

LONDON POLICING ETHICS PANEL

LPEP Secretariat, C/- MOPAC, City Hall, The Queen's Walk, London SE1 2AA
Email: EthicsPanel@mopac.london.gov.uk.

Chair: Dr Suzanne Shale
Members: Professor Leif Wenar, Dr Priya Singh, Professor Deborah Bowman

The Deputy Mayor
City Hall
The Queen's Walk
London SE1 2AA

30th April 2019

Dear Sophie,

ETHICAL CONSIDERATIONS FOR MPS REVENUE GENERATION

You requested a view from the London Policing Ethics Panel on the existing processes for considering the ethical aspects of opportunities for revenue generation. These were summarised in the report prepared by the MPS Director of Commercial Services, presented to MOPAC in July 2018 and subsequently forwarded to the Panel.

That report sets out mechanisms for approving revenue generating opportunities in respect of:

- requests for assistance from overseas;
- grants and sponsorship;
- intellectual property; and
- other business opportunities.

To inform our view we consulted Simon Wilson, (MPS Director of Commercial Services) Roisha Hughes (MPS Director of Strategy and Governance), and have been provided with further information about MPS processes by Rebecca Lawrence and Judith Mullett at MOPAC. We also received comments from two MPS observers who have attended panel meetings, DAC Richard Martin and Matthew Gardner of the Directorate of Professional Standards.

For the purpose of ethical analysis the Panel grouped the items above into two domains for consideration: requests for assistance from overseas; and domestic commercial opportunities. We take each of these in turn.

1) Requests for assistance from overseas.

We examined the processes that prompt ethical evaluation of deployments overseas when these are to provide assistance at the request of an overseas institution, and are not in furtherance of MPS's own operations. Such deployments might involve, for example, provision of advice or training.

The Panel's focus has been whether the assistance to be provided will affect public confidence in the MPS, whether it respects the human rights of those in other countries, and whether there is a possibility of financial or political pressures generating ethical risk for MPS or MOPAC.

We reviewed the processes and documentation which provide for an ethical and risk assessment of overseas deployments. We would emphasise we have not sampled any specific decisions on overseas deployment, but rather reviewed the framework of standards and processes that are applied. We have noted the list of overseas deployments that was supplied for Mayor's Questions in 2018.

In summary, the Panel is of the view that taken together, the internal authorisation processes that exist within MPS, the external processes involving Foreign and Commonwealth Office advice and guidelines as well as Home Office authorisation and in some cases the Joint International Policing Hub, and finally MPS's operational independence, provide a framework within which timely and balanced ethical assessments of non-operational overseas assistance can be made.

Processes

Provision of overseas assistance requires appropriate authorisations, which are managed by the MPS International Governance & Compliance Unit. Three processes intersect:

(i) Internal MPS authorisation. MPS employees require internal authorisation from appropriate points in the chain of command, culminating in approval at Assistant Commissioner level. Applications for authorisation require submission of an Overseas Deployment Authorisation form. This requires the applicant to set out the purpose of the visit, the benefits to London, and the costs incurred. A risk assessment form is completed at the same time.

- Ethical decision point: At this stage in the process, MPS applicants and line managers are required to assess the benefits of the visit to policing in London, the degree of risk involved, and any financial implications.

(ii) External authorisation in accordance with Section 26 of the Police Act 1996. The s.26 process applies to brief deployments overseas. Under s.26, assistance to an overseas police force for their benefit requires authority to do so from the Home Secretary. The requirement for authorisation by the Home Office is in addition to internal MPS authorisation, and is requested through submission of a 'Section 26 form'.

- Ethical decision point: Applicants are required to consult with the Foreign and Commonwealth Office (FCO) prior to submitting the s.26 form to the Home Office, and to identify the source of advice on the form. FCO decisions on provision of assistance are based on the Overseas Security and Justice Assistance (OSJA) Human Rights Guidance. The purpose of the OSJA Guidance is broadly to ensure that security and justice activities are consistent with British values, including human rights, and to uphold Britain's reputation as a defender of human rights and democracy. The OSJA

guidance takes into account human rights, international humanitarian law, political and reputational risks, and mitigation.

(iii) External authorisation in accordance with the International Police Assistance Brief (IPAB). The IPAB process applies to longer deployments overseas. It is administered by the UK's Joint International Policing Hub (JIPH). The JIPH works to bring greater coherence and co-ordination to the UK's approach to international policing assistance.

- Ethical decision point: The IPAB process follows OSJA guidance, and includes a consultation process that invites comment from the FCO and Home Office. In cases identified as high risk through the OSJA assessment, ministerial approval must be sought for the deployment. The final stage of authorisation through the IPAB process is approval by the Chief Constable who heads the NPCC's International Coordination Committee.

How public confidence and human rights interests are protected

The tests applied to authorisation of overseas assistance include the MPS's own assessment of the benefit to London, and FCO and HO assessments based on OSJA standards and guidance.

The OSJA guidance requires proposals to be assessed against a four point framework:

- the situation in the host country, its stability, its attitude and practice towards human rights and international humanitarian law;
- the human rights, international humanitarian law, political and/or reputational risks associated with the proposed assistance.
- how identified risks can be mitigated; and
- whether there is a serious risk that the assistance might directly or significantly contribute to a violation of human rights, international humanitarian law or lead to reputational or political risk.

The guidance states that assistance should seek to strengthen compliance with human rights and/or international humanitarian law in the host country. The OSJA supplies a checklist ('Checklist B') to support this assessment. The checklist enumerates human rights concerns to which attention should be paid in coming to a decision. It also includes specific provisions that apply to requests to provide assistance where this could potentially implicate British personnel in imposition of the death penalty, torture, extra judicial killings or unfair trials.

Incentives

Overseas assistance by way of training is provided by MPS on the basis of charging a fair market rate. As this is calculated after the ethical assessment has been made, there does not appear to the Panel to be any financial incentive liable to affect ethical decision-making.

Operational independence.

The MPS has operational independence to reject requests to provide overseas assistance in circumstances inconsistent with serving the interests of London, or inconsistent with the aims of OSJA.

Additionally, as the IPAB process requires authorisation from the NPCC International Coordination Committee Chief Constable, this provides for a further level of independent evaluation of higher risk longer-term deployments.

2) Domestic commercial opportunities

The paper presented to MOPAC in July 2018 sets out the processes for approving grants and sponsorship, intellectual property and other business opportunities. It notes that grants or sponsorship requests above £50k are referred for individual consideration and those below £50k are summarised in a quarterly report prepared by the Director of Commercial Services and submitted to MOPAC. It also notes that all novel and contentious commercial opportunities are referred to MOPAC.

The Panel noted the document 'Guiding Principles for MPS Sponsorship', developed to reflect principles in the former ACPO Guide to Income Generation, existing MPS good practice and MOPAC regulations. This document indicates the ethical considerations that should be applied, and states that its principles must be followed when considering entering into a sponsorship arrangement.

[This paragraph has been removed as it referred to local sponsorship arrangements that are no longer current practice.]

Yours sincerely,



Dr Suzanne Shale
Chair, London Policing Ethics Panel

List of Documents Reviewed

- Ethical Considerations for Revenue Generation – MPS Director of Commercial Services
- MQ 2018/0748 Foreign Police Deployments (MOPAC, for Mayor's questions)
- MPS Overseas Deployment Authorisation Form
- Home Office Section 26 Form
- IPAB Referral Form
- International Police Assistance Brief (IPAB) and Overseas Security and Justice Assistance (OSJA) assessment processes (IPAB guidance)
- HM Government Overseas Security and Justice Assistance (OSJA) Human Rights Guidance
- Human Rights Record Country Ranking (prepared by Prof. Leif Wenar)