



**TRUST, INTEGRITY AND ETHICS COMMITTEE
Monday 22 September 2014**

Attendees

Warwickshire OPCC:

Ron Ball **Police and Crime Commissioner**
Eric Wood **Deputy Police and Crime Commissioner**
Neil Hewison **Chief Executive**
Debbie Mullis **Policy and Research Officer**

West Mercia OPCC:

Bill Longmore **Police and Crime Commissioner**
Barrie Sheldon **Deputy Police and Crime Commissioner**
Andy Champness **Chief Executive**

Police:

Steve Eccleston **Superintendent**

Independent Members:

Chris Cade
Susanna McFarlane
Clive Parsons
Jane Spilsbury
Tony Ward

1. Welcome and Introductions

The PCCs would take turns to chair the meeting, with PCC Bill Longmore to chair the first meeting. It was anticipated that an independent member would chair the committee in the future.

RB and BL provided an overview of the committee and the types of work that would take place. Subject matter would develop over time. The Committee was not a think tank but was established to address issues and come up with solutions. The Committee is about working together across the Alliance.

Five independent members were appointed to the committee and had a wide spectrum of knowledge, with expertise in the areas required for this Committee. A good number of high quality applicants applied for the role. RB emphasised that the Committee Members were independent and should not be influenced by the PCCs.

AC and NH act as Monitoring Officers for the two PCCs and would provide legal advice to the Committee. They would be in regular contact with CC Andy Parker and CC David Shaw about matters that arose at the Committee and any decisions made.

RB advised that the Committee was not starting from the position that there were any particular ethical issues but if any were found, they were to be dealt with quickly. Members would require open access to whatever information they required and the PCCs would ensure that this happened. RB said that his office was also open to

Committee Members as he had nothing to hide and wanted to ensure the Committee Members could have an open, honest and frank dialogue.

RB asked if the Committee Members were happy to share their contact details with each other. This was agreed.

ACTION: DM to circulate Committee Members and PCC offices contact details.

The PCCs would be responsible for determining the meeting agenda, as set out in the Terms of Reference. AC explained that there needed to be a degree of control over the agenda items.

2. Overview of Conduct

SE pointed out that the vast majority of Police Officers did a good job on a daily basis. However, when an officer does not do a good job, this could become newsworthy. SE provided some examples of Police Officers in the media for misconduct.

The Police (Conduct) Regulations 2012 ensured that people had an understanding of the standards of behaviour for Police Officers. The Code of Ethics highlighted the specifics in terms of the do's and don'ts of the regulations. Student officers were provided with an overview of the Code of Ethics and standards of professional behaviour contained within the Police (Conduct) Regulations 2012, when they joined the Force.

SE explained that gross misconduct was a breach of the standards of professional behaviour so serious that dismissal would be justified. Misconduct was a less serious breach.

There had been a significant loss of confidence in the previous conduct regulations, which in 2006, led Lord Justice Taylor to review the regulations and make recommendations. He suggested that a culture of learning was needed, to understand that people did make mistakes and that lessons should be learnt from these. To achieve this, it was recommended to use a more private sector approach, where unsatisfactory performance methods were used.

There was now a general recommendation in the Home Office to revisit police conduct mechanisms. A review had been commissioned by the Home Secretary to consider how to get back to what the principles were and how to simplify them. Misconduct proceedings were currently a lengthy process, which the review would consider.

The Independent Police Complaints Commission (IPCC) provided oversight for the police, looking at complaints, misconduct, death or serious injury following police contact, and appeals. The IPCC had the responsibility to investigate certain matters.

SE explained that a death or serious injury following police contact would be scrutinised by the IPCC, who would consider if there had been any misconduct by officers, that led to the incident.

In misconduct cases, a report would be submitted to a Chief Inspector in the Professional Standards Department. The Chief Inspector would assess the case to decide if it was gross misconduct, misconduct, unsatisfactory performance or that there was no case to answer. Where gross misconduct or misconduct was determined, there was an obligation to issue a Regulation Notice to the officer, advising which professional behaviour the case is against. There would then be an

investigation where the officer would be spoken to, with the support of their union if they chose, before the Force decided on an outcome.

Nationally the types of gross misconduct and misconduct issues that commonly took place included misuse of systems, such as looking up details of a person known to the officer, substance misuse, debt, forming inappropriate relationships and inappropriate association. A newer potential issue was social networking sites. This was monitored and was an education process.

Support was available to officers and staff where they came forward to advise of issues. All staff and officers had access to occupational health.

SE provided some ethical dilemmas for the Committee Members to consider. There had to be a very robust process in place to ensure officers were treated fairly.

Both Forces in the Alliance had a confidential hotline for staff and officers to report issues. The IPCC also had a hotline.

SE provided an overview of conduct matters in the Alliance as outlined in the presentation.

Since December 2013, the outcomes of misconduct hearings had to be published on the Force websites.

There had been a relatively small number of cases for the size of the organisation, but when an investigation takes place, there would always be an outcome. Very few cases were as a result of complaints from the public, the majority of cases were where a police officer had breached behavioural standards or a colleague/manager reported an officer. This was reflected nationally.

If there was sufficient evidence for gross misconduct, a special case hearing could be held with the Chief Constable in a matter of days, with immediate dismissal.

There could be an ethical dilemma if an officer resigned following misconduct allegations. If the resignation were accepted, then the misconduct process would not take place. If the resignation were refused, the officer would be suspended on full pay whilst the process took place, which could take months. This would be considered on a case by case basis.

TW asked what the difference was between management action and management advice. SE explained that management action was an informal method of dealing with a matter that would not be on an officer's record. If it happened again, then it would go through the formal method. Management advice had a formal outcome through a meeting and was recorded on the officer's record.

3. Overview of Complaints

SE explained that a complaint was an expression of dissatisfaction from a member of the public. Statutory guidance and legislation was in place for complaints, which must be recorded if deemed to be a complaint. A complaint could be about the conduct of an individual, officer or staff, or could be a direction and control complaint, against a policy or procedure. Some Forces recorded large levels of direction and control complaints, but the Alliance recorded around 5.4%.

Police Officers were unable to make complaints against each other, unless they were from another Force or off duty. The system to complain was very open and accessible. Complaints could be made against anyone in the Force. Complaints

were recorded within 10 days, with a severity assessment conducted. Local resolution was considered where appropriate, although did not always satisfy complainants.

Some serious cases had to be referred to the IPCC, for example, serious corruption and serious assaults. Cases could also be voluntarily referred to the IPCC if there could be community concerns or media interest. SE provided an overview of what action the IPCC could take.

Timescales for complaints were explained. RB expressed how important it was for cases to be resolved quickly.

SE provided an overview of Most Similar Force (MSF) data. The MSF data could change due to different methods of recording. The highest number of complaints were for 'Other neglect or failure in duty'.

Approximately 10-12% of complaints were upheld in West Mercia and approximately 16% in Warwickshire.

The time taken by vexatious complainants was discussed.

4. Code of Ethics

SE provided an overview of what had happened so far with police integrity.

The Leveson report considered police media relations and led to the HMIC looking at how the police service did things. A number of national guidance documents were published as a result, including the Code of Ethics which was published this year. Alongside this was the standards of professional behaviour, for example, do not use excessive force and value diversity.

The Alliance had a vision of protecting people from harm which was considered in everything done. The Alliance values were overlaid by the Code of Ethics.

The National Decision Making Model provided police officers with a framework to make decisions in each case and was used in all types of policing. Police Officers faced dilemmas in every day of service and could use the frameworks to work through the decision.

JS asked if there were a database of cases that an officer could view to see what has been done previously in the same situation. SE responded that this was available but that officers would often test each other's thinking at the start and decide on the best way forward. JS followed up by asking were there any set principles that could be used. SE advised that the police regulations provided this, by advising officers to assess something on face value but to ethically add some level of caution into this. The officer would need to be protected, particularly if the case were serious.

BS asked if there were a process of reviewing and monitoring ethics and asked if SE would come to the Committee with certain cases. AC explained that on a legal basis, this Committee had no basis in law, the Committee had been appointed for our own uses. The Chief Constable was the appropriate authority for those officers below his/her rank, with the PCC the appropriate authority for the Chief Constable. Any observation offered by the Committee would be helpful advice, rather than a recommendation. This is the extent of the Committee's status. Committee Members could be drawn into the decision making process in a constructive way but this would need to be done carefully. SE explained that it was not for this Committee to

become involved in individual cases but a generic scenario could be brought to the Committee for advice.

JS questioned whether a Police Officer would be at liberty to move to another Force and retain their rank? AC explained that technically a Police Officer is not an employee but an office holder. Officers could apply to transfer or move to another Force for promotion, transfer or to a lower rank. JS followed up by asking if an officer resigned, would they still be designated as a Police Constable? AC responded that they would not. SE added that the Force had to notify the College of Policing if a Police Officer resigned whilst under investigation so that they could not apply to another Force.

SE asked how the Committee would link in with him. It was agreed that the Committee would go through the Chair.

BL thanked SE for his presentation and highlighted the cost of looking into cases.

5. Draft Terms of Reference

AC and NH had composed the Terms of Reference for the Committee. BL asked if there was general agreement.

TW thought they were a good start.

BS questioned if there was a role for the Committee to ensure that recommendations were carried out by the Forces? AC advised that the Committee did not have the authority to enforce recommendations but that it would be reasonable to ask what was done with a specific point. This was implicit in the Terms of Reference but they would be updated to make this point explicit.

BS asked where the Magistrates Group fitted in around the decision making of officers. AC provided an overview of the Out of Courts Disposal Scrutiny Panel that the government had asked Magistrates to lead on setting up. The group would check whether court processes were followed and would check that ways of solving crimes that involve court processes, such as restorative justice and community resolution orders, were carried out properly. This would be a separate body to this group but would perform a similar function, covering a narrower sphere. There would be nothing to prevent this Committee working with the group and they could be invited to a future meeting to provide an overview of their function.

CC David Shaw had provided some feedback on the Terms of Reference. NH read through DS's comments and highlighted the importance of the use of covert powers. It was agreed that this would be incorporated into the work plan.

ACTION: DM to incorporate the use of covert powers into the work plan.

NH asked that DM circulate DS's comments to the Committee.

ACTION: DM to circulate DS's comments on the Terms of Reference to the Committee.

RB asked that any uses of the terms Force or Forces were checked in the Terms of Reference.

ACTION: DM to check uses of the terms Force or Forces in the Terms of Reference and amend where appropriate.

The Terms of Reference were agreed. BL thanked AC and NH for writing the document.

6. HMIC Responding to Austerity Reports

There had been much publicity of the HMIC Responding to Austerity reports. The reports showed the pressure that police forces were under to spend funds appropriately.

BS asked how the papers related to the Committee. AC explained that Forces would have difficult decisions to make in the next few years about where cuts were to be made. There could be ethical issues within this.

JS asked who commissioned the report. AC advised that the Home Secretary commissioned the report to be completed for each Force.

AC and NH asked that the crime numbers from the Warwickshire and West Mercia reports be included in the work plan.

ACTION: DM to include oversight of the crime numbers into the work plan.

7. Training and Support for Committee Members

AC explained that it was not the role of Committee Members to be subject matter specialists, but to bring an independent view.

NH explained that the training would come from the work plan. Briefings, training or reports would be provided on specific areas that would be considered by the Committee. Support would be provided to give background to the areas covered.

CC asked about the role of the College of Policing. AC explained that the College of Policing oversaw training of policing nationally and was the authorised professional practice for police training. The College also developed a wide variety of theory of policing.

AC advised that the training would include a mixture of visits, presentations, papers and formal training.

8. Work Plan for the Next 12/18 Months

BS provided an update of the Alliance Sexual Offences Steering Group and the work that was taking place to bring more confidence to rape statistics. He was keen for an independent viewpoint to be given to what were referred to as 'no crimes' in terms of rapes. BS asked that two members of the Committee were selected to work with Martin Lakeman from Worcestershire County Council to provide an independent view of the 'no crimes' from 2012/13. This would be added to the Committee work plan.

ACTION: DM to add review of rape 'no crimes' to the work plan.

TW had been reviewing a sample of West Mercia complaint files on behalf of BL, with an officer from the West Mercia PCC office. TW suggested that another member of the Committee join him to also consider Warwickshire complaints. CP was selected to attend and arrangements would be made after the meeting. A report on the outcome of the review would be submitted to each meeting.

ACTION: DM to make arrangements with TW and CP to conduct complaint reviews.

Concerns were expressed around the timeliness of complaint resolution. Over 80% of complaints were dealt with in local areas and not by the Professional Standards Department. It was agreed to add this to the agenda for the next meeting.

ACTION: DM to add item to the agenda for the next meeting on local resolution.

The HMIC report on inspection would be considered by the Committee, in terms of how the outcomes of the report were managed and the impact on public confidence.

JS suggested that an overview of the areas the Committee might consider be brought to the next meeting.

ACTION: DM to bring the draft work plan to the next meeting.

9. Any Other Business

CC asked what arrangements were in place for members of the public to attend the meeting. NH explained that the meeting papers were available to the public through the Warwickshire and West Mercia PCC websites. There would be an arrangement in place for public attendance for the next meeting, to include where they would be seated and whether they could speak.

ACTION: DM to put arrangement in place for public attendance at the Trust, Integrity and Ethics Committee meetings.

JS asked if the HMIC Crime Data Integrity Review report could be circulated once published.

ACTION: DM to circulate the HMIC Crime Data Integrity Review report once published at the end of October.

JS asked if the presentations provided by SE could be circulated.

ACTION: DM to circulate the presentations provided by SE.

JS asked if the committee members' details would be shared on the PCCs' websites? It was agreed that only the members' names and details of the Committee would be published.

ACTION: DM to arrange for the Committee Members' names to be published on the Warwickshire and West Mercia PCCs' websites.

10. Date of Next Meeting

CP asked if the Committee could meet sooner than quarterly. AC suggested that the next meeting took place in November.

ACTION: DM to circulate proposed dates for the next meeting.

Closed Session

11. Summary of Reports to the Confidential Line

SE provided an overview of the reports given to the confidential line.