



**MINUTES OF THE JOINT INDEPENDENT AUDIT and ETHICS COMMITTEE
(POLICE AND CRIME COMMISSIONER FOR WEST YORKSHIRE
AND WEST YORKSHIRE POLICE)
HELD ON 8 JANUARY 2021**

ETHICS SESSION

Video Conference

MEMBERS PRESENT

Trevor Lake (Chair)
Julie Talbot
Julie Winham

OFFICERS PRESENT

Amanda Booth, Assistant Head of Employee Relations, WYP (for item 8)
Simon Bottomley, C/Supt, WYP
Sue Crawford, Information Specialist, WYP (for item 5)
Russ Foster, D/CC, WYP
John Greenwood, Force Vetting Officer, WYP (for item 9)
Allison Kemp, OPCC Liaison Officer, WYP
Janine Nelson, Chief of Staff, OPCC
Darren Norgate, Insp, WYP
Julie Reid, Governance Manager, OPCC
Neil Rickwood, Head of Audit & Risk, WYP

1. WELCOME & APOLOGIES

Trevor Lake welcomed all to the meeting and welcomed Janine Nelson in her new role as Chief of Staff. There were no apologies.

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. Trevor Lake noted full attendance record for the independent members.

4. MINUTES

The minutes of the meeting held on 2 October 2020 were agreed as a correct record.

5. MATTERS ARISING

Item 22.3 Equality and Diversity Survey

Sue Crawford provided members with a verbal report on the findings relating to West Yorkshire in the Equality and Diversity Survey which was commissioned by the NPCC in November 2019.

Members were informed that there had been a 44.7% response rate for West Yorkshire (compared to 16.6% nationally) and on seven out of eight key measures West Yorkshire was on par or better than the average. Members were given a range of comparators and were advised that further work is being done to analyse the scores, particularly in areas which reported lower than average scores. Data on perceived unfair treatment based on protected characteristics is not available but a further Force staff survey in September 2020 allows analysis based on gender.

Trevor Lake requested a summary of the DEI survey findings for West Yorkshire and a report of the Force staff survey.

ACTION: Sue Crawford to provide a summary of the 2019 National Diversity, Equality and Inclusion survey findings for West Yorkshire and the 2020 Force Staff survey findings.

Members were informed that an action plan is being drawn up which will also include work on the Code of Ethics and Standards of Professional Behaviour with Professional Standards Department staff sitting on grievances panels with HR staff so that any misconduct matters can be dealt with. All District senior leaders will be asked to engage with staff by the end of February to produce district action plans and Dr Graham will be invited to assist in developing a corporate action plan. Members were assured that the action plans would be subject to equality impact assessments. Members requested a report on the actions plan in due course.

ACTION: Russ Foster to provide to copy of the Force action plan arising from the 2019 National Diversity, Equality and Inclusion survey in July 2021.

Item 22.4 and 22.5 Unconscious Bias Training

Russ Foster provided an update to members on the roll-out of unconscious bias training which is being delivered by Dr Peter Jones. Approximately 3,000 officers have received the training to date and a wider rollout is being planned, including special constables, using the Teams platform. Training is recorded on the Chronicle database.

Members will be invited to the training.

ACTION: Alli Kemp to arrange for member to be invited to the unconscious bias training.

6. CHAIR'S UPDATE

Trevor Lake noted that Janine Nelson had been appointed as Chief of Staff in the OPCC on a one year fixed term contract with effect from 1 January 2021 and will discharge the statutory defined duties of the Chief Executive Officer of the PCC as set out in the Police Reform and Social Responsibility Act 2011; including exercising the role of monitoring officer and ensuring an efficient and effective office of the PCC whilst leading the transition of the OPCC to WYCA.

Katherine Johnson had been appointed, with effect from 1st January 2021, as Assistant Chief Officer in West Yorkshire Police. Katherine will retain her S151 responsibilities for the OPCC until an Interim Treasurer is appointed.

Members were reminded of the update given by Angela Taylor, Director of Corporate Services at the Combined Authority, in the audit session earlier and were advised that further updates on devolution will be reported to the ethics session in due course.

7. COVID-19 UPDATE

(a) West Yorkshire Police

Russ Foster provided an update on COVID-19, reporting that tier 4 restrictions had been extended and could be enforced up to 31 March. The 4-E approach in West Yorkshire is continuing with a small number of fines being issued. Movement is restricted with 17 exemptions and police officer discretion as to what is 'reasonable'.

Julie Winham queried vaccination for front-line officers and was advised that there are 11 clinical groups in the vaccination programme before police officers although rapid flow testing is in place for business-critical areas such as the Contact Centre staff and armed response units.

Julie Winham also queried whether there was any disproportionality in terms of enforcement. Members were advised that enforcement is carried out where required and, as some communities have a higher proportion of the population of minority ethnicity, this may appear to be disproportionate.

(b) OPCC

Julie Reid provided an OPCC COVID-19 update advising that staff in the OPCC continue to work from home – this is reviewed regularly by the Executive Team with regular welfare reports compiled after regular staff one-to-ones and including other data such as absence reporting.

The PCC continues to be represented at meetings of the Local Resilience Forum and two lots of funding have been received from the MoJ for COVID-19 emergency work totalling £769,911, which has been issued to charities and social enterprise organisations. The Home Office has also released additional funding for micro-charities via the VRU with £279,000 for distribution before 31 October and a planned grant scheme for winter contingency funding which is imminent – amount to be confirmed.

8. REVIEW OF FORCE POLICY – ATTENDANCE MANAGEMENT POLICY

Russ Foster introduced a report on the Attendance Management Policy advising that this applies to all staff and officers with the exception of those in the probation period. Amanda Booth informed members that a review of the policy had strengthened the requirement to implement an attendance plan and provides examples of good plans. The equality impact assessment conducted at the beginning of this policy development had highlighted a potential negative impact in terms of disability so allowances for reasonable adjustments are included. Consultation was carried out with staff networks in development of the policy and the 2021 work plan for the Internal Ethics Committee includes a further review.

Julie Winham sought information about timeframe for reviews, management support and dip sample auditing. Members were advised that managers are encouraged to use the National Decision Making model to determine review timeframe and receive mandatory training on the policy which is supplemented by upskilling sessions rolled out by the Employee Relations Team who also dip-sample compliance periodically.

Julie Talbot sought information about feedback on the policy and how return to work meetings and absence reviews are presently being carried out. Members were informed that early feedback indicates that the policy is easier to follow as there is more supporting information and meetings are held remotely for staff who are working agile and face-to-face with social distancing for those who are not.

9. REVIEW OF FORCE POLICY - VETTING

Russ Foster introduced a report on the Vetting Policy advising members that this policy is based on the Vetting Code of Practice, Authorised Professional Practice (APP) and College of Policing updates.

John Greenwood confirmed that the draft review by the College of Policing due December 2020 had been delayed. The APP takes account of legal precedent and legislative changes, an example being a legal challenge in relation to offences committed in childhood. Forces are encouraged to take account of disproportionality in terms of protected characteristics.

Julie Winham queried materiality in terms of reportable changes, e.g., change of address, and whether there were any issues with the number of vetting requests received. Members were informed that guidance relating to notifiable material changes had been issued after it was previously raised in this Committee. John Greenwood confirmed that the Unit is coping with demand. Russ Foster noted the excellent feedback which is received about the work of the Vetting Unit.

Julie Talbot asked about periodic reviews and appeals and was advised that a change in personal circumstances or a disciplinary finding would trigger a review and mid-term reviews are carried out for vetting at management level and NPPV Level 3. Appeals are reviewed by a senior PSD officer not connected with the review and amount to one or two per month.

Trevor Lake noted that hyperlinks in the policy document point to an out of date database.

ACTION: Alli Kemp to confirm that links within Force Policies point to the most up to date documents.

10. BODY WORN VIDEO

Darren Norwood presented a report on body worn video stating that the policy had been in place since 2016.

Julie Talbot noted that a dip sample in September had found only 10% compliance with the requirement to make a declaration that filming is taking place. Members were advised that this forms part of mandatory training, people must be informed if filming and recording is taking place. The issue has been flagged in Local Accountability Meetings.

Julie Talbot queried the use of footage in social media and was advised that it may be loaded to Twitter for selected purposes.

Julie Talbot also asked about the impact of body worn video on complaints and convictions and was informed that, presently, there is no mechanism to extract this data. Only a very small number of complaints have been received about the use of body worn video.

Members were advised that the policy is to be reviewed to address any privacy concerns. Trevor Lake noted the member's intention to review the policy in due course, particularly in terms of live streaming.

ACTION: Members to receive a copy of the Body Worn Video Policy.

11. ETHICAL ISSUES ARISING FROM THE GOOD GOVERNANCE GROUP

Julie Reid reported on ethical issues arising from the last Good Governance Group on 16 December 2020, advising that the Force have successfully appealed a High Court ruling against an anonymity order in an inquest into the death of a Huddersfield man and a judge-led inquest into the death of a man on the M62 slip-road is likely to be held in 2022.

The meeting also considered two ICO reports; into the timeliness of police force responses to Data Protection requests and one into an investigation into data broking services which led to an enforcement notice being issued.

Julie Talbot requested a copy of the ICO enforcement decision against Experian.

ACTION: Julie Reid to provide members with a copy of the ICO report on Experian.

12. OPCC COMPLAINTS AND CASEWORK

Julie Reid presented a report on casework, complaints and conduct matters in the OPCC, reporting that 125 requests for complaint review had been received since the new regulations were introduced in February 2020 (giving PCC's the duty to review certain police complaints) and November 2020.

One public complaint was recorded against the Chief Constable and was handled in a reasonable and proportionate manner and the Police and Crime Panel received one complaint about the PCC.

The OPCC had received 774 pieces of casework from January to November 2020.

Members noted the report.

13. INTERNAL ETHICS COMMITTEE

Members received and noted the Internal Ethics Committee minutes of July and October 2020 and requested a copy of the Internal Ethics Committee annual report.

Julie Talbot queried whether there was a Force secondment policy.

ACTION: Amanda Booth to provide members with a copy of the Internal Ethics Committee annual report and to clarify the presence of a Force secondment policy.

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

Simon Bottomley presented a report to Members which notes an increase in complaints being recorded following introduction of new legislation in February 2020; all complaints are now recorded or logged whether they are dealt with inside or outside of the formal legislation. Presently, West Yorkshire Police deal with approximately half of the complaints received outside of Schedule 3 which reduces bureaucracy and enables the complaint to be resolved within a few days.

The number of conduct cases recorded has also increased with a notable increase relating to breaches of COVID-19 regulations.

Trevor Lake noted that 11 officers were presently suspended and was advised that suspension is applied to serious cases.

15. COMMITTEE ANNUAL REPORT

Members noted the committee annual report and requested that this be shared with the Internal Ethics Committee and uploaded to the website.

Members requested a report on the ethical themes identified from Internal Audit reviews over the previous twelve months.

ACTION: Julie Reid to share the Committee Annual Report with the Internal Ethics Committee and publish it on the OPCC website.

ACTION: Neil Rickwood to report on ethical themes identified from Internal Audit reviews over the previous twelve months.

16. COMMITTEE TERMS OF REFERENCE AND WORKPLAN

Members noted the terms of reference and agreed to add 'disproportionality of stop and search' to the forward work plan.

ACTION: Julie Reid to add 'disproportionality of stop and search' to the forward work plan.

17. ANY OTHER BUSINESS

None.

Date of the next meeting: 19 March 2021, by video conference