



**Sir David Calvert Smith  
independent review**

**Summary report and recommendations**

## Background to this report

Following the resignation of the IOPC's former Director General Michael Lockwood, in February 2023 the IOPC's Unitary Board commissioned former Director of Public Prosecutions Sir David Calvert Smith to conduct an independent review.

The purpose of the review was to understand the full circumstances of the former Director General's resignation to ensure that process and policies are fit for purpose, corporate risks were understood, and to make any recommendations for accountability, governance, culture and practice.

Sir David looked at the series of events from October 2022 to December 2022 culminating in Michael Lockwood's sudden resignation.

The terms of reference of the review set out its objectives, which were:

- Establish what was known to whom and when, and what they did with that information
- Understand to what extent decisions and actions taken met good governance requirements
- Provide recommendations to Unitary Board on any changes to policy and wider governance within the IOPC
- To inform the Cabinet Office Review of the IOPC due to take place in 2023.

Sir David completed his work in March 2024. The report which follows is Sir David's summary of the review and his recommendations.

# Summary of findings against the Terms of Reference

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## Objective 1: Establish what was known to whom and when, and what they did with that information

I find that while, in retrospect, it would have been preferable for at least the Senior Independent Director (SID) and/or the Chair of the Audit and Risk Assurance Committee to have been informed by the then Director General Michael Lockwood (DG) his failure to do so cannot be said to have offended the rules and regulations then in place at the IOPC.

The decisions taken by Deputy Director General Tom Whiting (DDG) and General Counsel David Emery (GC) were both appropriate and timely. I have seen nothing in the IOPC documents I have been shown to indicate that the decisions and actions of the DDG and GC were inappropriate or taken after any unnecessary delay. There was a significant delay between the Home Office decision that the DG should either be suspended or resign and his immediate decision to resign, and the time the next day when the SID Julia Mulligan and Chair of the Audit and Risk Assurance Committee Catherine Jervis were informed. While I can understand the pressure under which all were working at that difficult time I can see no good reason for this. The delay no doubt increased the concern and disquiet of both that they had not been kept informed generally and also the concern of the Unitary Board members generally when the emergency meeting was called.

[No doubt the responsible officials in the Home Office with whom I have corresponded will have considered the events as they developed and have them at the back of the “departmental mind” were anything similar to occur again in connexion with the IOPC or any other body under its jurisdiction. I have focused on the actions of those within the IOPC and have found nothing to criticise in the way in which the Home Office officials dealt with the situation and the sudden developments of late November in early December 2022 described above.]

## Objective 2: Understand to what extent decisions and actions taken met good governance requirements

The actions taken by the DDG, the DG himself and those in the Home Office who were made aware of the situation up to the 2<sup>nd</sup> December 2022 were in accordance with the rules and policies in force at the time and did not offend the Nolan principles.

It was a matter for the then DG to decide whom to inform of the police investigation. While in retrospect it would have been advisable for him to have informed the SID and/or the Chair of the Audit and Risk Assurance Committee to enable discussions to take place between them in advance of a CPS decision on whether to press a charge or charges against him, neither he, nor his line managers at the Home Office, would have expected the fact of the investigation to be made public at that time in view of the clear directions of the Courts, most recently the Supreme Court, concerning such publicity.

Good governance should not have to extend to unauthorised and indeed illegal disclosures of the kind which occurred in this case when the fact of the investigation was leaked to the media. It must be remembered that at this stage the DG was still “a person under suspicion” and entitled to privacy, an entitlement which would have lasted until the decision to charge him in mid-2023 had the leak of the investigation not happened.

Those “in the know” at the IOPC and the Home Office were also entitled to assume that there would be no publication of the fact of the investigation unless and until he was charged.

### Objective 3: Provide recommendations to Unitary Board on any changes to policy and wider governance within the IOPC

As I set out above and below I have, with the qualification that I have no direct experience of the system now common within organizations – including those within the criminal justice system – decided that a non-executive Chair of the Board would be a sensible move both because of the internal shift it would entail and because of the wider public perception of the IOPC, in particular of its “independence”. I have not thought to recommend wider changes. This organization is still very young and is the product of several different attempts to provide an independent service to those involved on either side of a complaint to the police.

### Objective 4: To inform the Cabinet Office Review of the IOPC due to take place in 2023

I have been in touch with Gillian Fairfield during the period of this review. While we have exchanged thoughts and opinions our conclusions will of course be independent of each other.

## Recommendations

- 1. That the IOPC adopt the recommendations of the Home Affairs Select Committee, supported by the independent report commissioned by the IOPC in 2022, that there be an independent chair of the IOPC Board, subject to any further recommendations which may emanate from the Cabinet Office report which is awaited in the near future.**
- 2. That the DG and SID, or Independent chair if appointed, should agree further terms governing their relationship beyond those already contained in the Code.**
- 3. That the complaints procedure be examined to ensure that there is clarity concerning what constitutes a ‘complaint’ and whether – as occurs in some areas of the criminal law – there should be time limits within which such complaints may be entertained.**

**Sir David Calvert Smith**  
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**Independent Office for Police Conduct (IOPC)**  
**10 South Colonnade Canary Wharf London E14 4PU**  
Tel: **0300 020 0096**  
Email: [enquiries@policeconduct.gov.uk](mailto:enquiries@policeconduct.gov.uk)  
Website: [www.policeconduct.gov.uk](http://www.policeconduct.gov.uk)  
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