

LEDS Open Space:

LEDS: Code of Practice

Update Document

This Document has been written with the aim of stimulating discussion on the development of the Code of Practice for LEDS. It is not intended to be viewed as current Home Office policy or intention. It is to be circulated to and viewed only by members of the LEDS/HOB Open Space.

26th June 2019

Purpose

This paper has been written to provide a further update on the drafting of a Code of Practice (Code) for the combined Law Enforcement Data Service (LEDS). This paper will be discussed within the LEDS Open Space on 17th July 2019 and will aim to provide an update on the project progress since the last Open Space Meeting in May 2019.

Summary

This paper provides an overview of the current status of the Code. In reviewing this and attached documents members of the Open Space will be asked for their views on the current drafting structure, indicative content and proposed formatting.

Key questions posed by this paper

- 1. Are there additional organisations that would benefit from reviewing the Code?**
- 2. Are there additional organisations that should be listed in the Code as having statutory functions?**

Update Document

Progress on Drafting

1. The first version of the code, Iteration 1, is being drafted ready for internal consultation with current PNC/PND users and technical advisers who have been involved with pre-drafting consultations on the content. This will take place between 12th July and 9th August. Amendments will then be made based on feedback and a second draft will be completed by end of September 2019. This draft consists of two documents Part One and Part Two.
2. A third document, which we have entitled the Public Guide to Code will be drafted during July 2019.
3. As the Code will be housed electronically a list of who is accessing LEDS can be linked to the Public Guide to the Code. The Code itself will show that it is open to wider law enforcement agencies but as it is likely to be required to be printable and version controlled such a list needs to be kept as a separate document. The Public Guide will also include an explanation as to whose data may be held on LEDS, currently discussed in the document entitled 'The language of LEDS'.
4. All three draft documents will be available for circulation 2 weeks prior to the September 2019 Open Space meeting for discussion at that meeting.

Further Consultation

5. There will be a second period of technical and strategic consultation from October to November 2019 and then 6 months public consultation will start in January 2020. The drafting team have continued to meet with subject specialists throughout May and June in order to get a better understanding of the detail required in ascribing best practice to the data functions and supporting functions which will form the main Code material.
6. The most recent version of the drafted section on Audit (previously circulated to this meeting) is attached as an appendix to this paper, as this will be useful to the agenda item led by the Home Office Audit team.
7. Of specific mention in terms of drafting consultation there has been some sharing of early drafting and a meeting with ██████ of HMICFRS to ensure that the approach is providing material that is 'inspectable'. Some specific targets have been carried forward from the existing codes and more liaison is being carried to establish other targets for data quality.
8. The strategic and stakeholder consultation has started and will incrementally increase to include ICO and the judicial services, however they will be approached separately for a view on defining enforcement and accountability beyond the inspection powers of HMICFRS. The final circulation will take place after the Open Space consideration in September.
9. Clarification has been sought on how legally binding the Code will be as a Code of Practice. The view is that, like the Highway Code, the Code of Practice will not be legally binding in its entirety. It will be statutory guidance. It will be admissible in a court of law and in disciplinary proceedings. Where there are associated legal requirements these will be referenced. Whilst failing to comply with the remaining sections within the Code may not in itself cause a person to be prosecuted, the Code of Practice, in whole or part, can be used in evidence in any court proceedings.

Specific points raised by Open Space at earlier meetings

119	Explore pulling in ICO & other statutory organisations to give them responsibilities in the Code of Practice – check these are part of statutory responsibilities.	Sep 19	Started and under consideration – this will be subject to a separate short paper circulated in September following and included in the Code.	May 19	████ / █████
120	HO to consider including what bad practice is in the Code of Practice.	July 19	Started and under consideration. Some examples are being placed into the Code of Practice these will be expanded following initial discussion with practitioners	May 19	████ / █████
121	HO to confirm when Open Space can next see Code and public section of the document specifically. HO to confirm if it's possible to see it before it goes out to public consultation.	Sept 19	Open Space will see document prior to public consultation. This should happen in September	May 19	████ / █████
122	HO to produce and share “language of LEDS” document.	Sep 19	This will be circulated with the Draft Code	May 19	████
123	HO to carry out further consultation with judicial services on the Code and explore how judges would interpret the Code.	July 19	Ongoing. This will cover not just the CPS but all UK and British jurisdictions	May 19	████ / █████
124	HO to send a link to the current system Technical Document that is available online.	July 19	Proposed Complete – Link below & Involve can send round if requested: https://webarchive.nationalarchives.gov.uk/20140122165729/http://www.levesoninquiry.org.uk/wp-content/uploads/2012/04/Exhibit-KW-NIPA3.pdf	May 19	████