

Decision notice: Hampshire Police Authority Standards Sub-Committee Hearing

Complaint against: Councillor Mrs Jacqui Rayment (the Member)

Date of hearing: Tuesday 10 November 2009

Summary of complaint

The complainant alleged the Member breached confidentiality in confirming to the Southern Daily Echo the complainant's identity as one of two officers under investigation by the Metropolitan Police Service. Following an unauthorised disclosure to the newspaper, and without authority and contrary to the media policy in place, the Member confirmed to the Editor of the Southern Daily Echo the complainant's identity. It was alleged this gave the Editor the confidence to run a story which received wide coverage both locally and nationally, whereby the Complainant's reputation was irrevocably damaged and great distress was caused to his family.

Relevant sections of the Code of Conduct

Paragraph 4 (a) – Confidentiality.

Paragraph 5 – Bringing one's office into disrepute.

Findings of fact

The Sub-committee accepted the findings of fact in the Investigating Officer's report, in that:

- The formal position of Hampshire Constabulary and the Metropolitan Police Service in preparing to deal with any media enquiries relating to the investigation was that the complainant's name should not be disclosed.
- When speaking to the reporter, the Member indirectly confirmed the identity of the complainant, not by mentioning his name but by confirming the use of his name by the reporter.

Outcome

The Sub-committee found there had been no failure to comply with Paragraph 5 of the Code. In making this finding, the sub-committee noted that the Member's disclosure to the reporter, rather than the Editor as originally alleged, had been an inadvertent slip, made without malicious intent, and that the making of a mistake alone did not bring the office or authority into disrepute.

The Sub-committee did however find there had been a failure to comply with Paragraph 4(a) of the Code. At the time of the conversation with the reporter, the resolutions of the Authority to treat the Complainant's identity as confidential were still in place. The fact it may have been known to other members of the police force, and had been wrongfully disclosed to the reporter by someone else before the conversation with the Member, did not amount to the complainant's identity being in the public domain.

Sanction

In considering the sanction, the Sub-committee took into consideration the following mitigating factors:

- The disclosure had taken the form of an indirect confirmation of the Complainant's name. This was an inadvertent slip in the face of persistent questioning from a reporter. There was no evidence of any malice or intent to disclose this information.
- The Member had acknowledged that it may have been better had she not said the words she had said to the reporter.
- The Member had volunteered the information about her conversation with the reporter, when the original complaint against her had referred to a disclosure to the Editor. The Investigating Officer had commented that the Member should be commended for her honesty in this regard.
- As the Investigating Officer had received no co-operation from the Southern Daily Echo in his investigation, it was not possible to know whether the Member's indirect confirmation of the Complainant's name was decisive in leading to the publication of the article. It is possible that the article may have been published in any event.
- The internal notes of officers from Hampshire Constabulary also inadvertently and indirectly would have disclosed the identity of the Complainant had they been used in talking to the media, by referring to the Complainant as having retired.
- Although an experienced councillor, the Member has not received any training in dealing with the media.

Having regard to all of the above, it was decided that the Member undertake suitable training in dealing with the media, a proposal for which is to be produced by the Authority's Chief Executive for agreement with the independent Chairman of Standards Committee within 28 days.

It was also decided to make a recommendation to the Authority that all future holders of the office of Chairman or Vice-Chairman, and other members who have frequent contact with the media, should undertake suitable training in dealing with the media.

Right of appeal

The Member has a right of appeal against the Sub-committee's decision to the President of the Adjudication Panel within 21 days of the written decision, which was issued on 11 November 2009. The appeal may be against the finding that the Member has failed to comply with the Code of Conduct, and/or the sanction imposed. An appeals tribunal may uphold or reject the sub-committee's finding and, if upholding it, may confirm the sanction imposed or vary it by substituting any other sanction which was available to the sub-committee.

Graham Ellis
Independent Chairman, Hampshire Police Authority Standards Committee
November 2009