

Minutes of a meeting of the Ethics, Integrity and Complaints Committee
held at Police Headquarters, Enderby
at 2:00 p.m. on Friday 23 September 2016

Present

Members:

Professor Cillian Ryan (Chair)
Dr Steven Cammiss
Ms Karen Chouhan
Ms Lois Dugmore
Ms Linda James
Dr Mark Peel

Officers:

Mrs Angela Perry, Head of Governance and Assurance, OPCC
Mr Simon Hurst, D/Superintendent, Professional Standards Department (PSD)
Mr Paul Coffey, Communications, OPCC

Guests:

Ms Lynne Woodward, Head of Diversity, Leicestershire Police
Mr Andy Elliott, Head of Change, Corporate Services, Leicestershire Police
Mr Jim Holyoak, Service Improvement, Corporate Services, Leicestershire Police
Mr Glen Icton, Sergeant, Staff Officer to Chief Officer Team, Leicestershire Police

21/16 Election of Chair

It was proposed by Dr Peel and seconded by Dr Cammiss that Professor Ryan be elected as Chair of the Committee. Members unanimously agreed to this proposal. Professor Ryan was duly elected as Chair for the remainder of the first 4 year term of members.

22/16 Election of Vice Chair

It was proposed by Dr Cammiss and seconded by Dr Peel that Ms James be elected as Deputy Chair of the Committee. Members unanimously agreed to this proposal. Ms James was duly elected as Vice Chair for the remainder of the first 4 year term of members.

Professor Ryan in the Chair

23/16 Apologies

Apologies were received from Ms Lynne Richards, Mr Paul Stock, Chief Executive, OPCC and Mr Roger Bannister, Deputy Chief Constable (DCC).

24/16 Urgent Business

There were no items of urgent business.

25/16 Declarations of Interest in Items on the Agenda

The Chair invited attendees who wished to do so to make Declarations of Interest in respect of items on the agenda for the meeting.

Ms Dugmore declared interest in item 14, appendix 2 due to her role as a consultant with Leicestershire Partnership NHS Trust.

26/16 Minutes of meeting held on 24 June 2016

The minutes of the meeting held on 24 June 2016 having been previously circulated were agreed as a correct record.

27/16 Positive Action Project

The Committee received a report of the Chief Constable (CC), outlining the positive action project which concentrates on recruitment, retention, progression and engagement of under-represented groups within Leicestershire Police and options for positive action initiatives going forward in recruitment and progression.

The Head of Diversity pointed out that paragraph eight, of the report should read “positive action does not mean ... “.

The Committee felt that as Section 159 existed in law that it should be used where appropriate. They also felt that communication of the provision was important and that as far as possible it should be added to job descriptions and personal specifications, thus making it clear at the point of advertising that applications were being encouraged.

The Chair concluded that Leicestershire Police should be representative of the community, which he said was the overriding message.

It was RESOLVED to note the contents of the report and to support the use of Section 159 of the Equality Act 2010.

(Ms Woodward left the meeting).

28/16 Op Edison update

The Committee received a report of the Chief Constable providing information of developments made to the current policing model, known as Edison in relation to new and emerging threats, highlighting planned changes that are helping to enhance the Edison model further and also deal with changing demands and ongoing financial and operational challenges. A copy of the report marked 'B' is filed with these minutes.

The Committee asked about growth in the number of offences and increased visibility of officers across the force and said if more resources were put into the area of online offences, an argument could be made that that would decrease visibility and asked how this would be reconciled. The Head of Change explained that an initiative called cyber-beat was being implemented which would provide online police presence on the eastern side of the county.

The Chair said it would be helpful to receive future Op Edison updates so that ethical issues could be highlighted.

The Chair asked why resources were being used to increase vehicles outside the city and the Head of Change said one of the reasons was due to the estates portfolio being reduced which has led to more officers needing to travel greater distances. The Committee questioned what sort of demand was leaving the force short and the Head of Change said it was general demand, a combination of marked and unmarked vehicles required and not a particular area of policing.

It was RESOLVED to note the contents of the report and to receive a future report in 6 months' time.

29/16 Whistleblowing and Confidential Reporting

The Committee received a report of the Chief Constable explaining the differences between the Force Whistleblowing Procedure and the Confidential Reporting Procedure, how it is made available to staff and the ownership for the respective procedures and responsibilities. A copy of the report marked paper 'C' is filed with these minutes.

The Committee said that they felt it made sense to amalgamate the whistleblowing and the confidential reporting policy documents, although specific pathways for particular types of reporting would be required. They also commented that it was crucial to build a culture for people feeling safe to report and not to blame where not proportionate or appropriate. The Committee stated their support for the Force wanting to move ahead with building a learning culture. The Force were commended for their openness on this topic.

It was RESOLVED to note the contents of the report.

30/16 Working Protocol between the Ethics, Integrity and Complaints Committee and the Joint Audit, Risk and Assurance Panel

The Committee received a report of the Police and Crime Commissioner requesting consideration and approval of a working protocol with the Joint Audit, Risk and Assurance Panel (JARAP). A copy of the report marked paper 'D' is filed with these minutes.

It was RESOLVED to note the contents of the report.

31/16 Priority Areas for 2017

The Committee received a report of the Police and Crime Commissioner seeking consideration and approval of the forward work plan and training schedule for the work of the Committee and member development for the next 12 months. A copy of the report marked 'E' is filed with the minutes.

The Committee identified the following areas for their forward plan:-

- Safeguarding – adult and children – how Force understand it and how implemented
- Counter Terrorism – Force approach and ethical questions – the ethical decisions the Force have to take
- More stop and search footage – consequences as a result of reduction of stop and search. Wider questions of officer confidence to undertake
- Police Force that reflect the local community – recruitment and promotions processes at all levels
- Social media – monitoring of staff members personal social media activities – to what extent
- Openness and compliance with FOI requests
- How the Chief Constable sets the culture of the Force
- Business Interests Policy and how it is applied

Regarding members own learning and development needs, it was requested that members have a tour of Force HQ departments in the morning session on the day of their next meeting.

It was RESOLVED to approve the areas of business for the forward work-plan of the Committee.

32/16 Gifts and Gratuities

The Committee received a report of the Chief Constable providing information in respect of the Force Policy and Procedure for Gifts, Gratuities and Hospitality. A copy of the report marked 'F', together with copies of the Force and OPCC Gifts and Hospitality Register are filed with the minutes.

The Committee made the following comments and observations:-

- Generally members felt that bottles of alcohol should not be accepted as a gift due to public perception of police officers accepting such a gift and the numerous issues they deal with where alcohol is a factor. One member of the Committee did feel that accepting alcohol was acceptable as long as the person giving the gift was not a licensee.
- The intention of the gift was important and proportionality of its monetary value
- The acceptance of a Parker Pen from an individual who wanted to be a police volunteer was questionable.

It was RESOLVED to note the contents of the report.

33/16 Dip Sampling of Complaints - results

The Committee received a report of the Chief Constable presenting the findings from members dip sampling of complaint files undertaken on Monday 8 August 2016. A copy of the report marked 'G' is filed with the minutes.

Committee members who attended the dip sampling session said they were happy with the Force's response to outstanding queries. In relation to the IPCC Non-Referral log members requested if it would be possible to see cases that were borderline and had not referred to the IPCC in order for them to get a sense of where the borderline is. This would be provided at the next session.

It was RESOLVED to note the discussion on the findings of dip sampling.

34/16 Ethics Issues (Two Ethical Dilemmas for discussion and decision)

The Committee received a report of the Chief Constable, which included two ethical scenarios for the Committee to consider. A copy of the report marked 'H' is filed with these minutes.

Scenario 1

Domestic Violence Protection Notices (DVPNs) are being requested when there has only been one reported incident of Domestic related violence between 2 people and often very low level.

In many cases the victim does not wish to pursue a criminal investigation, neither do they support the issue of a DVPN on the suspect. These types of incidents are usually rung in by third parties or in the heat of an argument.

Investigating officers are faced with lack of evidence to obtain a charging decision from CPS and therefore revert to the consideration of a DVPN as a positive outcome.

There is no requirement for the police to find the suspect alternative accommodation; therefore this can often create more problems.

Question

Should the police as authorising officers, remove someone against their partners will from their place of residence for a period of up to 28 days when there is limited intelligence/history to indicate a risk of further incidents?

The Committee felt that if a Domestic Violence Protection Notice was issued, this could place restrictions on an individual who was yet to be convicted which did not respect their rights to liberty and a fair trial.

The Committee also felt that issuing a DVPN would give out a good signal that the police were willing to protect the victim and take safeguarding seriously.

The Committee said that there needed to be clear guidance and asked if there were any other adverse consequences for the individual being issued with the Notice.

The Committee confirmed that they welcomed the issuing of Domestic Violence Protection Notices and that clear guidance was required.

Scenario 2

Mr X was arrested for a public order offence outside Melton Mowbray police station. The officers knew Mr X and were aware of his vulnerability and that he was due to see the mental health care crisis team that morning.

His detention at Keyham Lane started at 9.40am on Thursday 25th August 2016. He was seen by a mental health practitioner at 11.04am who deemed he required a mental health assessment and at 2pm the crisis team saw Mr X and determined he should be moved to the Bradgate Unit for urgent care. The public order offence was not pursued and Mr X was then detained purely for his own safety and prompt transport.

Mr X remained in custody whilst a bed was arranged for him at the Bradgate Unit. Despite numerous phone calls a bed did not become available until the next day and he finally left police custody at 6.15pm on 26th August. Totalling just over 32 hrs detention. 28hrs since the crisis team determined he should be admitted to the Bradgate Unit. He had been assessed as not being fit to release, so in his best interests we had no choice but to care for him until alternative arrangements were provided.

The circumstances were exceptional, the initial police detention was necessary, but the delays in arranging care, a bed and transport were not.

Question: What might be done to improve the service provided to Mr X and Leicestershire Police in these circumstances?

The Committee felt that a judgement call would need to be made about whether it was safe for the person in question and for the public, if they were released but that the overriding factor was the duty of care to the individual.

The Committee said that lack of bed concerns should be taken up with the mental health commissioning authority.

35/16 Exclusion of the Public and Press

It was RESOLVED that under Paragraph 7 of Schedule 12A of the Local Government Act the public, including the press, be excluded from the meeting during consideration of the following item on the grounds specified on the agenda.

36/16 Ethics Issues (One Ethical Dilemma for discussion and decision)

The Committee received a report of the Chief Constable, presented by the Chief Constable which included one ethical scenario for the Committee to consider. A copy of the report marked 'I' is filed with these minutes.

The ethical dilemma concerned an advisory message which was distributed to all forces following a Security Review Committee meeting.

The Committee considered the ethical scenario and provided their views.

37/16 Any Other Business

There were no items of any other business.

Chair

2:00 p.m. – 4:06 p.m.