



**MINUTES OF THE JOINT INDEPENDENT AUDIT and ETHICS COMMITTEE
(POLICE AND CRIME COMMISSIONER FOR WEST YORKSHIRE
AND WEST YORKSHIRE POLICE)
HELD ON 24 JULY 2020**

ETHICS SESSION

Video Conference

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 and noted apologies from Russ 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. Trevor Lake noted full attendance record for the independent members.

4. MINUTES

The minutes of the meeting held on 3 April 2020 were agreed as a correct record.

Julie Talbot sought clarification of the number of officers trained for the use of taser (Item 10).

ACTION: Angela Williams to clarify the number of police officers who are trained for taser use.

5. MATTERS ARISING

Item 21.2 Members to be invited to attend a presentation of the findings of the 2020 staff survey by Durham University.

Members noted that the presentation from Durham University had been postponed and asked for an update.

ACTION: Angela Williams to clarify when the update from Durham University on the findings of the 2020 staff survey will be available.

Item 21.3 Internal Audit report on BAME recruitment

Members noted the content of the Internal Audit report on BAME recruitment and were advised by Angela Williams that an independent review by the College of Policing had been commissioned.

Trevor Lake noted inconsistencies in exit interviews across Districts. Angela Williams informed the meeting that there were 22 leavers of BAME background in the last 12 months where no exit interview had taken place and she was seeking further information. Members were also informed that the JNCC had recently agreed to automatic exit interviews, which should assist.

Trevor Lake sought a further breakdown of data relating to exit interviews to assess any disproportionality.

ACTION: Neil Rickwood to provide a further breakdown of data relating to exit interviews for BAME officers and staff.

Angela Williams informed members that every BAME officer or staff member was offered a mentoring coach/buddy last year but this had had a very low uptake. Trevor Lake suggested the Force should consider reverse mentoring that has been successfully used in other organisations as an alternative, which was acknowledged.

Item 21.4 Report on checks of role profiles for those who have been assigned policies to review

Simon Bottomley presented a report to members on a review of role profiles confirming that policy review is not consistently included in role profiles and the People Directorate is looking at this.

Angela Williams also informed members that each Department/District has a local accountability meeting on a regular basis and this includes policy review, however, where no change is required in policy this has not always been reflected in the review section of the policy.

Item 21.5 Progress of the review of Force policies

Members received a report on the progress of work to review and update Force policies. Trevor Lake queried the overview of this work and was informed that Corporate Services are responsible.

Jayne Sykes drew members' attention to the work which was also underway to review the scheme of delegation, particularly relating to regional procurement, changes to the Chief Executive and Solicitor role and, more recently, devolution.

Julie Winham referred to an earlier instruction for staff and officers to remove their names from the public domain (in identifying that they work for the Police in social media posts) and asked if there is an operational reason for staff names, rather than roles, to be included on policy documents. Members were advised that including the author's name assists in identifying them, particularly, if they have moved role in the interim. Angela Williams confirmed that she was not aware of anyone being targeted because of this.

Trevor Lake noted that policies on the Force Infoshare site appear to be more out of date than those on the intranet page.

ACTION: Allison Kemp to arrange for links to policies on the Force intranet page and Infoshare site to be updated.

Item 21.6 'Overseas Interaction' to be removed from the annual work plan.

Members noted the closure of this action.

Item 21.7 Revised terms of reference and Annual Report for the Internal Ethics Committee.

Members noted the terms of reference for the Internal Ethics Committee and acknowledged that the Committee's annual report had been sent to them on 24/07/2020.

6. CHAIR'S UPDATE

Trevor Lake informed the meeting of the public consultation exercise that is presently underway on the draft West Yorkshire Devolution Deal which will see the PCC's duties being transferred to a Mayor. Members were advised that the Combined Authority is carrying out a due diligence exercise (via a tender which is due to be awarded on 31/07/2020) assisted by both the OPCC and West Yorkshire Police. Originally, the devolution deal anticipated a transfer of PCC duties in 2024 but, because the PCC elections have been postponed, a transfer in 2021 is now being considered. The Force, OPCC and Combined Authority have begun to work closely together to identify and map the workstreams which will be required. The Combined Authority expects to be able to report on the consultation response and due diligence work in September and it is anticipated that an order will be laid before Parliament in December.

Trevor Lake noted the potential ethical implications for OPCC staff, including the impact of increased workload.

Jayne Sykes informed the meeting that consultation had begun with the Trade Unions and acknowledged the resource overheads of transfer and the impact on key staff in the OPCC who are facing competing demands. Members were informed that, although there are no insurmountable barriers to transfer in May 2021, a significant amount of work would be required, by individuals who are already busy. Members were also informed that the Home Office had begun drafting the Parliamentary Order in advance of the consultation deadline.

7. COVID-19 UPDATE

(a) West Yorkshire Police

Angela Williams provide a COVID-19 update for members, noting that all calls for service had returned to pre-COVID-19 levels (and higher in some cases). Ethical issues are apparent in terms of staff risk assessments. All staff and officers have been surveyed twice on health issues during the lockdown period and line managers have reviewed those responses which indicate a health concern for the individual or their immediate family. Occupational Health Unit have provided support, including one-to-one advice and Skype consultation sessions. Work is presently underway to review those individuals who have been shielding given the recent Government shielding advice, again using OHU support. The Force have clarified an element of this advice – that of a two week shielding requirement in advance of a planned operation – and have confirmed that it requires only the patient to shield and not people who live with the patient.

Trevor Lake acknowledged the future difficulties associated with COVID-19 and flu infections during the winter and was informed that the Force's Health and Wellbeing Board are considering whether the Force should fund flu vaccines for front line, operational and contact centre staff.

Members were informed that cotton face-coverings were now available for all staff and staff are being encouraged to use their annual leave because, presently, only 15-20% of annual leave has been used (at Q1).

Angela Williams also reported that the agile working policy is presently being reviewed to ensure that it remains relevant in the current climate. Trevor Lake welcomed a review of the policy and noted that, for some individuals, working agilely can be difficult. Members were informed that a survey of female staff in policing by the British Association of Women in Policing found that many women do not favour working agilely from home.

Trevor Lake queried the proportion of agile work, which was specifically due to COVID-19 and was advised that approximately 5% of staff are working agile because they are self-isolating or shielding.

Trevor Lake noted the risk of infection over winter if staff return to the workplace and was informed that meeting rooms will be used as office space to ensure safe distancing.

On a separate matter, Julie Talbot referenced media reports of a motor vehicle crash in Brighouse and a further referral to the IOPC of an officer pictured kneeling on a football supporter. Simon Bottomley advised the meeting that, in a media statement from the

IOPC this morning, it was reported that there is no indication of any wrongdoing with respect to the Brighthouse crash. In terms of the Elland Road incident, the officer was now on restricted duties pending the investigation.

(b) OPCC

Jayne Sykes presented a COVID-19 update for the OPCC reporting that Ploughland House remains closed with all staff working agilely. It has been found that almost all the OPCC work can be done from home and only occasional visits to the office are required.

Staff have been directed to the employee support programme and there are additional team and one-to-one meetings, more informal huddles and check-ins, a regular, full OPCC staff meeting and regular welfare reports to the Executive Team focussing on staff welfare in terms of working hours, rest breaks, DSE assessments and the use of special leave.

Members were advised that immediate steps had been taken to support commissioned services and organisations receiving grants, and the OPCC had passported emergency COVID-19 funding and held an extra Safer Communities Fund grant round focussing on child sexual exploitation, mental health, fraud, drugs and alcohol abuse. The PCC has held regular briefings for MPs, published safety information for the public and is represented on the Local Resilience Forum. The meeting was also informed that the West Yorkshire custody-visiting scheme has continued to operate during lockdown.

8. REVIEW OF FORCE POLICY – COMMUNITY ENGAGEMENT

Angela Williams presented a report on the Community Engagement Policy and advised members that a further review of the policy is about to be done by the Local Policing Governance Board. The policy was applied during the recent Black Lives Matter protests to enable good community liaison and cohesion.

Members were also reminded of the recent calls for the NPCC to review disproportionality, particularly in the use of taser, use of force and handcuffing.

Julie Talbot sought assurance that the policy had been reviewed in light of the recent Black Lives Matter protests and was informed that the policy was tested in June during the protests.

Julie Winham asked what action was being taken to promote wider awareness across the workforce and was informed that the Force was considering a review of the training offered to existing officers in terms of unconscious bias.

ACTION: Russ Foster to provide an update to the next meeting of the training offered to officers on unconscious bias.

9. REVIEW OF FORCE POLICY – SAFEGUARDING VULNERABLE ADULTS

Angela Williams presented a report on the Safeguarding Vulnerable Adults Policy, informing members that the policy is regularly reviewed by the Safeguarding Board

following an HMICFRS inspection over two years ago which identified gaps in provision for safeguarding vulnerable adults.

Trevor Lake noted a very good policy supported by a detailed report.

Julie Talbot asked what action is taken to safeguard vulnerable adult perpetrators and was informed that work with perpetrators is funded via the OPCC and often concerns domestic abuse or missing persons. The Safeguarding Vulnerable Adults Policy would apply to these situations.

10. ETHICAL ISSUES ARISING FROM THE GOOD GOVERNANCE GROUP

Jayne Sykes gave members an update on ethical issues discussed in a recent Good Governance Group meeting, including COVID-19 related work in the OPCC, the implications of the IOPC direction to hearing in the Operation Yucca case - which were being raised by the PCC with the IOPC - the impact of delays in the criminal justice system (CJS) and role of the PCC as Chair of the Local Criminal Justice Board and, finally, the impact of the delays in Force responses to requests for access to information.

Trevor Lake noted the earlier discussion, in the Audit Committee, about the CJS backlog and the use of nightingale courts in West Yorkshire, and pointed to the ethical issues that the delays bring to officers and staff who are waiting to be called to give evidence.

11. INTERNAL ETHICS COMMITTEE

Simon Bottomley reported to members, providing an annual report of the Internal Ethics Committee. The last meeting for the Committee was on 7 July.

Members noted the report.

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

Simon Bottomley reported to members and stated that 1,000 complaints had been dealt with by the Force since the regulations changed in February 2020, 54% were handled 'outside of schedule 3¹' and 46%, being more serious, were dealt with inside schedule 3 where complainants would have the right to have their complaint reviewed by the OPCC. Nationally, most police forces handle approximately 70% of complaints outside of schedule 3. Members were also informed that Internal Audit would review Professional Standards Department (PSD) compliance with the new Regulations.

Members were informed that there had been a slight increase in conduct cases and 15 of the 46 cases reported on were assessed as 'practice requiring improvement'.

Seven police officers and seven police staff are presently suspended.

¹ Schedule 3, Police Reform Act, 2002

Julie Winham asked how learning is brought to individual's attention and was informed that, where service has not been acceptable and there is learning to be found, this is raised with the supervisor who must respond to PSD to identify what action has been taken.

Julie Talbot noted a super-complaint raised by the Centre for Women's Justice and asked how this was being dealt with in West Yorkshire. The complaint suggests that a two-tier system is in place for dealing with police officers and staff who are accused of domestic abuse. Members were informed that PSD investigates these complaints or, if out of hours, another District is assigned to investigate. Jayne Sykes noted that HMICFRS would respond to the super-complaint and either carry out a thematic inspection or include it in the regular PEEL inspection.

Trevor Lake welcomed the PSD report and the move to a learning approach rather than a blame approach.

13. ANY OTHER BUSINESS

(a) Ethics Review

Jayne Sykes thanked members for contributing to the review of the Ethics Committee, which has now been completed and will be considered by the PCC and Chief Constable before being brought to Committee. The review draws on members' views, the College of Policing guidance and arrangements in other areas, including Greater Manchester.

(b) Mobile Phone Data Extraction

Julie Talbot noted a recent ICO report on mobile phone data extraction and requested a report to committee on the Force's response to the recommendations.

ACTION: The Force's response to the ICO investigation on mobile phone data extraction to be considered at the next meeting of the Committee.

Date of the next meeting: 2 October 2020, location to be confirmed.