

Minutes of a meeting of the Ethics, Integrity and Complaints Committee
held at Police Headquarters, Enderby at 2.00pm
on Friday, 25 September 2015

Present

Members:

Professor Cillian Ryan (Chair)
Dr Steven Cammiss
Ms Lois Dugmore
Dr Mark Peel
Ms Lynne Richards

Mrs A Perry, Head of Governance and Assurance, OPCC
Mr R Bannister, Deputy Chief Constable
Mr M Tapp, Director of Strategic Communications and Engagement
Ms E Mattock, Strategic Communications and Engagement Directorate
Mr S Hurst, Detective Chief Inspector, Head of Professional Standards
Mr M Ball, Superintendent
Ms S Cadwallader (minute taker)

01/15 Election of Chairman

It was proposed by Dr Peel and seconded by Ms Richards that Professor Cillian Ryan be appointed as Chair. There were no further nominations.

Mrs Perry informed that the appointment of Chair was for a four year term. The Chair stated that due to the need to recruit other members to the Committee it was felt that the appointment should be for one year in the first instance.

It was RESOLVED that:

- (a) Professor Cillian Ryan be Chair of the Committee for the coming 12 months; and
- (b) the appointment of chairman be for a period of 12 months on this occasion.

Professor Cillian Ryan in the Chair

02/15 Election of Deputy Chairman

It was proposed by Dr Peel, and seconded by Ms Richard that Dr Steven Cammiss be elected as Deputy Chair. There being no other nominations Dr Cammiss was duly elected as Deputy Chair for a period of 12 months.

03/15 Apologies

Apologies were received from Mr P Stock.

04/15 Urgent Business

There were no items of urgent business.

05/15 Declarations of Interest in Items on the Agenda

There were no declarations of interest.

06/15 Terms of Reference and Future Work Prioritisation

The Committee considered a report of the Police and Crime Commissioner, marked Paper C, for members' consideration of the terms of reference for the Committee and for prioritisation of the work for the Committee for the next twelve months.

DCC Bannister advised the Committee that they are welcome to 'access all areas' and that, within reason, nothing would be off limits. He added that from the Force's point of view, the areas that would be helpful for the Committee to look at would be stop and search, whistleblowing, facial recognition and complaints.

It was RESOLVED to approve:-

- (a) an amendment to the working arrangements of the Committee to include representation of the Director of Strategic Communications and Engagement at Committee meetings;
- (b) the prioritisation of work for the coming twelve months to focus upon:-
 - Complaints and misconduct allegations
 - 'Stop and search' processes
 - 'Whistleblowing' arrangements and processes
 - Facial recognition
 - Resource deployment in a time of austerity; and
- (c) to include a standing item on future agendas of 'Any Questions' should any trends emerge on the workings of the organisation.

07/15 Schedule of Future Meetings

The Committee considered a report of the Police and Crime Commissioner proposing a schedule of future meeting dates for the Committee, (Paper D)

It was RESOLVED to approve the schedule of future meeting dates as outline within the report.

08/15 Communications Approach – Shared Service

The Director of Strategic Communications and Engagement presented an oral report on the approach taken towards communications in a shared services model.

Mr Tapp stated that the public must have confidence in the integrity of communications coming out of the organisation and he wished to seek the views of the Committee and satisfy them on the efficacy of the approach taken by the Force, which is unique.

Mr Tapp explained that previously all 43 police forces had 'in house' communications teams. Since the election of PCCs, some had their own communication teams, some hired PR agencies and two had shared services (Leics & Herts.) Herts had a corporate communications team employed by the Chief Constable and an SLA to provide services to the PCC. In Leicestershire a shared service model was in place and the communications team worked jointly for both the Office of Chief Constable and the Office of Police and Crime Commissioner.

Mr Tapp informed that due to concerns raised by the National Union of Journalists (NUJ) and the Police and Crime Panel regarding conflicts of interest and the potential for a politician to shape and influence what the police say a Firewall arrangement had been developed, signed by both the PCC and the Chief Constable. This protocol stipulated that the Director would represent and advise the Chief Constable and the force and an external communications consultant would represent the OPCC should there be occasions when there were different and divergent views about policing and policy issues.

It was asked how many times the firewall had been invoked in the last 3 months. In order to put his answer in context, Mr Tapp advised that since his appointment on 30 June 2014 until approximately 12 weeks ago he had not found it necessary to invoke the firewall however he informed that he had done so on 4 – 5 occasions in the last 3 months. He felt this was as a result of political and public interest in the intentions of the Commissioner to seek re-election. Mr Tapp stated he had recently reflected on all the different pieces of communication work previously delivered for the Commissioner and had clarified with the PR agency the separation of duties.

A discussion took place regarding the risks and benefits of a joint service. Some concerns were expressed about potential conflicts of interest, however the Committee was reassured from an ethical perspective after further questioning of Mr Tapp.

It was RESOLVED to:-

- (a) note the contents of the oral report; and
- (b) advise a new incoming PCC to consider the communications and engagement arrangements currently in place for the office of Police and Crime Commissioner and the Office of Chief Constable.

09/15 Communications Plan

The Committee considered a report of the Police and Crime Commissioner seeking members' approval for, and adoption of, a plan setting out how the Committee will publicise its activity, (Paper E).

Members made the following comments on the Communications Plan:-

- As a Committee their role is to be an independent voice representing the public, but this should not work in a way that undermined public confidence in the police as the aim was to build confidence by promoting ethical behaviour. Therefore the

Plan needed to be one that was sensitive to both organisations, the PCC and the police.

- Concern was raised regarding the paragraph that the Police and Crime Commissioner would be made aware in advance of all public-facing statements made by, or on behalf of the Committee. It was felt that it should not state 'all' and something should be included about public interest.
- With regard to the Chair, or in his or her absence, the Deputy Chair being the voice of the Committee, it was suggested that the right not to comment on an issue should be included.
- The Chair stated that he did not see the work of the Committee as being reactive and that any comments would be as a result of work undertaken.
- The Chair raised the issue of the right of Committee members to comment independently on issues. It was agreed that they should be able to do so in their own professional capacity and this should be reflected in the Communication Plan.
- A discussion took place regarding the role of the Director of Communications in relation to the findings of the Committee and how these would be publicised. Mr Tapp explained that with regard to the Committee's findings regarding operational policing, such as 'stop and search', if these were highly critical of the force he would need to refer the Committee to an agency for representation.

It was RESOLVED:-

- (a) to approve and adopt, the Communication Plan, with amendments as discussed; and
- (b) advise that the Plan be reviewed the Plan in 12 months' time.

10/15 Training Plan

The Committee considered a report of the Police and Crime Commissioner for members' consideration of a future training plan to support member development, (paper F).

It was agreed that the Committees' work priorities over the next 12 months would set the training plan for member development.

It was RESOLVED that a training plan be drafted in light of the work priorities of the Committee for the next 12 months.

11/15 Ethical Scenarios

The Committee received a report of the Chief Constable providing two ethical scenarios for members' views (Paper G).

The Committee discussed the cases and expressed their opinions regarding what they felt the penalties and outcomes should be in each case. Mr Hurst then advised

the actual outcomes and the reasons behind them, giving the Committee an opportunity to comment further.

Scenario 1

The issue the Committee considered and discussed were the extent of private life considerations to police officers where misconduct occurs whilst off duty and not identifying themselves as police officers, and whether the rank or status of an officer should have any bearing on a case.

The Committee took the view that this was not a matter of gross misconduct but that it did warrant a reprimand. The inspector had behaved badly by ridiculing a junior constable on social media but he had a right to a private life under article 8 of the European Convention of Human Rights and had not identified himself as a police officer at any stage.

Mr Hurst advised that the outcome in this case was that on the balance of probabilities it was referred to a misconduct meeting (where the sanctions go from management action through to final written warning), however the inspector retired from the Force beforehand. Mr Hurst pointed out that only in cases of alleged gross misconduct are officers not permitted to retire or resign.

Scenario 2

The Committee considered and discussed the organisational tolerance for homophobic words and whether the defence offered about being unwell at the time had any bearing on the case.

The Committee took the view that although the welfare issues would need to be considered, this behaviour did not constitute a symptom of mental illness and would certainly warrant disciplinary action, although possibly not dismissal. It was agreed that this would be taken very seriously in most organisations, such as social work and nursing professions, and it was important to support those officers who had highlighted unacceptable behaviour and to ensure that this type of language was not 'normalised' in any way.

Mr Hurst stated that if there was an incident involving racism or homophobia, which are similar in terms of impact, the organisation would consider it as gross misconduct as a starting point, after which any mitigating circumstances would be taken into account. The outcome in this case was that it was assessed as gross misconduct in the first instance, with the mental health issues not considered to be a factor; however when it went through to the next stage in the process the Deputy Chief Constable reviewed it and decided to apply more mitigating weight. It was therefore changed to misconduct alone with the ultimate sanction being management action. The Committee observed that this was quite a significant drop. It was confirmed this would remain on the officer's record.

12/15 Delivering Good Governance in Local Government: a Framework

The Committee received a report of the Police and Crime Commissioner for members' comments on a consultation document entitled 'Delivering Good Governance in Local Government: a Framework' (Paper H).

Members made the following comments:-

- The ease of ‘read across’ was really important when applying the framework and it was necessary to focus on the right results, the benefits to stakeholders (the public) and value for money.
- It seemed to suggest being accountable against this framework every year and there was concern about the amount of time and energy required in undertaking this task. It would be more sensible to conduct this every three years.
- It was generally agreed that there was a huge amount of audit, both internal and external, and the benefits and drawbacks of this need to be considered.

It was RESOLVED that members’ views be provided on the consultation document.

13/15 Force Loan Vehicles

The Committee considered a report of the Chief Constable informing members of the force policies governing the loan of vehicles to the Force from private sector companies, (Paper I).

Mr Bannister stated that the Force currently had the use of two vehicles, which were loaned from separate private organisations. These were a Gator vehicle (small 4x4 tractor) and a Landrover Defender. Both had police ‘battenburg’ livery added to them at a cost of £180 for the Gator and £330 for the LandRover. The vehicles were used at rural police stations and events to engage with farmers and those who reside in rural areas and to increase confidence in the police in these communities.

The Committee was asked to consider how appropriate it is for the force to make use of vehicles loaned by local companies, given that it is a public service

The Committee RESOLVED that generally this was a good idea and in the public interest, however due diligence was needed in terms of adherence to policies and written agreements. It was also felt that it was important to ensure that there equal opportunities were applied in terms of procurement processes.

Chair

2.00 p.m. – 4.30 p.m.