had one Member who took a special interest in policing in that Borough, meeting the Borough Commander regularly and attending the local crime and disorder reduction partnerships (of which the MPA was a statutory member).

Staff

20. The MPA secretariat, led by the Senior Management Team (SMT), supported the work of the Committees and Members. The MPA secretariat also engaged with communities, stakeholders and partners across the capital.
21. The Internal Audit Directorate, or Directorate of Audit, Risk and Assurance (DARA) as it subsequently became, provided the internal audit service for the MPS and MPA. The MPA had a statutory responsibility to give an annual opinion on the effectiveness of the risk management, internal control and governance framework supporting the policing of London.

Senior Management Team

22. At the date of its dissolution, the SMT was made up of myself (as Chief Executive); my deputy, Jane Harwood; the Treasurer, Bob Atkins; and the Director of Audit, Risk and Assurance ("DARA"), Julie Norgrove.

**MPA Committee Structure**

23. Part B of the MPA's Standing Orders sets out the role of the MPA, the powers and duties that it delegated to Committees, and those further delegated by Committees to Sub-Committees.
24. The MPA "Full Authority", as it was known, had overall responsibility for discharge of the MPA's powers and duties. Many of the MPA's functions were fulfilled by its Committees, which reported to the Full Authority on a regular basis or when a decision was required. The Full Authority met monthly, in public, and (among other functions) approved the annual policing plan and the MPA's budget for submission to the Mayor.
25. The MPA's committee structure has taken on different formats over the years. I attach as my Exhibit CC1 a copy of an organogram setting out the MPA's committee structure at the date of transition to the MOPC.

26. The Terms of Reference for each of the Committees and Sub-Committees set out in the organogram at Exhibit CC1 is attached as my Exhibit CC2, which is Standing Order Part B. The Committees and Sub-Committees had the power to take decisions on matters contained within their terms of reference. Membership of the Committees was decided annually at the MPA's Annual General Meeting, the Committees were chaired by Members, and membership of the Committees was drawn from the Members. The rules relating to all meetings of the Full MPA and its Committees are contained within Standing Order Part A, attached as my Exhibit CC3. This Standing Order contained rules such as those for notification of meetings, submission of reports to committees, quorum, and the admission of press and public.
27. All meetings of the Full MPA, its Committees and Sub-Committees, boards and panels were open to the press and public but resolutions could be passed to exclude the press and public from all or part of the meeting if the matters being considered were confidential or exempt (as defined in Section 12A of the Local Government Act 1972).
28. The Commissioner and Deputy Commissioner regularly attended Full Authority meetings and this was the main forum through which Members asked questions of the Commissioner, and papers received were considered. Some of the questions, or more usually the responses, were not appropriate to be discussed in the public domain or might relate to a level of detail that the Commissioner or Deputy Commissioner did not have to hand. So it was not unusual for the Commissioner to state that he would respond to questions in writing.

Strategic and Operational Policing Committee ("SOPC")

29. The Committees and Sub-Committees performed an invaluable oversight and executive role at a strategic level. The Committee with the widest remit was the Strategic and Operational Policing Committee ("SOPC"). This was responsible for approval and oversight of operational policing policy and performance, ensuring that the MPA was effectively discharging its statutory responsibilities, including those for professional standards, such as dealing with complaints against ACPO rank officers, and referring conduct matters to the Professional Standards Cases Sub-Committee ("PSCSC") as appropriate. SOPC was responsible for satisfying the MPA's duty to monitor MPS complaints procedures and to consider and recommend a rolling scrutiny/service review programme. SOPC also liaised with other Committees, such as the Finance and Resources Committee, to develop an approach that achieved integration between the MPA/MPS policing and financial

plans, and the Corporate Governance Committee ("CGC"), to ensure that MPS policy and planning resulted in improved operational performance and productivity.

Professional Standards Cases Sub-Committee

30. The PSCSC dealt with a range of matters, including Senior Officer Conduct and Business Interests. The PSCSC was responsible for investigating and dealing with any allegations, reports and complaints about the conduct of officers of ACPO rank, in accordance with the relevant regulations. The PSCSC also considered whether disciplinary matters that related to conduct should be referred to the IPCC as required by the relevant legislation. It was mandatory for certain matters to be referred whilst others were discretionary. In relation to non-ACPO officers, the PSCSC made decisions in relation to pension forfeiture.
31. In terms of business interests, the PSCSC considered applications and requests for reconsideration from senior officers, and appeals from all other officers.
32. The PSCSC also had a monitoring role in relation to complaints and conduct matters below ACPO rank. Members were kept apprised of the complaints and conduct process below ACPO rank and Members approved a dip-sampling protocol for closed complaints. The MPS receives in the region of 5,000 complaints per annum, so it was not possible for the MPA to review every complaint. The DPS is responsible for professional standards within the MPS, which includes investigations into police misconduct, public complaints, corruption and civil litigation. A model was agreed whereby the PSCSC received sufficient information about the progress of investigations to enable them to oversee case management and the complaints investigation process in the MPS.
33. The PSCSC oversaw a fundamental review of the DPS in 2006. The DPS Review Programme was intended to review the functions and activities carried out by DPS. The Programme provided an integrated DPS response to the Morris Inquiry, the Taylor Report, the Commission for Racial Equality (CRE) Commissioners' Report, the Ghaffur Report, the MPS Service Review and the Workforce Modernisation Programme, given that the inquiries and reports listed made recommendations about changes to the way that the MPS managed such investigations.

Corporate Governance Committee

34. The CGC was responsible for enhancing public trust and confidence in the governance of the MPA and the MPS by providing independent assurance on the adequacy of the risk management framework and internal control environment, independent scrutiny of financial and non-financial performance to the extent that it affected MPA, and MPS exposure to risks, and overseeing the reporting process. The CGC had a specific monitoring and oversight role in relation to the internal control environment.

**MPA Standing Orders**

35. The business of the MPA was regulated by Standing Orders. These Standing Orders allowed the MPA to delegate functions and decision-making to Committees, Sub-Committees, panels, officers and the Commissioner. The MPA had six Standing Orders / regulations:
- 35.1 Part A – Procedural Standing Orders; this set out Members’ rights and responsibilities, procedures for meetings of the Full Authority, procedures for meetings of the Committees and Sub-Committees, rules relating to all meetings of the Full Authority and its Committees, conduct at meetings of the Full Authority and its Committees, and a number of general matters.
  - 35.2 Part B – Committee Terms of Reference; as stated, this set out the powers and functions that the MPA delegated to its Committees.
  - 35.3 Part C – The Scheme of Delegation; this set out those decisions that the MPA delegated to its officers and the Commissioner.
  - 35.4 Part D – The MPA’s Code of Conduct; to which all Members of the MPA had to abide.
  - 35.5 Part E – Financial Regulations; these sets out how the MPA met its statutory responsibilities in relation to the proper administration of its financial affairs.
  - 35.6 Part F – Contract Regulations; these were intended to promote good purchasing practice and public accountability, secure compliance with EU and UK Procurement rules and to deter corruption.

36. It may assist the Inquiry if I were to provide further information in relation to those Standing Orders which are particularly relevant in the context of the evidence to be given to the Inquiry by myself and my colleagues, either in the context of Module 2, or Part 2, of the Inquiry.

### **Scheme of Delegation**

37. The Scheme of Delegation, attached as my Exhibit CC4, provided for the Chief Executive or the Treasurer of the MPA or the Commissioner (collectively known as the "Chief Officers" for the purpose of this Scheme) to authorise officers in other named posts under their direction and control to act on their behalf in exercising any of their delegated powers. The Chief Officers were responsible for the general management of their respective organisations, which included:
- 37.1 The management of staff resources;
  - 37.2 The effectiveness and efficiency of police service delivery;
  - 37.3 Budget management; and
  - 37.4 Contract tendering and management.
38. The Scheme of Delegation set out all significant decisions which were delegated to Chief Officers and which were of a statutory, financial or managerial nature. The powers delegated to the Chief Executive are detailed on pages 3-5 of the Scheme. These included (but were not limited to) the following:
- 38.1 To approve variations for all contracts with an original contract value of £5 million or more;
  - 38.2 To provide, under delegation from the MPA, an adequate and effective internal audit service; and
  - 38.3 In consultation with the Chair of the Professional Standards Committee, to decide whether or not to record a complaint against a senior officer.
39. The powers delegated to the Treasurer were set out on pages 5-6 of the Scheme. The Treasurer (and the Commissioner) arranged for the financial management of the service in accordance with the details and the delegations set out in the Financial Regulations (Part E of Standing Orders). They included:

- 39.1 Providing financial advice to the MPA on all aspects of its activity, including the strategic planning and policy making process;
  - 39.2 Supporting the MPA in presenting budget proposals to the Mayor for approval through the London Assembly; and
  - 39.3 Working with the MPA's Chief Executive to the Authority to ensure effective corporate management of the Authority's resources.
40. The powers delegated to the Commissioner were set out on pages 6-10 of the Scheme and included that of "Chief Finance Officer". The Commissioner (and Treasurer) would arrange for the financial management of the police service in accordance with the delegations set out in the Financial Regulations (Part E of Standing Orders, attached as my Exhibit CC5. They included:
- 40.1 The Commissioner to undertake the day to day financial management of the MPS and devolve financial management responsibility within the MPS in accordance with the devolved budget scheme.
  - 40.2 The Commissioner to consult the Chief Executive and/or the Treasurer, who would determine if the MPA's permission should be sought, for all expenditure proposals of an exceptional nature because of particular difficulty, potential public interest or sensitivity.
  - 40.3 The Commissioner to appoint a Director of Resources whose remit included:
    - 40.3.1 Providing financial expertise, advice and information directly to the Commissioner to enable him/her to fulfil his/her delegated financial responsibility from the MPA for the financial management of the MPS.
    - 40.3.2 Working closely with the Treasurer of the MPA to make proposals for and agree the framework for delegation of financial authority within which the MPS would operate, and to ensure that managers at all levels were aware of their responsibilities with the framework, and that they adhered to them.
    - 40.3.3 Supporting the Treasurer of the MPA to make proposals for and agree the framework for delegation of financial authority within

which the MPS would operate, and to ensure that managers at all levels were aware of their responsibilities within the framework and that they adhered to them.

41. The Commissioner of Police of the Metropolis, and the MPS itself, were not a body corporate (save for health and safety legislation purposes). Consequently, there was no legal authority for either of them to enter into contracts or act as employers of staff. All of these legal obligations were performed by the MPA. However, the MPA delegated responsibility for the day-to-day management and control of contracts to the Commissioner, subject to the provision of the Contract Regulations, and provided that the MPA was satisfied that the Commissioner had in place adequate systems, procedures and expertise to discharge these responsibilities. A business case had to be prepared before any procurement action was started, and all action had to accord with the Contract Regulations. The delegations set out in this section were exercisable by the Commissioner or his authorised representative.

42. The Commissioner also had delegated authority:

42.1 To invite tenders in accordance with the Contract Regulations, and provided that for all purchases whose total value was estimated to be over £50,000, a business case and a properly calculated written estimate of cost had been prepared prior to tender invitation, and there was provision in approved estimates for the subject of tender action. The approval of the MPA had to be sought where:

42.1.1 the written estimate exceeded £5 million total value (see Contract Regulations for a definition of total value);

42.1.2 it raised questions of principle or financial policy;

42.1.3 it possessed unusual features or involved particular difficulty;

42.1.4 it might arouse particular public interest or publicity;

42.1.5 it concerned a matter of particular importance or sensitivity; or

42.1.6 it concerned proposals for outsourcing contracts or was connected with a public/private partnership or a private finance initiative.

42.2 To accept tenders up to a value of £5 million total value, except where the recommended tender:

- 42.2.1 was greater than £1 million total value and exceeded the written estimate by 10% or more;
- 42.2.2 raised questions of principle or financial policy;
- 42.2.3 possessed unusual features or involved particular difficulty;
- 42.2.4 might arouse particular public interest or publicity;
- 42.2.5 concerned a matter of particular importance or sensitivity; or
- 42.2.6 concerned proposals for outsourcing contracts, or was connected with a public/private partnership or a private finance initiative.

In these cases, the approval of the MPA had to be sought; and if any contract was not awarded to the lowest bidder, the Chief Executive had to be informed of the reason in writing.

- 42.3 To sign all contracts on behalf of the MPA, irrespective of value, once they had been properly approved, except for those which were required to be executed under the Common Seal of the Authority. In these cases, the Chief Executive was authorised to affix the Seal (see delegation no. 4.3).

- 43. The Scheme of Delegation is outlined to explain that the Chamy Media contract, which has been referred to in the Inquiry (and whose value was around £24,000), was not a contract that was known, or made known, to the MPA prior to its execution.

#### **MPA/MPS Employment Relationships**

- 44. For the reasons I have explained above, all employment contracts with MPS staff (all non-warranted officers) were entered into by the MPA. In addition, the MPA was responsible for the appointment of all ACPO rank officers, other than the Commissioner and Deputy Commissioner. There was no contract of employment between these senior police officers and the MPA. A police constable's status is governed by statute. He or she is an officer of the Crown and owes allegiance to The Queen through his or her oath of office, rather than under a contract of employment. The Police Negotiating Board (PNB) is responsible for negotiating the pay and terms and conditions of police officers across the UK. The PNB makes recommendations to the Home Secretary which, if accepted, are placed within the Police Regulations and they are then legally binding.

45. However, ACPO officers, including the Commissioner and Deputy Commissioner, did sign the MPA's standard terms and conditions on appointment, a copy of which is attached as my Exhibit CC6. Although not a formal contract of employment, once signed these terms and conditions formed a binding contract, which was enforceable by both sides.
46. The MPA did not have statutory responsibility for the appointment of the most senior members of the MPS staff, including the Director of Resources, the Director of Information and the Director of the Department of Public Affairs ("DPA"). However, informal arrangements were in place to involve the Chair, the Chief Executive of the MPA and relevant Members in the selection process.
47. It is fundamentally important to understand that, although the MPA appointed all of the senior officers and staff, the MPA was not responsible for their line management. All senior officers and staff were and are under the direction and control of the Commissioner. As Chief Executive of the MPA, I was not responsible for managing these officers or staff on a daily basis.

#### **Scrutiny of the MPS**

48. Before the MPA was set up in 2000, by virtue of the Greater London Authority Act 1999, the Home Secretary had direct oversight of the MPS. He appointed the Receiver for the Metropolitan Police District, who was responsible for the financial management of the MPS and the employment of staff; functions that the MPA subsequently inherited. When police authorities outside London were set up under the Police and Magistrates' Courts Act 1994, the Home Secretary of the day appointed a non-executive, advisory body, the Metropolitan Police Committee, to advise him in the discharge of his functions as de facto police authority of the MPS. It is fair to say that this was a light touch regime.
49. The MPS had not been subject to rigorous oversight prior to the establishment of the MPA. At the outset, the MPA's task was therefore a difficult one. Its Committees performed a valuable role in terms holding the MPS to account for its operational decisions, strategies, policies and procedures. Each of the Committees had its own terms of reference and had a particular focus, whether on people-related (HR) matters, governance or professional standards, for example. As well as this, the MPA set up specific scrutiny panels to look into particular matters, either on an ad hoc or annual basis.

50. Individual Members also pursued particular interests, often very effectively. As I discuss in more detail at below, Members of the HR and Remuneration Sub-Committee, for example, consistently raised questions in relation to the acceptance of hospitality by the Commissioner and his senior officers, challenging them as to what had been accepted and why. Members were clear that it would be good practice for the MPS to publish the gifts and hospitality register online, as was the practice in the Greater London Authority ("GLA") and the MPA. The MPA encountered some resistance to this, but the Members, through the relevant Committees, kept this firmly on the agenda until it was finally actioned.
51. The key public forum in which the MPA held the Commissioner publicly to account was the monthly meeting of the Full Authority. Over the years, the nature of these meetings evolved. A common factor was that the papers would be made available in advance (and published on the MPA website). Various formal strategic decisions came to Full Authority at the relevant point in the budgetary and planning cycle. Apart from that, the meetings would consider ad hoc policy papers. But the main focus, increasingly so over the life of the MPA, was on the Commissioner's report and the performance data on the MPS delivery on crime reduction and operational performance.
52. Full Authority meetings were held in public, latterly webcast, and often attracted significant media interest. An example of the sort of report submitted by the Commissioner, and the type of discussions that took place at the Full Authority meeting are attached as my Exhibit CC7.
53. The Commissioner could also be called before the London Assembly to answer questions. However, unlike the Chair and the Chief Executive of the MPA, he could not be required not attend.
54. The relationship between the Commissioner and the MPA was frequently challenging, but the nature of the challenges varied depending on the individual Commissioner. All the various Commissioners who were in post since the creation of the MPA recognised that a level of public governance was inevitable and that it was in their best interests to work with the MPA to achieve this.
55. In relation to recent appointments to the post of Commissioner, the MPA worked very hard, including at the interview stage, to engage those who were applying for the post in discussions as to how they would propose to work within the MPA governance framework. We were then able to remind Commissioners of the

commitments that they had given at the interview stage as to how they would engage with the MPA and assist it to carry out its functions. All appointed Commissioners understood the complexity of the political environment in which they were operating. They may all have had different views in terms of the extent to which they believed they should be accountable, but I think they all recognised the need to engage with the MPA and be accountable to it.

56. The MPA also undertook a number of in-depth scrutinies on specific issues outside the Committee structure detailed above, examples of which I have appended to my statement as my Exhibit CC8. These included:
- 56.1 A Civil Liberties Panel to look at issues – this was a standing panel that met as the need arose.
  - 56.2 Stockwell Panel – this was set up following two IPCC reports into the shooting of Jean Charles De Menezes.
  - 56.3 MPS Media and Communications Panel – I refer to this scrutiny project in more detail later in my statement; this scrutinised the approach taken by the MPS to managing media and communications.
57. As part of the MPA's role in overseeing the MPS and monitoring performance, the MPA was required to administer the internal audit service. Internal Audit latterly formed part of the Directorate of Audit, Risk and Assurance ("DARA"). I am aware that the most recent Director of DARA, Julie Norgrove, has submitted a statement to the Inquiry which details the work of this department, which scrutinised the MPS' risk management, internal control and governance framework, so I will not cover this in any further detail in my statement.
58. The MPA had limited access to MPS IT systems, but we were given priority access to data. There were sometimes problems with timeliness, but information was never deliberately withheld as far as I am aware. The MPS kept us regularly briefed - informally, formally, face to face, electronically, by text and by phone. The Chair of the MPA was briefed on a daily, if not hourly, basis on a range of MPS matters.

#### **MPA – Interaction with the Media**

59. The MPA's interactions with the media were always on a formal basis. The MPA had a professional Communications Team, which consisted of two members of staff – a Communications Manager and a Senior Information Officer. In terms of

their previous media background, the Communications Manager had previously worked as a researcher at the BBC and Thames Television, but neither had any particularly high profile media roles, certainly not of the type that may be of relevance to the work of the Inquiry, working for News International or otherwise. Every member of the Communications Team received media training whilst employed by the MPA and was fully aware of the need to maintain professional independence and integrity.

60. The Communications Team's remit included dealing with all incoming press queries (national/local, press, TV, radio) about the MPA. The extent and frequency of contact depended on the nature of the current issue being investigated by the media. For example, matters relating to the conduct/discipline of ACPO officers generated increased media interest. The Communications Team would also receive requests for interviews from the press and would provide opportunities for interviews with the relevant Members or invite the press to attend MPA meetings.
61. The Communications Team provided a permanent on-call service responding to all incoming press queries about the MPA or issues and events relating to MPA, either by providing "if asked" lines or by issuing a press statement. All lines and press statements were disseminated widely – there was no favouritism in proactive briefing. Different sections of the media did have different needs, but all were given a professional service (and this will continue under MOPC). No information was disseminated formally to the media without consultation with, and the permission of, the MPA Chair, the Chief Executive or Deputy Chief Executive. The Communications Team did not give 'off the record' briefings or have 'off the record' conversations with the media. All press contact on behalf of the MPA was managed by the Communications Team; and all MPA staff were aware that, if they were approached by members of the media, they should refer them to the Team.
62. The Communications Team was the gatekeeper for controlling the flow of information to and from the media. I understand that they kept a record of meetings and/or contact with the media.
63. The MPA had its own media policy, the "MPA Media Strategy", which is attached as my Exhibit CC9. As stated in this document, the strategy covered external communications, including media, stakeholders and MPA Members. The "Strategic Communication Objectives" are set out on page 3 of the document in detail, but the overall aim was to ensure that we had a proactive

Communications Team that had a good working relationship with the media to enable us to share accurate and helpful information with the public.

64. The Media Strategy gave the Communications Team and Members guidance as to the key messages that we wanted to deliver on a consistent basis and guidance on proactive and reactive media activity. It also set out the support Members could expect from the Communications Team. The Media Strategy highlighted the need for coordination between the MPA, MPS, and the Mayor's press office. Usually on appointment at the start of their four-year term of tenure, Members were also offered professional media training. This was not provided to members of MPA staff, given that it was not part of their role to speak with the media.
65. In terms of ensuring that MPA staff had a good understanding of what was or was not appropriate contact with the media, the induction programme for all new staff included a session with the Communications Team, during which it was made clear that all media contact was to be channelled through the Communications Team, and that the Chair, and on occasion Members, were the only people who would be put forward to respond to queries or offer media comment. It was made clear that MPA staff members were not to speak to the media or offer comments on the MPA's behalf. This message was often repeated to staff when high profile issues hit the news and high levels of media attention were therefore likely. MPA staff were aware of the issues of misinterpretation so would always seek approval from the Chair, Kit Malthouse. I also consider that I am adequately trained and have been given sufficient guidance to enable me to give advice and leadership to my staff in relation to handling the media.
66. The Chair was the primary spokesperson for the organisation, but there were occasions where there were Members of the MPA who had specialist knowledge on a particular matter or where the Chair was not available. It was not part of the role of members of staff to speak to the media or offer comment on the MPA's behalf, but the nature of the MPA membership, in terms of its political composition, often meant that journalists would have their direct contact details, perhaps from previous contact on non-MPA-related matters, and so queries and requests for comment/interviews were not always filtered through the press office by Members who were approached directly. The MPA's dealings with the media varied depending on the nature of Member involvement.
67. In terms of the MPA's proactive engagement with the media, it is a necessary function of any public organisation to have a positive relationship with the

media. On occasions, we approached the media to publish MPA initiatives/concerns proactively; or reactively in response to a story already in circulation in the press – perhaps to correct inaccurate media coverage. We also provided them with information about the work of the various Committees, given that much of that was conducted in a public forum and copies of new strategies or initiatives, such as our strategy document Met Forward.

68. The media would of course have had access to all of the information in relation to the work of the Committees that was put on to the MPA's website, which was another means of communicating directly with the public. In terms of what the media expected from the MPA, my assumption is that they wanted to be provided with accurate information in response to their enquiries. They were primarily interested in trends and political themes.
69. The press were doubtless frustrated with us at times because we were always careful to respond within the limits of what we deemed appropriate disclosure. For example, we always did our best to make Committee meeting agendas and notes available to them, but inevitably they were interested in the ones which could not be conducted in the public domain, such as professional standards meetings. That said, the MPA always operated on the basis that public transparency is key, so even if there was bad news, the facts should not be concealed.
70. The MPA's Communications Team was in regular contact with their opposite numbers in the MPS. There were discussions with the MPS in terms of lines that would be taken with the press on certain matters, but there were sometimes different perspectives, for example between the MPS operational perspective and the MPA perspective of governance or resources.
71. The liaison would usually take place directly between the respective communications teams, but on more high profile matters (the G20 riots is an example) I would speak directly to the relevant person at the MPS so that we could agree on the lines to take. I had no power of veto over the MPS in its press role.
72. The MPA did not have had any awareness or involvement in the policing of offences, or suspected offences committed by the media. I would not expect the MPA to have had any. The vast majority of media interest is in operational stories. It is not the MPA's role to direct the MPS in relation to any operational

matter, whether that relates to the media or otherwise, even if it is a high profile matter.

73. The only example where I can foresee that a media-related investigation would be brought to our attention is if the investigation had significant resource implications. In relation to the investigations around phone hacking, we had no involvement at all in the decision to launch or close the investigation back in 2006 as the investigation was, rightly or wrongly, relatively small scale. This is different from the current hacking-related investigations; due to the scale of the operation and nature of the public interest, there were clearly resource and governance implications for the MPA. The MPA therefore sought from the MPS frequent updates on resources, timescales and costs in relation to Operations Weeting and Elveden, and the MOPC will continue to do so.
74. In terms of my past and present personal interactions with the press, this is easy to deal with. I started my working life at the Home Office and have always been used to working in an environment where the rules of engagement were simple – direct engagement with the press does not happen. As far as I can recall I have never received direct calls from the media in the office or on my mobile. I do, of course, have normal professional encounters with journalists who have covered MPA business over the years. For example, I have been asked to comment on stories that are breaking in the press, but I direct them to the press office and never go into detail.
75. That is not to say that I have not been involved with the MPA's interactions with the media. I would frequently discuss press releases / lines to take with the Communications Team, and they would always update me if they were having any difficulties. My contact with the media is driven by a desire to ensure accuracy in the reporting of matters pertaining to policing. In contrast, the media's motivation is sometimes a desire to fan the flames of contentious relationships when none exist – harmonious relations are not an exciting read.
76. In terms of the acceptance of, or indeed provision of, hospitality with the media, all MPA staff contact with journalists was exclusively work related. To my knowledge, the Communications Team never received or provided any hospitality to/from journalists. I do not have any direct knowledge of any members of the Communications Team socialising with journalists outside work, but of course I would not necessarily have been privy to this. There was certainly no budget available for the provision of any sort of hospitality by the Communications Team or any expectation that hospitality to the media would be

provided. The same applies to Members acting in their MPA capacity (rather than in their capacity as GLA Members), in that there was no provision for expenses to be incurred / reimbursed in relation to hospitality, afforded to the press or otherwise.

**MOPC – Interaction with the Media**

77. The MOPC will need to ensure that the accountability and transparency that existed under the MPA does not diminish. I can see how there may be a perception that the public interface has diminished, given that there are no longer any Members. But the MOPC is directly accountable to the electorate and the new arrangements reconnect the public and the police, in a way which replaces bureaucratic accountability to Whitehall with democratic accountability to local communities. As a result, the police will have greater freedom and discretion to fight crime as they see fit within a rebalanced and strengthened tripartite structure.
78. In addition, there will be a range of other public responsibilities, including:
- 78.1 A wider responsibility for the delivery of community safety and the ability to bring together Community Safety Partnerships at the force level;
  - 78.2 The ability to make crime and disorder reduction grants;
  - 78.3 The ability to enter into collaboration agreements with other Police and Crime Commissioners; and
  - 78.4 A wider responsibility for the enhancement of the delivery of criminal justice.
79. It is already clear that the way in which the Police and Crime Committee (“PCC”) of the London Assembly is conducting its business will ensure ongoing transparency about the performance of the MPS as well as the MOPC.
80. I will certainly be continuing to advise the Mayor and the Deputy Mayor for Policing and Crime that transparency is of vital importance, and that the media should be used in a positive way, to ensure that we are open with the public on all matters affecting policing in London, whatever their nature. I do not anticipate that my advice will be ignored by the present incumbents of those

offices. Three consultation roadshows have already been held since 16 January 2012 to encourage two-way communication.

81. The MPA's Communications Team has not transferred over to the MOPC. Communications will now be handled through the Mayor's press office. The MOPC has media assistance from a nominated member of the Mayor's press team on a day-to-day basis and we have access to support from the Mayor's press team as necessary. On matters of a particularly high profile, it may be the case that the Mayor's Director of Communications will be directly involved, but it is early days following the transition, so quite how things will work in practice is still to be determined. The intention is that, as with the MPA Communications Team, the Mayor's press office will be the gatekeeper for controlling the flow of information to and from the media. The MPA media processes were complicated by the need to service a variety of Members from different backgrounds. The MOPC operation will be simpler and more focussed, and this should minimise confusion and allow for much clearer messages. The Mayor's press office is highly professional, well resourced and well run, and will be able to respond to incidents that attract national media interest.
82. The extent to which the systems, policies and/or training under the MPA need to be revised or improved under the MOPC press function will be kept under review as the role of MOPC evolves.

### **MPS and the Media**

83. The MPS Directorate of Public Affairs and Internal Communication ("DPA") consists of approximately 70-75 staff. The MPS had a particularly proactive media team, headed by Dick Fedorcio, the Director of the DPA since September 1997. The DPA is responsible for providing professional communication services to support the MPS. I note that the current MPS Media Relations Policy states that it was due to be updated in June 2011. The MPA requested an updated version, but were informed that the MPS had been in the process of updating the policy when the then Commissioner announced Elizabeth Filkin's review. I understand that whilst the MPS is considering how to take Ms Filkin's findings and recommendations forward, staff have been informed that the existing media policy still stands.
84. In my view it is essential for police forces to have a press office – a professional relationship with, and mutual understanding of respective roles of the press and the police, are important tools for ensuring transparency, increasing public

confidence and promoting effective crime fighting. The Inquiry has asked whether, in dealing with the media, the standards and rules that apply to police staff should be different from those that apply to police officers. In my view they should not.

85. There was at least one occasion when the MPA conducted a scrutiny of the MPS media and communications. There was a particular incident in 2006, which became known as the "Forest Gate" incident, which caused MPA Members some concern in terms of the MPS' approach to managing the media and communications. A scrutiny panel was convened, which was chaired by Len Duvall (the then Chair of MPA).

86. I attach as my Exhibit CC10 the report that was prepared following the conclusion of this scrutiny review, dated April 2007 and entitled "MPA Scrutiny of MPS media and communications". The report details the MPA's findings in relation to:

86.1 Resources, structure and function;

86.2 Responding to critical incidents;

86.3 Reputational management; and

86.4 Communicating with London's diverse communities.

87. The report (see pages 1 and 2) included an acknowledgement of the significant challenges faced by the MPS when it came to managing the media and communications. The scrutiny panel concluded that more could be done by MPS to ensure that correct information was being used by the media, and that there was a need for a number of structural changes that were needed to assist the MPS to deliver a more consistent and comprehensive approach to managing internal and external communications. In terms of recommendations, the panel made a number of suggestions (see page 2), which included the need to;

87.1 Proactively manage the reputation of the MPS;

87.2 Provide regular reminders to staff about their obligations under the MPS media policy; and

87.3 Update the media training provided to all senior officers to improve awareness of the political sensitivities surrounding the MPS and to provide advice and guidance on how to deal with such issues.

88. In January 2009, there was a particular professional standards case relating to a former Assistant Commissioner's remarks at a press conference in August 2008. This prompted Members of that Committee to recommend that the MPA liaise with the MPS as to whether the then current Media Relations Policy (dated June 2008) required amendment. I attach a copy as my Exhibit CC11. It was also as a result of this occurrence that changes were made to the ACPO terms and conditions of service to include guidance on communications and interactions with the media.
89. In February 2010, the SOPC considered a report from the DPA on behalf of the Commissioner providing an overview of the DPA's performance against its targets. This report is entitled "Directorate of Public Affairs – thematic performance report" and is attached as my Exhibit CC12.
90. This report is a fairly standard performance monitoring report and is the type of report that we would expect to receive on a regular basis, particularly after recommendations had been made to a particular Directorate, such as those referred to above in the MPA's scrutiny report. The report referred to matters such as budgets and staffing levels, but also detailed the need for continuous improvement, challenges and risks faced by the DPA. The point made on page 5 at paragraph 30 is of particular note. This stated that the DPA should carry out a review and de-brief following every significant media issue faced by the organisation. It was appropriate that the MPS take responsibility for ensuring that proper learning and review was conducted internally. This was not the MPA's role.

#### **MPA Leaks**

91. In relation to leaks to the media from the MPA, as far as I am aware, there has never been a significant problem with leaks from the MPA, staff or Members, including the staff in the Communications Team. All the staff and Members were expected to sign the Official Secrets Act. One of the reputational problems that we have encountered over the years is that the MPS frequently suspected the MPA, in particular the Members, of leaking information. This was unhelpful and never substantiated by evidence.
92. On occasion, the MPS Directorate of Professional Standards (DPS) conducted investigations. There is such an investigation on-going at the moment, as the MPS have alleged that there has been a leak from Members in relation to the sale of a property within the MPA/MPS portfolio. There have been previous

allegations and investigations of this nature. In particular I can recall a leak investigation that took place following a briefing to Members from Andy Hayman in relation to a counter-terrorism operation in Forest Gate. On that occasion, the Internal Audit Directorate ("IAD") carried out a full investigation and I attach as my Exhibits CC13 and CC14, IAD's report and my subsequent report to Members, dated 7 December 2006. The conclusion of this particular investigation was that Members of the MPA were not the source of the story that appeared. There has never been a formal investigation to my recollection where any Member of the MPA has been found to have leaked information to the press, and I am not aware of there being any evidence demonstrating that leaking emanated from the MPA. Leaks by Members will of course not be a concern for MOPC.

93. The Inquiry have asked what may be the driving force, or the main causes, behind leaks from the MPA. In light of the above, I cannot comment further.
94. The Inquiry is interested in what, if any, payments may be considered legitimate financial transactions between MPA personnel and the media, and I cannot think of any. There were no explicit policies and/or guidance in relation to financial transactions between MPA personnel and the media. However, the MPA did have in place a Good Conduct and Anti-Fraud Policy. This is attached as my Exhibit CC15. This policy was a high-level policy covering the MPA and MPS in relation to good conduct, fraud and corruption.
95. The policy applied to Members and employees of the MPA, as well as police officers of all ranks, and set out the general principles by which all should behave and act. It also set out the procedure for reporting any fraud and how such investigations should be handled. At Part B (Paragraph 3.1) of the policy it stated that "Every Member... will conduct themselves ethically at all times in respect of their duties and will act in accordance with the Authority's policy...".

#### **MPS Leaks**

96. The MPA had no role in the investigation of leaks by officers below ACPO level, or the bribery of those officers. The degree to which this was, and is, a problem is a matter for the Commissioner. Therefore, I am not able to comment on the causes of or reasons for leaks by and the bribery of those officers.
97. Generally, the MPA played a very limited role in relation to the oversight of the MPS's relations and communications with the media. The MOPC is likely to be

more proactive – following the Mayoral election the nature of this oversight will be refined further. The public interest must be to ensure honesty, clarity of roles and transparency in the conduct of police officers and the press.

**MPA – Hospitality**

98. The MPA's Gifts & Hospitality register contains declarations of gifts or hospitality accepted or declined by members of the MPA's SMT, as well as other officers of the MPA.
99. This is a comprehensive register of all gifts and hospitality received by MPA officers. Any hospitality that I accepted was declared on this register and is publically available information. The online register covers gifts and hospitality received from 2008 until 2011. I note that the register shows that I accepted an invitation to the Financial Times Women at the Top Conference and Dinner on 16 November 2010 (which in the event I did not attend), but aside from that, there are no entries that relate to media hospitality. I always tried my best to be assiduous about adding any offers of hospitality to the register and have no recollection of ever accepting any hospitality from media organisations, other than conferences or award ceremonies. I never provided any hospitality to the media, other than tea or coffee, and I have not accepted gifts from the media.
100. There was a separate register of interest, gifts, allowances and expenses for MPA Members. The rules which governed hospitality from the perspective of the Members are contained within the MPA's Code of Conduct, which is attached as my Exhibit CC16. Under the Code, Members were required to declare any gifts or hospitality received worth £25 or more. This had to be done within 28 days of receipt of the gift or hospitality.
101. The Code did not operate in isolation and the MPA Good Conduct and Anti-Fraud Policy (referred to above) is also relevant here. The provision of the policy relating to gifts and hospitality was as follows:
  - 101.1 Part A (Paragraph 2.1) – "Members...will lead by example in demonstrating good conduct and ensuring compliance with legal requirements, rules...including those relating to acceptance of gifts and hospitality..."
  - 101.2 Part B (Paragraph 3.3) – "Suppliers and contractors are required to conduct their business with the Authority with integrity and honesty..."

This includes the offering of inappropriate gifts and hospitality to the Authority's staff."

102. In September 2009, a report was prepared on my behalf for the CGC entitled "MPA - Interests, gifts and hospitality declarations". This report is dated 14 September 2009 and is appended to this statement as attached as my Exhibit CC17. The report detailed the procedures for the maintenance of the Registers of Interest and Gifts and Hospitality. The fact that there were separate registers for Members and MPA officers is set out in this report. As noted at paragraph 4 on page 3, there was a need to be clear as to the responsibility for managing the processes, and to ensure that everyone was clear on the policies that were already in place. This was the catalyst for the preparation of the report - it was not that there was a need to amend or revisit the policies themselves.
103. In relation to the Chair's gift and hospitality declarations, there is a gifts and hospitality register which is held by the GLA, which is also available on line and this contains all of his hospitality entries. This ensures that all entries are publically available in one place. I believe that the MPA website on this topic cross-referred to the GLA register. That register will therefore contain entries that go beyond the entries that may be relevant to MPA/ MOPC business. I am also aware that the GLA issues its own guidance on the receipt of gifts and hospitality, which is being covered in more detail in the DMPC's statement to the Inquiry.
104. The system for recording the acceptance of gifts and hospitality worked well, but under the MOPC consideration will be given to what else can be done to improve the procedure.

## **MPA - Oversight of the Commissioner and Deputy Commissioner's Gifts and Hospitality**

### Introduction

105. The MPA also had a role in relation to reviewing the Commissioner and Deputy Commissioner's gifts and hospitality registers and in relation to approving expenses. I have included specific information on this in my statement, as I believe that it is a matter of interest to the Inquiry. However, this was not a topic that featured to any large degree in the relationship between the MPA and the MPS.

106. My role in terms of looking at the gifts and hospitality registers, and in relation to countersigning expense forms, was a product of the work by the Members, through the committee structure, in relation to improving public accountability of the Commissioner and his senior officers in this particular area. The fact that the registers had to be reviewed by me or on my behalf, and expense forms countersigned by me would not preclude senior individuals accepting hospitality from members of the media, if that was what they chose to do. My role was of scrutiny after the event, rather than one of prior approval, insofar as the Commissioner and his Deputy were concerned.

Scrutiny of the Registers by the Chief Executive

107. One of the recommendations made by the Internal Audit Directorate in their report on Gifts and Hospitality in August 2007, attached as my Exhibit CC18, was that a number of half yearly reviews of senior officers' gifts and hospitality registers should be introduced and recorded. In relation to the Commissioner and the Deputy Commissioner, the recommendation made was that the Chief Executive of the MPA would conduct this review for the entries made by the Commissioner and Deputy Commissioner on a six monthly basis. The gifts and hospitality register for the Commissioner and Deputy Commissioner is held in the Commissioner's Private Office.
108. Prior to this audit recommendation, the acceptance of gifts and hospitality by the Commissioner and Deputy Commissioner was already on the MPA's radar. I refer to a report that I presented to the HR and Remuneration Sub-Committee on 21 April 2005, a copy is attached as my Exhibit CC19. At paragraph 12 of the report, it was noted that the Commissioner and Deputy should be made aware of and be compliant with: the MPS code of practice in relation to gifts and hospitality; the need to record offers, whether accepted or not; and the need to report periodically to the MPA Chief Executive. This did not cover expenses, although clearly the expectation was that both the Commissioner and Deputy Commissioner would ensure they were compliant with their own policies.
109. The scrutiny of the gifts and hospitality registers of other ACPO officers was co-ordinated by the MPS Director of Human Resources. The MPA normally received a report on the scrutiny of other ACPO gifts and hospitality registers on a six monthly basis, although there were delays in the presentation of this report in or around early 2011 due to the absence of the Director. Each Operational Command Unit and Borough Command Unit holds its own gifts and hospitality register. An example of the reports that were provided to Members following the

review of the gifts and hospitality registers below the level of Deputy Commissioner is attached as my Exhibit CC20. These reports are for the period April 2010 to October 2010.

110. The MPA's role in reviewing the Commissioner and Deputy Commissioner's gifts and hospitality register was to check that the current MPS Gifts and Hospitality Policy had been followed and to query acceptance of any gift or hospitality which appeared to be in breach of the policy. The MPA's (and indeed my personal) relationship with any Commissioner had to take account of the status and stature of the role of Commissioner. I would not expect to scrutinise the most senior police officer in the country to the extent that I would check on his social engagements, cross-checking any assurances that he gave me that he had a procedure in place for the review of gifts and hospitality registers within the MPS, or following up any reassurances that he gives me in relation to complaints and disciplinary matters.
111. During the time that I had been checking the registers, I have occasionally sought explanation of particular entries and compliant explanations have been provided. However, it is not the MPA's role to substitute its own views of the appropriateness of accepting or refusing gifts and hospitality for the views of the Commissioner or Deputy Commissioner. On the few occasions when questions were raised, an explanation was always provided, e.g. a refusal to accept the gift or hospitality would cause offence or damage effective working relationships.
112. The detail of compliance of MPS officers below the level of Commissioner and Deputy Commissioner was not an issue for me or the MPA; it was for the Commissioner and his Deputy to consider the compliance of their team. Their own role in setting an example for such officers seemed to me to be a key issue in setting the whole culture within the MPS for the acceptance or refusal of gifts and hospitality.
113. There is one matter which has emerged in preparing this evidence. It would seem that the registers that I was provided to review did not contain a full set of entries. I attach to my statement a copy of the hard copy registers for the period 17 February 2005 to 7 September 2011, attached as my Exhibit CC21. I also attach a number of gifts and hospitality register entries from the Commissioner's Private Office, published by the MPS on their website in September 2011 for the following periods:

113.1 December 2008 to December 2009 (attached as my Exhibit CC22);

113.2 January 2010 to March 2010 (attached as my Exhibit CC23;

113.3 April 2010 to June 2010 (attached as my Exhibit CC24;

113.4 July 2010 to September 2010 (attached as my Exhibit CC25; and

113.5 January 2011 to March 2011 (attached as my Exhibit CC26).

114. I have recently compared the original hard copy entries with those that have been made available on line. This review has identified that a large number of instances of gifts and hospitality received by more recent Commissioners and Deputy Commissioners were not recorded on the original entries and I would therefore not have known about them at the time of my review, or at all, prior to this recent comparative review. This is of course less than satisfactory, particularly given recent events and the fact that a significant number of the entries of which I was unaware relate to hospitality with the media. I have written to the current Commissioner outlining my concerns both with the level of hospitality and the discrepancies.

Scrutiny of the Registers by Members

115. As I have mentioned earlier in my statement, the Members who sat on the HR and Remuneration Sub-Committee were proactive when it came to reviewing the Commissioner and Deputy Commissioner's entries. Any queries that Members had about the entries were raised with the Commissioner or Deputy Commissioner at the earliest opportunity thereafter. There were a number of occasions when Members were particularly zealous in their challenges of entries made by the Commissioner in relation to the acceptance of alcohol. It is fair to say that the Commissioner and his senior team found such challenges uncomfortable.

116. At Full Authority, Members started to ask specific questions about gifts and hospitality. Dee Doocey made a Freedom of Information Act request in April 2010, requesting details of hospitality accepted by senior police officers from the News of the World. The response revealed that Sir Paul Stephenson had been out to lunch with executives from News International and News of the World during the height of the police investigation. The MPS also provided some information to the Full Authority in January 2011 and then provided revised responses in February, March and May 2011. I attach copies of the MPS's responses to Members' questions in relation to these issues as my Exhibit CC27.

I also attach copies of the minutes of the MPA Full Authority meeting at which these questions were discussed as my Exhibit CC28.

117. I have commented previously on the accuracy of the gifts and hospitality registers I reviewed. Although this is covered in Kit Malthouse's statement, when MPA Members questioned the MPS about its relationship with News of the World and News International (during a Strategic and Operational Policing Committee meeting on 14 July 2011 – a copy of the minutes are attached as my Exhibit CC29), senior officers said that they could see no issue in providing or accepting hospitality from individuals at these organisations despite the on-going police investigation, as those individuals were not themselves under investigation.

### **Expenses**

118. One of the recommendations that came out of an advisory review of the terms and conditions and following the Commissioner's and Deputy Commissioner's appointment in 2005 was that all claims for payment and reimbursement of personal expenses for the Commissioner and Deputy Commissioner should be submitted to the MPA Chief Executive for countersignature and onwards transmission for payment. I therefore reported on this to the HR and Remuneration Sub-Committee at the same time as I reported on the review of the Gifts and Hospitality register of the Commissioner and Deputy Commissioner.
119. I was always able to report, as countersigning officer, that the systems in place for claiming expenses were operating effectively and complied with the arrangements in place at the time. In doing so, I also had the benefit of confirmation from the Director of Resources that the claims were in line with MPS policy.

### **Business Interests**

120. Officers and MPS staff are required, under Police Regulations (the "Regulations"), to apply to register any business interests and/or secondary employment that they wish to carry out whilst being employed by / serving for the MPS.
121. ACPO ranks and equivalent senior police staff were required to seek the authority of the Chief Executive of the MPA for the registration of business interests that came within the legislation. Assistant Commissioners or the Director of Human Resources were responsible for determining other

applications, but if an application was refused, there was a right of appeal to the MPA.

122. The current guidance in relation to Business Interests is provided in the Secondary Employment and Political Activities SOP (05/09), which is dated 28 January 2009, and is attached as my Exhibit CC30.

123. In addition to the Standard Operating Procedure referred to above, there is a clause in the ACPO Terms and Conditions which, as I have stated, ACPO officers have been required to sign on appointment which specifically relates to Business Interests as follows:

*"18. Business Interests*

*The expectation is that you will devote your working time to your duties and office. Any business interest is to be notified in accordance with the relevant legislation and regulation in force at the time as they apply to senior officers.*

*19. Any other occupation or profession or business or work*

*You must not engage in any other occupation or profession or business or work, whether paid or unpaid, for any other organisation, company, firm or person without the prior written permission of the Chief Executive to the Authority"*

A copy of the standard ACPO Terms and Conditions is already attached as my Exhibit CC6.

124. Clauses 24 and 25 of the Terms and Conditions are relevant to the consideration of post-MPS employment and the use of confidential information. These clauses state as follows:

*"24. Confidentiality*

*The relationship between the Authority, MPS and its officers and employees is founded on trust. Any breach of this trust by a police officer or employee, such as the unauthorised disclosure of confidential information about the Authority or MPS related business, will render you liable to disciplinary action and/or civil proceedings. The civil proceedings may seek to restrain you from disclosing the information or making personal use of it without written authorisation from your line manager or for damages if loss to the Authority or MPS results from the unauthorised disclosure. This requirement not to disclose confidential information applies throughout your period of service.*

*For a period of two years [subsequently one year] from the date of termination of this contract, you shall, unless first obtaining written authority signed by the Chief Executive to the Authority, be restricted from disclosing or making use of any information applies throughout your period of service.*

*25. Post Authority employment and appointments*

*Before accepting any appointment which would start within one year of leaving the Service, you must obtain the approval of the Chief Executive to the Authority, in cases where:*

- the appointment is to an organisation, firm or business that provides any commercial and contractual services to the MPS or the Authority;*
- the appointment is to an organisation, firm or business that intends to tender for the provision of commercial and contractual services to the MPS or the Authority.*

*Approval will not be unreasonably withheld”.*

125. In addition to the provisions of clause 24, all police officers are also signatories to the Official Secrets Act, which prevents them from sharing certain types of information during or after their time in post. Request for approvals under clauses 24 and 25 come directly to me – this is not something which is put to Members via a Committee.
126. In relation to incidents that have arisen in the context of clause 25, “Post Authority Employment and Appointments”, my experience has been that generally speaking, restricting senior officers in terms of other employment after their departure is problematic. When senior officers leave, we remind them of their obligations under this clause.

**The Resignation of John Yates**

127. I understand that the Inquiry is interested to learn more about the circumstances surrounding the resignation of former Assistant Commissioner John Yates, and the extent to which the MPA was involved in discussions concerning their resignations.
128. I attach a copy of the paper that was presented to the PSCSC on 18 July 2011 as Exhibit CC31. The paper records that the PSCSC considered allegations against Commissioner Sir Paul Stephenson, Assistant Commissioner John Yates, Former

Assistant Commissioner Andy Hayman and Former Deputy Assistant Commissioner Peter Clarke in relation to the decision not to re-open the phone hacking investigation against the News of the World in 2009 and the accuracy of information provided to Parliament in relation to this matter.

129. As noted at paragraph 35 of the PSCSC's paper, the specific allegations against John Yates were as follows:
- A failure to re-open the original investigation into phone hacking by News of the World;
  - Misleading Parliament on numerous occasions regarding the investigation;
  - Attending social meetings with senior journalists at the News of the World whilst the investigation was ongoing; and
  - Knowing that criminal acts were committed by police officers and that they were accepting money from reporters at News of the World.
130. Two misconduct referrals were also referred to the PSCSC by the Deputy Commissioner for their meeting on 18 July 2011. I attach copies of these referral papers as my Exhibit CC32. The referrals related to (a) the circumstances surrounding the letting of the contract between the Met and Chamy Media and (b) the circumstances leading to the employment by the Met of the daughter of Neil Wallis. It was unprecedented for the PSCSC to have referred to it conduct matters from the Deputy Commissioner directly.
131. The decisions taken and the reasons for those decisions are all recorded in the minutes of 18 July 2011 (copies of these minutes and the agenda for this meeting are attached at Exhibit CC33). So far as John Yates was concerned, two matters were recorded as conduct matters and referred to the IPCC: (1) the Amy Wallis matter – see paras 18.11 to 18.14 of the minutes; and (2) the News of the World matters – see para 18.20-18.25 of the minutes. In taking this decision, the MPA was acting in accordance with the relevant regulations in place at that time.
132. It will also be seen that the decision was taken to suspend Mr Yates and to delegate the task of suspending him fell to me, as Chief Executive of the MPA (as seen from paragraphs 70-74 of the report attached at Exhibit CC31 and paragraphs 18.45-18.46 of the minutes at Exhibit CC33).

133. However, in the fast-moving events which occurred at this time, I decided to defer Mr Yates' suspension until after his appearance before the House of Commons' Home Affairs Select Committee the next day: 19<sup>th</sup> July 2011 (as recorded at paragraph 12 of the report presented to the PSCSC on 20 July 2011, attached as Exhibit CC34. Had he been suspended, it might have proved difficult, if not impossible, for him to prepare for that appearance because his access to MPS information would have been denied or at least restricted.
134. By the time of the PSCSC's meeting on 20 July 2011, Mr Yates had already announced his intention to resign (though I had not received a formal letter of resignation from him), thus making it unnecessary for anything further to be done in relation to the issue of suspension (See paragraphs 1-10 of the minutes from the PSCSC meeting on 20 July 2011, which are attached as my Exhibit CC35, along with a copy of the agenda for this meeting).
135. Accordingly, it was not that there was direct pressure from the press on Members of the MPA to make a particular decision, but it would be fair to say that the level of public interest and concern about the role John Yates had played as described by the media, made his position difficult to sustain.

### **Conclusions**

136. The Commissioner is the most senior police officer in the country. The MPA's relationship with the Commissioner has to be based on trust. For example, if I asked the Commissioner to confirm whether he was satisfied that there were sufficient systems in place to ensure that the hospitality register was correctly maintained, and he confirmed to me that he was indeed satisfied, unless I had any evidence to suggest that the contrary was the case, I would have no reason to challenge his assertion.
137. It is fair to say that the MPA's relationship with the MPS and my personal relationship with various Commissioners and their respective senior teams has matured over time. However, in exercising our role a certain amount of tension between the MPA and the MPS was not, per se, unhealthy.
138. The role of the Internal Audit team in relentlessly pursuing high standards of proper transparency and clarity has meant that the MPS has been under constant pressure to tighten procedures, become publicly accountable, even at the most senior of levels. The recent reports by Elizabeth Filkin and Her

Majesty's Inspectorate of Constabulary (HMIC) have reinforced this. These reports are covered in more detail by Julie Norgrove.

139. In terms of hospitality, whether it be with the media or otherwise, additional rules and regulations could be put in place, but compliance and individual judgment are key. Certainly, ACPO rank officers and equivalent senior police staff should make a judgment about what is and is not acceptable. That judgment should, however, be exercised against the background of public perception. It is my own view that officers of such senior ranks would be well advised to be extremely careful when accepting any form of hospitality. The consequences of not being so have been vividly displayed over recent months.
140. Culture and leadership is key. It is important to remember that the culture of the MPS has been developing from the position we were in 2000 (so relatively recently) in terms of the complete lack of checks and balances, to where we are now in terms of regulation and oversight is really quite impressive. It takes time to change culture in an organisation as large as the MPS. With the legislative changes and the introduction of the new governance structures, the role and example of the Commissioner will be more important in the future than it has ever been in setting the tone, and in taking responsibility for the officers under his command.

Statement of Truth

I believe that the facts stated in this Witness Statement are true.

Signed ..



**Catherine Crawford**

Dated ..

29 February 2012