



**MINUTES OF THE JOINT INDEPENDENT AUDIT and ETHICS COMMITTEE
(POLICE AND CRIME COMMISSIONER FOR WEST YORKSHIRE
AND WEST YORKSHIRE POLICE)
HELD ON 10 JANUARY 2020**

ETHICS SESSION

MEMBERS PRESENT

Trevor Lake (Chair)
Julie Talbot
Julie Winham

OFFICERS PRESENT

Simon Bottomley, C/Supt, WYP
Allison Kemp, OPCC Liaison Officer, WYP
Julie Reid, Governance Manager, OPCC
Neil Rickwood, Head of Audit & Risk, Shared Services
Jayne Sykes, Interim Chief Executive, OPCC
Angela Williams, ACC, WYP

1. WELCOME & APOLOGIES

Trevor Lake welcomed all to the meeting. Apologies had been received from D/CC Foster.

2. DECLARATION OF INTEREST

None declared.

3. RECORD OF ATTENDANCE

Details of member and officer attendance at previous meetings of the Committee were circulated for information and were noted.

4. MINUTES

The minutes of the meeting held on 4 October 2019 were agreed as a correct record subject to minor typographical errors being corrected.

5. MATTERS ARISING

(a) Use of Police Social Media

Julie Winham queried whether personal usage was sufficiently described in this Force policy and was advised by Simon Bottomley that the policy position is that Force devices must only be used for business purposes save for exceptional circumstances. Force devices cannot be used to access social media sites because of security reasons.

Angela Williams reported that, at the moment, officers must use their own devices to access social media for Force business but the new devices, which are being rolled-out to front line officers, will accommodate social media sites.

Trevor Lake noted the ethical dilemma associated with the Force not having the right to access personal phones to monitor usage and thereby could not monitor them and was informed that the Force maintains a record of Twitter accounts and passwords (used for Force business) for monitoring purposes.

Julie Talbot noted the discussion in Audit Committee earlier in the day about the difficulties in monitoring of mobile devices by Professional Standards Department and was advised that this is national problem relating to the operating software.

(b) Draft Diversity, Equality and Inclusion (DEI) Policy

Angela Williams reported that the draft DEI Policy would be considered by the Joint National Consultative Committee on 23 January 2020. The College of Policing and National Police Chiefs' Council are carrying out a review of DEI in the police service and this is due to be reported at the end of January 2020.

(c) Performance Development Review (PDR) Completion Rates

Angela Williams informed members that the PDR compliance rate was 59% (November 2019) and the projected compliance by March 2021 is 90%.

Members were advised that the previous PDR system required completion of reviews by a particular date which ensured a higher level of compliance. The present system requires reviews on the anniversary of appointment which is in line with other processes such as promotions and increments.

Trevor Lake noted a disappointing failure of the system, as demonstrated with the significant drop off in PDR compliance rates and the apparent lack of awareness of it happening, and stated that an effective performance development process is fundamental to assurance and community confidence.

Julie Winham queried whether the projected 90% compliance rate also applied to mid-year reviews and was advised by Angela Williams that it appears that neither interim nor full reviews are compliant at present.

Julie Talbot asked whether PDRs are linked to increments and, if so, whether increments have been awarded without a completed PDR. Members were informed that the

assessment of competence which is done three years after appointment is presently at 100% compliance. This is a national requirement and also requires a completed PDR.

Julie Winham noted that the integrity health check is also completed in the PDR and raised a risk associated with non-compliance.

Members were informed that the PDR process is instigated by an electronic reminder being sent to the line manager and to the officer/staff member.

Trevor Lake recommended that the Force carry out a full review of the effectiveness of the PDR approach before March 2021.

(d) Independent Advisory Groups (IAGs)

Angela Williams reported on the operation of IAGs in West Yorkshire Police stating that she chairs the Force IAG, which meets quarterly, and which acts as a 'critical friend'. Members were informed that, at the last meeting, the Group considered motorcycle pursuits and the use of drones.

Members noted the report.

(e) Internal Ethics Committee Terms of Reference

Members were provided with the terms of reference for the Internal Ethics Committee. Trevor Lake noted the apparent discrepancy between the terms of reference and the activity described in the notes of the November meeting (see agenda item 11) – the terms of reference do not appear to reflect the problem solving activity which is done in the Committee.

Simon Bottomley agreed to provide feedback to the Committee.

ACTION: Simon Bottomley to provide member feedback to the Internal Ethics Committee on the shortfall in the terms of reference to adequately describe the excellent operational ethical problem solving which takes place in the Committee.

Julie Talbot queried how the agenda is set and was advised that all Force officers and staff can make suggestions on agenda items to HR.

(f) Joint Independent Ethics Committee Work Plan

Members received a draft work plan for the Joint Independent Ethics Committee and agreed to consider this further on completion of the review of the Committee.

6. CHAIR'S UPDATE

None.

7. SERVICE CONFIDENCE POLICY

Simon Bottomley introduced a report on the Service Confidence Policy explaining that this policy is only used in circumstances where there are serious integrity issues but the regulations relating to conduct and unprofessional performance cannot be applied.

Members were informed that the policy has only been applied once (in a case which later led to disciplinary action). The decision to apply the policy is taken by the Deputy Chief Constable and there is an appeal route to the Chief Constable.

Angela Williams advised members that policies are regularly monitored via Local Accountability Meetings and agreed to provide members with a list of all Force policies and the associated review dates.

ACTION: Angela Williams to provide Committee with a list of all out of date Force policies and their due review dates.

Trevor Lake noted the ethical dilemma associated with using policies which are out of date and was advised that the policy often links directly to a regulation.

8. PERFORMANCE DEVELOPMENT REVIEW (PDR) POLICY

Angela Williams presented the PDR policy to members, including the guidance given to officers and staff, and informed the meeting that sergeants are given guidance and support in holding PDRs on their promotion.

Julie Winham asked if this was compulsory and was advised that it was.

Trevor Lake noted that responsibility for carrying out PDRs is concentrated in sergeants and higher ranks which appears to result in too many direct reports to manage the process effectively.

Julie Talbot queried whether complaints or data quality concerns are fed into the process and was advised that PSD liaise with District to identify reports of concern which are available to sergeants conducting PDRs.

Trevor Lake noted that the good practice guide was a helpful document but needed to be applied consistently.

9. OUT OF COURT DISPOSALS SCRUTINY PANEL

Jayne Sykes introduced an annual report on the work of the Out of Court Disposal Scrutiny Panel advising members that findings about individual officers are fed back to the Force where a log is kept to identify repeated referrals regarding particular officers. Members were informed that the Out of Court Disposal cannot be over-turned but can be a point of learning.

Trevor Lake queried whether the Scrutiny Panel was still in the pilot stage and was advised that it was not.

Julie Talbot noted that 122 cases had been reviewed between April and December and queried what the total number of Out of Court Disposals was for the period.

ACTION: Jayne Sykes to report to members with the total number of Out of Court Disposals applied between April and December 2019.

10. ETHICAL ISSUES ARISING FROM THE GOOD GOVERNANCE GROUP

Jayne Sykes provided members with an update on the ethical issues arising from the Good Governance Group. Members were informed that the Group had discussed the impact of the Supreme Court ruling on transitional pension arrangements for judges and firefighters and the likely impact on the police service; a decision by the Police and Crime Commissioner to forfeit part of a police pension for an ex-officer; the Grenfell Inquiry recommendations relating to NPAS and the requirement for the airborne data link system to be available for emergency services and, also, the forthcoming PCC election which is scheduled for 7 May 2020.

Members noted the report.

11. INTERNAL ETHICS COMMITTEE

Angela Williams presented members with the notes of the last Internal Ethics Committee which was held on 4 November 2019.

Trevor Lake noted the case of West Yorkshire officers training Ugandan Police and was advised that this had also been discussed in the Force IAG meeting.

Members noted the report.

12. PUBLIC COMPLAINTS, GRIEVANCES, DISCIPLINARY, FRAUD AND MISCONDUCT MATTERS

Simon Bottomley presented the Professional Standards Department (PSD) strategic risk assessment informing members that recorded complaint allegations had fallen by 2% in the year to December 2019, recorded conduct matters had fallen by 28% and, for the first time, there had been no recorded conduct matters during the Christmas period.

Members were advised that four officers are presently suspended from duty. HMICFRS had recently conducted a health check focussing on inappropriate use of position for a sexual purpose and PSD have begun a 'raising the standards' campaign to draw attention to the requirements of the Code of Ethics and the ten standards of professional behaviour, the latest one in January being 'fitness for duty'.

Julie Winham sought assurance as to the timeliness of investigations and was advised that the current regulations are about to be replaced and the Chief Constable will be required to report to the Police and Crime Commissioner on any investigations which are likely to take more than 12 months to complete.

Members were advised that, if there is a criminal case then this takes precedent which delays completion of any conduct investigation.

Members were advised that the Force had invested in welfare provision for officers and staff and Neil Rickwood confirmed that Internal Audit would be reviewing this.

Julie Talbot referred to the red risk in the Force Risk Register discussed at Audit Committee, which identifies capacity issues in the Counter Corruption Unit and was advised that an extra eight officers are being recruited, which will bring the complement in the Unit to 17 FTE.

Trevor Lake welcomed the report and the progress which had been made and thanked Simon Bottomley.

13. OPCC CASEWORK AND COMPLAINTS

Jayne Sykes presented a report on casework and complaints in the OPCC advising members of consistent themes for casework contact over a number of years (crime handling, traffic issues, complaints about officers, drug-related matters and anti-social behaviour). Members were advised that casework staff had a good working relationship with officers in PSD and across policing districts.

Members were advised that three complaints had been formally recorded against the Chief Constable and that there had been 29 expressions of dissatisfaction relating to the Prime Minister's visit to Carr Gate in September 2019.

One complaint against the PCC has been dealt with by the Police and Crime Panel and there had been one complaint against a member of OPCC staff.

Members were given an update of the preparations being made for the introduction of the Policing and Crime Act on 1 February 2020 and were informed of a small re-alignment of resources to accommodate the increased demands on the OPCC (to increase staffing in the casework team from 1.7 to 2.7 FTE)

Julie Talbot noted the reference to reports of fraud and was advised that this was from individuals reporting that they were victims of crime. Julie Talbot queried whether OPCC staff had restricted access to the Niche database and was advised that access is to the whole of the database but an audit trail of access is maintained.

13. COMMITTEE ANNUAL REPORT

Members considered a report of annual committee activity and agreed that 'dip-sampling policies' should be included in the work plan when it is next reviewed.

ACTION: Julie Reid to include 'dip sampling policies' in the Annual Work Plan for Committee.

14. ANY OTHER BUSINESS

Julie Talbot referred to a recent news briefing and the reported increase in the use of tasers and was advised by Angela Williams that more officers had been trained in taser use.

Jayne Sykes also noted the difference in use (red-dot) and discharge (firing) which can impact on the use of taser reporting statistics.

Date of the next meeting: 3 April 2020, Ploughland House.