



**MINUTES OF THE JOINT INDEPENDENT AUDIT and ETHICS COMMITTEE
(POLICE AND CRIME COMMISSIONER FOR WEST YORKSHIRE
AND WEST YORKSHIRE POLICE)
HELD ON 3 APRIL 2020**

ETHICS SESSION

Video Conference

MEMBERS PRESENT

Trevor Lake (Chair)

Julie Talbot

Julie Winham

OFFICERS PRESENT

Simon Bottomley, C/Supt, WYP

Russ Foster, DCC, WYP

Julie Reid, Governance Manager, OPCC

Neil Rickwood, Head of Audit & Risk, Shared Services

Jayne Sykes, Interim Chief Executive, OPCC

1. WELCOME & APOLOGIES

Trevor Lake welcomed all to the meeting. No apologies had been received.

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 10 January 2020 were agreed as a correct record.

5. MATTERS ARISING

(a) NDAS Update

Russ Foster presented an update on the National Data Analytics Solutions project - advising members that, in West Yorkshire, work is focussed on three priority areas: modern

slavery, workforce wellbeing and serious violence where it is intended to facilitate early interventions for those most at risk. Jayne Sykes informed members that the Violence Reduction Unit would consider the use of NDAS data to identify those individuals most at risk, once appropriate data protection assessments have been made and these were being done very carefully.

Trevor Lake queried the likelihood of legal challenge in view of the opposition, which had been reported in national media and also questioned whether there would be any diversity implications associated with the pilot once data is individualised. Members were informed that anonymous data had proven to be of limited use thus far but identification of people at risk of being involved in serious violence would assist work with partners to deter those individuals from criminality. Members were advised that testing is unlikely to take place in June, as initially reported, in view of the coronavirus pandemic.

Members were advised that the pilot project is at a very early stage and datasets are not being used operationally. Members welcomed a further update on the development of the NDAS project at the next meeting.

ACTION: Russ Foster to provide an update on the NDAS project at the October 2020 Committee.

(b) OPCC Staff Survey

Jayne Sykes presented a report to members on the actions taken by the OPCC following the staff survey and advised that a survey was not undertaken in 2019 as the NPCC had commissioned Durham University to carry out a national diversity, equality and inclusion survey instead. The next survey is therefore planned for September 2020 and will focus on the same areas as the previous one to allow a comparison.

Russ Foster informed members that Force staff surveys had been conducted in 2014, 2016 and 2017.

Trevor Lake noted that a large organisation would, ordinarily, expect to conduct an annual survey so as to evidence year on year progress against a set group of questions/themes.

Russ Foster informed members that the 2020 survey results will be presented to the Force by Durham University and extended an invitation to members to attend the presentation, which will also include staff associations and trade unions.

ACTION: Russ Foster to invite members of the Committee to attend the presentation by Durham University of the findings of the 2020 staff survey.

(c) Update on Recruitment (items 21.3 and 26 on the agenda)

Russ Foster provided members with an update on positive action in recruitment noting that the research being undertaken by Leeds University is continuing to look at career progression for people in BAME and other less well-represented groups and further interviews with staff and officers are planned.

A range of interventions have been planned to address communication issues, barriers to progression and structural aspects to promotion processes.

Julie Talbot noted that the report focussed on current staff and officers in the Force and asked what was being done to recruit people from a BAME background. Members were advised that BAME representation in the Force stood at 6% presently – lower than the BAME representation in the communities in West Yorkshire, and the findings from the research are expected to assist in future recruitment campaigns.

Neil Rickwood informed members that a recent internal audit review of BAME recruitment had noted positive findings and would be reported to the next meeting of the Committee.

ACTION: Neil Rickwood to report to Committee on the Internal Audit report on BAME recruitment.

(d) Force Policies

Russ Foster presented a report to members of a review of Force policies and advised that all policy reviews which were overdue had now been assigned out.

Julie Winham requested that, where reviews are reported, the role title of the person undertaking the review is used rather than their name and queried whether policy review formed part of their roles.

Simon Bottomley advised members that there should be a generic reference in senior staff role profiles to completing policy reviews and agreed to report back to Committee after checking the relevant role profiles.

ACTION: Simon Bottomley to report to Committee in October of a check of role profiles for those who have been assigned policies to review.

ACTION: Russ Foster to provide an update on the progress of the review of Force policies to the Committee in October.

(e) Out of Court Disposals Data

Members received and noted a report of the total numbers of out of court disposals applied between April and December 2019.

6. CHAIR'S UPDATE

COVID-19

Russ Foster provided an update to Committee on the Force COVID-19 response advising that a Gold Command has been established and resourced and work was underway with the Local Resilience Forum, which is chaired by the Chief Executive of Calderdale Council, and with the NPCC.

Members were informed that extensive use of Skype is taking place, PPE is available in vehicles (but stocks are low although the Force has taken delivery of further hand sanitiser

supplies) and safe distancing is being applied where possible. The Force has seen a fall in calls for service and 96% of emergency calls are being attended within 15 minutes.

The main challenge for the Force is maintaining a healthy workforce and staff surveys have been issued to collect information about vulnerable staff so as to engage support from OHU. One thousand extra agile kits have been issued to date to enable staff to work from home with priority given to those who are self-isolating and changes to policies for time-recording and annual leave have been introduced to assist those living with dependents.

Finally, contingency plans have been made to introduce 12-hour shifts, if necessary, and to prioritise certain call-outs.

Trevor Lake queried whether officers and staff were being tested for COVID-19 and was advised that there was no indication, at the moment, that tests would be available.

Trevor Lake pointed to an ethical dilemma associated with officers and staff who do not have access to PPE and was advised that grab bags are available in each police station for anyone attending to an individual with an infection and guidelines for the use of PPE are given in daily briefings.

Jayne Sykes pointed to an increase in the use of spit guards, employed to protect officers. Russ Foster informed members that use of spit guards is captured on body-worn video, which is used by all front line officers, and each usage is noted on a 'use of force' submission for review. Simon Bottomley confirmed that new body-worn video equipment is being rolled out which allows filming for longer and the policy now requires officers to begin filming from the point of deployment rather than at the point of reaching the incident.

Trevor Lake asked whether senior officers are also practicing social distancing and was advised that this is done where-ever possible, although there is an element of visibility for senior leaders, which is important. The Chief Constable has released video messages for officers and staff and has been invited to attend the Home Affairs Select Committee.

Trevor Lake noted that members had received assurance, from an ethical point of view, of the Force's response to the coronavirus pandemic.

7. OVERSEAS INTERACTION GUIDANCE AND POLICY

Members received a report on the decision-making processes connected to working with overseas police forces and Governments including the operation of the Joint International Policing Hub, the International Police Assistance Brief and the Overseas Security and Justice Assessment process.

Julie Talbot queried whether the processes were mandatory and was advised that they must be followed and human rights matters are always considered. Members were advised that there are no current deployments.

Members were assured of extensive policies and sign-off for overseas interaction and were content for the item to be removed from the annual workplan.

ACTION: Julie Reid to remove 'Overseas Interaction' from the Committee Annual Work plan.

8. FORCE STAFF SURVEY

Russ Foster presented a report on the Force staff survey and confirmed that, in addition to the surveys conducted in previous years smaller surveys had also been undertaken, for example, a survey on islamophobia which was also done with the assistance of Durham University.

Trevor Lake confirmed that members were content that the staff survey had academic rigour and independence but repeated his earlier point that consistency in the timing of the survey is required to ensure that it becomes a meaningful measurement metric for senior management, ideally conducted annually.

9. PROPORTIONALITY OF GRIEVANCES, ET CLAIMS, DISCIPLINE AND PERFORMANCE PROCEDURES

Simon Bottomley reported to members on proportionality in relation to conduct matters (from PSD) and on proportionality in relation to grievances and performance procedures (from HR). Members were advised that some disproportionality could be seen in the report on conduct matters; 15% of recorded conduct cases relate to people from a BAME background whilst only 6% of Force staff are from a BAME background. Members were informed of a range of measures to address the issue including the establishment of an independent advisory group, chaired independently, and including representatives from all staff associations to provide regular scrutiny of PSD decision making.

Trevor Lake noted that the number of cases reported is small but, nevertheless, there was evidence of disproportionality in both conduct and performance processes although plans are in place to address the matter and PSD had built important and positive relationships with staff networks.

10. POLICY REVIEW – TASER (EXTENDED OPERATIONAL USE)

Russ Foster presented a report to members on a review of the Use of Taser policy advising that there was a strict regime relating to training and accreditation before officers can deploy tasers. Members were advised that each taser deployment is reviewed to assess proportionality and necessity and recorded usage also includes 'red dot' as well as discharge.

Julie Talbot queried whether the increase in taser use in West Yorkshire was reflected nationally and advised that it was. Russ Foster confirmed that the use of taser is also reviewed as a standard item in a monthly firearms deployment meeting.

Julie Winham queried the frequency of review of the Use of Taser policy and was advised that the next review, due 2021, reflects the changes in the device and the increased numbers deployed.

Jayne Sykes reminded members that taser discharges account for only one in ten of the taser uses which are recorded.

Trevor Lake queried alternatives to taser and was advised that officers who are not accredited to use tasers have access to baton and pepper spray but each shift has taser capability. Members were informed that approximately 400 front line officers are trained in use of taser and 20% of front-line officers have access to taser.

Trevor Lake queried whether officers are aware of any mental health issues which might be relevant to a deployment and was advised that Force systems would be routinely checked for markers for violence before deployment but this would not necessarily identify mental health issues.

Members were assured by the report.

11. ETHICAL ISSUES ARISING FROM THE GOOD GOVERNANCE GROUP

Jayne Sykes provided members with an update of ethical issues arising from the last Good Governance Group, which was held on 03/03/2020. This included an update on requests for anonymity for police officers giving evidence in coroner's courts which have been denied; the ethical issue relating to the need for transparency in court proceedings against supporting the welfare of officers in cases which can be prolonged and have a high media profile. Members were also informed of an increase in employment tribunal cases although no patterns could be identified.

Members were notified that there had been a delay in the Force issuing responses to requests for personal information (subject access requests) which had meant that staffing had been increased in this Department.

12. INTERNAL ETHICS COMMITTEE

Simon Bottomley reported to members on the findings of the Internal Ethics Committee including the Committee's consideration of the victim satisfaction programme and a draft policy on relationships in the workplace.

Trevor Lake requested a copy of the revised terms of reference for the Committee and the Committee's Annual Report.

ACTION: Simon Bottomley to provide members with a copy of the revised terms of reference for the Internal Ethics Committee and a copy of the Committee's Annual Report.

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

Simon Bottomley reported to members on public complaints and conduct matters noting that, following the enactment of the Policing and Crime Act 2017, the OPCC now have responsibility for dealing with some complaint reviews and, to date, have agreed with PSD's handling of the complaints that were reviewed.

Members were informed that the number of people expressing dissatisfaction were consistent with those from last year although the numbers reported appear to have

increased because of changes in the way that dissatisfaction is now recorded. All Forces are likely to see increases of this kind.

Members were advised that resourcing in the counter corruption team had been significantly increased, a concern initially raised in an HMICFRS inspection which has now been resolved.

Members noted the content of the report and Trevor Lake thanked Simon Bottomley for a well prepared report.

14. ANY OTHER BUSINESS

Russ Foster provided members with an update on the implications of a 25% uplift in the number of officers who are trained to use tasers, reporting that this will see the number of trained officers increasing from 520 to 650 over a two-year period.

Date of the next meeting: 24 July 2020, Ploughland House.