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Minutes of a meeting of the Ethics, Integrity and Complaints Committee held at Police Headquarters, Enderby at 2:00 p.m. on Friday 24 March 2017

Present

Members:

Ms Linda James (Chair)
Dr Steven Cammiss
Dr Mark Peel
Ms Lynne Richards

Officers:

Mrs Angela Perry, Head of Governance and Assurance, OPCC
Mr Roger Bannister, Deputy Chief Constable (DCC)
Mr Simon Hurst, Superintendent, Professional Standards Department (PSD)
Ms Sallie Blair, Communications, OPCC

01/17 Apologies

Apologies were received from Professor Cillian Ryan, Ms Lois Dugmore and Ms Karen Chouhan.

02/17 Urgent Business

There were no items of urgent business.

03/17 Declarations of Interest in Items on the Agenda

The Chair invited attendees who wished to do so to make Declarations of Interest in respect of items on the agenda for the meeting.

04/17 Minutes of meeting held on 16 December 2016

Ms Richards informed that she had not been recorded as attending the last meeting. Ms James informed that the last word of minute 44/16 should read 'prison' and not 'probation' as recorded. With these amendments the minutes of the meeting held on 16 December 2016 were agreed as a correct record.

05/17 Communications Plan Review

The Committee received a report of the Police and Crime Commissioner presenting a review of the Communications Plan for the Committee. A copy of the report marked 'A' is filed with these minutes.

Members commented that internal communications needed to ensure that the work of the Committee was widely known by the Force.

In relation to comments on the work of the Committee being made by the Chair or Deputy Chair only it was requested that members be permitted to speak in their personal and professional capacity should they wish to do so.

It was RESOLVED that, with the above amendment, to approve the Communications Plan.

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06/17 Safeguarding – Adults and Children

The Committee received a report of the Chief Constable presenting how the Force understand and implement its Safeguarding responsibilities within the legislative framework. A copy of the report marked 'B' is filed with the minutes.

The Deputy Chief Constable informed that the Force had in place a Safeguarding and Partnership Manager and that that role was crucial to delivery of the Force safeguarding responsibilities. Members commented they felt the Force approach was positive.

It was RESOLVED to note the Force approach to its Safeguarding responsibilities.

07/17 Dip Sampling and IPCC Non-Referral Register

The Committee received a report of the Chief Constable for member's discussion on the outcome of the dip sampling of complaint files and the inspection of the IPCC non-referral register. A copy of the report marked 'C' is filed with these minutes.

It was RESOLVED to:-

- (a) note the Force response to the dip sampling of complaint files and the inspection of the IPCC non-referral register; and
- (b) Include officer personal safety training into the morning session of the forward workplan.

08/17 Stop and Search

The Committee received a report of the Chief Constable updating members on progress of stop and search. A copy of the report marked 'D' is filed with these minutes.

In relation to the Force Stop and Search Scrutiny Panel members advised that it would be good to have members on that Panel who did not have any close relationship with the police and to include individuals who did not generally engage with the Force. The Deputy Chief Constable stated there were opportunities for the members of the Youth Commission to be involved on the Panel.

Members noted that there had been only two complaints arising from stop and search over the past two years. The Deputy Chief Constable stated that as a general rule searches were very straight forward.

In relation to Section 60 stop and search powers the Deputy Chief Constable informed that these were used sparingly and proportionality with the last occasion being the football match between Leicester City and Derby County. On this occasion the Police and Crime Commissioner had been present.

It was RESOLVED to have a further report in one year's time together with viewing of video footage.

09/17 Social Media

The Committee received a report of the Chief Constable informing members of the steps the Force is considering in addressing private/personal social usage by staff. A copy of the report marked 'E' is filed with these minutes.

DCI Hurst informed that the Force did not proactively police private social media.

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Members commented that force policies on accessing the internet while at work were very generous to staff and that there needed to be a proportionate use of force resources. Members made the point that if you can't reinforce rules then consideration needed to be given as why they were put into place in the first place.

It was RESOLVED to note the contents of the report.

10/17 Three Ethical Dilemmas

The Committee received a joint report of the Police and Crime Commissioner and the Chief Constable submitting three ethical dilemmas for members' consideration. A copy of the report marked 'F' is filed with these minutes.

Scenario 1

SALE OF PROPERTY

Introduction

Within this scenario, I would invite the Ethics Committee to consider what can be done when Leicestershire Police recover firearms, not used in crime, but have considerable retail value.

Legislation / Guidance

Regulation 7 of the Police (Property) Regulations 1997 permits the retention of unclaimed property for use by Leicestershire Police for items of property that are of such specific use that it would be more efficient to keep them for use in the police service rather than having to sell/destroy them at an inadequate price on the second-hand market. The decision to retain any item of property must be authorised by the Force Property Manager.

The property must have remained in police possession:

- *No less than eight weeks for found property or;*
- *For a continuous period of twelve months for evidential (crime) property or;
Or one hundred and eighty days where it was subject to a forfeiture order under section 143 of the Criminal Courts (Sentencing) Act 2000.*

Where an individual considers that an item of property in the possession of the police (as above) may be utilised for police purposes he/she will report the circumstances to their supervisor to endorse their support and submit for a decision by the Force Property Manager who will consider the matter, including any health and safety concerns.

The regulations allow property as described above to be to be utilised for Police purposes, for example, where it would be economically and practically unsound to sell an article on the one hand and then subsequently purchase a similar article at full market price; or sold at public auction.

Where the Force Property Manager considers that it is not in the public interest that an item of property should be sold or retained by police, subject to the restrictions

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below, the property may be disposed of by way of a charitable organisation or donated to a 'well deserving Department' as an alternative to destruction.

Certain types of property may not be disposed of to charitable organisations unless a disclaimer is signed by the charity.

*The types of property which may **NOT** be donated include:*

- *Any item that may, if not examined by a suitably qualified person, be likely to represent a risk to a future user of the item if not repaired or refurbished e.g. children's toys*
- *Mobile phones and memory data devices or devices containing personal data*
- *Items that have the potential to be used in crime (e.g. weapons, hydroponics)*

Property offices have local arrangements with charities and community causes for certain items of property. Property may not be disposed of via these means unless it has been established that the organisation routinely ensures that the items are safe prior to being supplied to the public. These include electrical items, cycles and children's toys.

The receiving organisation will sign a receipt, accepting responsibility for any health and safety considerations in respect of the donated items.

Circumstances

Following the death of her husband an elderly female hands to the Police two high value shotguns she now longer wishes to have on the premises. She is reluctant to sell them, least they fall into the wrong hands, and therefore calls the Police who take them into their lawful possession.

Question:

What should be done when Firearms have been handed to Police in good faith and have not been used in crime? Should they be destroyed or re sold and the money given to charity?

Committee members had a difference of opinion on whether firearms should be destroyed or sold. Some members felt that there was no difference between selling a firearm, which would only be sold to a person with a firearms licence and the selling of other property that came into the possession of the police. Other members felt strongly that public perception was that a firearm was a weapon and therefore should be destroyed. The point was made that most charities have ethical policies in place which would exclude them being able to accept donations from such sales.

SCENARIO 2

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TATTOOS

Introduction

Within this presentation, I would invite the Ethics Committee to consider the application of the appearance Standards laid down in relation to police officers and staff, particularly in relation to visible tattoos.

The standards are applied when recruiting warranted officers and staff and also as a measure to maintain standards for serving offices and staff. Recruitment for Leicestershire is managed by shared HR services with Derbyshire Police, however the forces apply their own individual standards

Appearance standards currently vary from Force to Force and have been much debated. The Police Federation have lobbied for a more relaxed approach and commissioned an Ipsos Mori poll which found that The College of Policing has also proposed a national set of appearance standards which has been shared with us by a Leicestershire officer who is a proponent of a greater acceptance of visible tattoos. Included are the relevant sections of both the current version of the policy and the proposed national standard.

When tattoos are declared they are currently reviewed by a manager within Professional Standards Department and assessed against the appearance standards. Tattoos are rarely seen which could be described as offensive, however it frequently involves consideration of tattoos which are visible on the hands, neck or face.

The ethics committee are invited to consider:

- 1) How Leicestershire Police should generally approach the reviewing of tattoos and application of the appearance standards.*
- 2) A range of tattoos and indicate whether each should be acceptable.*

Current Force appearance standards in relation to tattoos

6. Tattoos

The wearing of tattoos has become a more socially accepted practice, and this procedure does not seek to impinge upon the rights of the wearer. This procedure aims to balance individual rights against the need to present a professional image of Leicestershire Police.

Tattoos are deemed unacceptable if they:

1. Undermine the dignity and authority of the officer and/or the organisation.
2. Could cause offence to members of the public or colleagues.
3. Are visible upon the hands, face or neck.
4. Indicate unacceptable attitudes towards women, minority groups or any other section of the community.
5. Indicate alignment with a particular group (political or otherwise) that could cause offence.

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6. Are considered or could reasonably be interpreted as discriminatory, rude, lewd, crude, racist, sexist, sectarian, homophobic, violent, threatening or intimidating.

The Professional Standards Department will consider exceptions to (3) above on the grounds of religious belief, other cultural reasons, or application that the size, nature and prominence are such that it should be deemed acceptable.

All staff are required to cover tattoos on their upper and lower arms when at work.

Whilst unacceptable tattoos may prevent recruitment into Leicestershire Police, those currently working for the organisation that obtain an unacceptable tattoo, could breach of the Standards of Professional Behaviour and face misconduct proceedings.

If in doubt, the advice of the Professional Standards Department should be sought.

Proposed National appearance standards in relation to tattoos

Following some last minute feedback from unison and one final discussion with the Chief Constable these will be presented to the College of Policing professional committee and NPCC.

Tattoos

Independent research conducted by Ipsos Mori on behalf of the Police Federation of England and Wales, in 2016 has found that members of the public are largely accepting of police officers and staff with visible tattoos, however visible tattoos are deemed unacceptable if they could reasonably be interpreted as discriminatory or offensive and /or indicate attitudes or views which are inconsistent with the College of Policing Code of Ethics and the Standards of Professional Behaviour.

Careful consideration will be given by the organisation to any tattoo located on the neck, face or hands in deciding if it is acceptable. This includes consideration of the size, nature and prominence of the tattoo. Officers and staff should keep this guidance in mind when deciding whether to have such a tattoo.

Police Federation Article - Police tattoos



Introduction

One in five 18-29 year-olds has a tattoo. In 30-39 year-olds, it's one in four. However, many police forces are taking a tougher and less tolerant line on officers with tattoos, and tightening up the rules on what can and can't be displayed, requiring tattooed officers to wear long sleeves on hot summer days and under body armour. The Home Office national guidance relating to police and visible tattoos is currently being interpreted differently by each of the 43 forces, creating confusion and unequal treatment.

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What are our concerns?

We are concerned that if tougher policies on visible tattoos are adopted, the police service risks missing out on a generation of able, talented and committed officers just because they are inked. We are also concerned that existing officers are being treated unfairly, as different policies are enforced in different parts of the country. There have been cases in which different policies on visible tattoos have prevented officers from transferring between forces. We are concerned about the equality issues of age and sex discrimination. The new policies that are being rolled out across the country are having a derogatory impact on a significant number of our members (1 in 3 of young adults). Tattoos on hands and necks are also more common amongst young women. Additionally, we are concerned about the health and safety impact if officers are forced to wear long sleeved tops regardless of the weather conditions.

What is PFEW calling for?

PFEW wants national standardisation, rather than local interpretation. We are calling for a modern, consistent national approach to tattoos to be adopted across the police service. PFEW believes that if the police service truly wants to embrace diversity and widen the talent pool it recruits from, then forces need to be more open-minded, so communities have a police service that reflects today's society.

What is PFEW doing about it?

We have undertaken two pieces of research – one with [police officers](#) and one with [members of the public](#) – to find out how they feel about officers with tattoos. The results are very informative and positive, the key headline being that 81% of the public who were asked said that dealing with an officer with a tattoo had no effect on their confidence in the officer. There is also a summary of the [key findings](#) from each.

A small working group has now been set up with the intention of drafting some national guidance and all Chief Constables have been written to. Our research will contribute to this work and help to inform it.

How you can get involved

Thanks to all who have contributed to the debate. We have had a great response on social media, with many people getting in touch with us about this issue.

You can still join the conversation on social media by tweeting your thoughts on the subject using [#FedINK @PFEW_HQ](#).

Read the blog ['Why do many police forces have an old-fashioned attitude towards tattoos?'](#) by the PFEW's lead on tattoos, Victoria Martin.

Watch some of our [video discussion on the topic](#) via our YouTube channel.

Questions

If you have any questions about this campaign, please email the Federation lead on this issue: [Victoria Martin](#).

The Committee viewed a range of tattoos as follows:-



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Members felt that all the images of tattoos provided were acceptable for police officers. They felt that tattoos were now more widely acceptable but that if a tattoo was on a highly visible part of the body and was 'aggressive' this would not be acceptable for the role of police officer. The Deputy Chief Constable informed that applicants applying to join Leicestershire Police were asked on the application form if they had tattoos and where they were on the body. Photographs of the tattoo was also required to accompany the application form.

SCENARIO 3

Police Constable Degree Apprenticeships and a representative workforce

Introduction

The Police and Crime Commissioner would like to personally invite the Ethics Committee to consider what can be done to ensure applications for Police Constable Roles attract candidates from a range of backgrounds, and values the Committees feedback on this matter.

The Establishment of a police constable apprenticeship entry route

Currently there is no set education level nationally for any policing role or rank. The newly established police constable apprenticeship entry route, will become available to the police service in 2018 and will be underpinned by the Police Education Qualifications Framework (PEQF) being developed by the College of Policing.

The government are introducing the apprenticeship levy on 6 April 2017. The levy requires all employers operating in the UK, with a pay bill over 33 million each year, to invest in apprenticeships.

Background information

- The College of Policing have mitigated concerns about a national framework of qualifications and the impact of achieving a representative workforce by developing the framework to include apprenticeships, it is hoped that the educational approach and funding mechanism will be more attractive to forces and individuals. Importantly the proposal for a minimum education level for each rank, has been revised to require minimum education (in this instance Police Constable Degree) to be required for confirmation in post.*

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- *Thirty-eight per cent of all candidates coming into policing have a degree or postgraduate qualification.*
- *To encourage people with fresh talent and the right skills into policing, the College of Policing developed the Direct Entry and Fast Track programmes.*

The ethics committee are invited to consider:

- 1) *How Leicestershire Police should review police constable applications to ensure that those from disadvantaged or underrepresented groups who wish to join as a police constable are able to do so without difficulty.*
- 2) *How Leicestershire Police can ensure it is more representative of the communities they serve through future recruitment of Police Constables.*

The Committee felt that a fair recruitment process whereby personal information on application forms was anonymised for the recruitment panel helped to achieve this and led to a more diverse outcome. However members made the point that first the Force needed to decide how diverse they wanted to be and how much they were prepared to pay to achieve that. Members also commented that other public sector organisations had moved to an academic standard and whilst the cost of a university education may be difficult for those from a disadvantaged background the apprenticeship route may provide a creative way to overcome that. Committee members thought that the apprenticeship would also enable individuals that have established positive relationships with local communities and communication skills to progress into the police force.

Chair

2:00 p.m. – 3.46 p.m.