

Minutes of a meeting of the Ethics, Integrity and Complaints Committee
Held via Microsoft Teams on 10:00am on Friday 18 September 2020

Present

Members:

Mrs Karen Chouhan (Chair)
Dr Steven Cammiss
Ms Lynne Richards
Ms Lois Dugmore
Ms Gail Pringle

Officers:

Mrs Angela Perry, Executive Director, OPCC
Ms Sallie Blair, Communications Advisor, OPCC
Miss Abbey Dearden, Business Staff Officer, OPCC
Mr Chris Kealey, Head of Strategic Communications and Engagement, Leicestershire Police
Rob Nixon, Deputy Chief Constable, Leicestershire Police
Ms Lynne Woodward, Head of Diversity, Leicestershire Police

16/20. Apologies

Apologies were received from Mr Mark Peel, Ms Linda James and Superintendent Mr Rich Ward.

17/20. Urgent Business

There were no items of urgent business.

18/20. Declarations of Interest

The Chair invited attendees to make any Declarations of Interest regarding any of the agenda items.

No such declarations were made.

19/20. Minutes of the meeting held on 13 December 2019 and Action Log

Ms Lynne Richard apologised for asking for extra information at such short notice before the last meeting. Lynne also highlighted a particular concern and asked for a snapshot of where the Force were 10 years ago compared to present day. The reason for the request was to enable Members to get a sense of how quickly, or not things are changing.

The minutes of the meeting held on 13 December 2019 were discussed and confirmed as accurate.

20/20. Appointment of Deputy Chair

The Committee received a report from the Executive Director regarding the election of a Deputy Chair. A copy of the report marked paper 'A' is filed with the minutes.

The Chair requested nominations for the position of Deputy Chair for the Committee.

Dr Mark Peel was nominated by Ms Lynne Richards. This was seconded by Karen Chouhan (Chair). There being no further nominations it was unanimously agreed that Dr Mark Peel be the Deputy Chair of the Committee unless he does not want to take on this role.

21/20. Review of Terms of Reference

The Committee received a report from the Executive Director recommending that the Committee consider the current terms of reference and working arrangements and propose any amendments. A copy of the report marked paper "B" is filed with the minutes.

The committee highlighted:

- Frequency of meetings may need reviewing.
- Page B7 *"to review the process of live complaint cases or misconduct investigations, including appeals that cause or are likely to cause particular community concern"*. The Chair highlighted that the committee shouldn't be looking at live complaint cases and requested that the wording is amended to reflect this.
- Page B6 discusses that the Committee will see feedback on formal inspection of the Force from HMIC – highlighted this is to be included on the forward work plan.

The Committee APPROVED the Terms of Reference.

22/20. Schedule of Meeting Dates

The Committee received a report from the Executive Director for members' approval of a schedule of meeting for the period December 2021 to December 2022. A copy of the report marked paper "C" is filed with the minutes.

The Committee APPROVED the schedule of meeting dates for the period December 2021 to December 2022, including dates for dip sampling of complaint files.

The Chair highlighted that she will not be present at the March '21 meeting, and Dr Mark Peel will Chair this meeting.

23/20. Forward Workplan 2021

The Committee received a report from the Executive Director for members' approval of a forward work plan for the work of the Committee for 2021. A copy of the report marked paper "D" is filed with the minutes.

The following areas were proposed by members:-

- Mental Health: the Forces response to issues arising with regards to suspects
- Complaints against the PCC (annual report)
- PCC Reviews (to be incorporated into the complaints report which the Committee receive on a quarterly basis)
- Review of vetting undertaken (peoples section)
- Force internal complaints – staff wellbeing/not happy with
- Legacy of Police Colleagues expecting to leave the Force during the next couple of years

DCC Nixon discussed that it is positive to add additional agenda items, but it might be worth not always having a formal report and explained it could be useful to have presentations and to join other meetings.

The Committee agreed that-

- (a) the Chair will check agendas going forward to ensure all the sub-headings (leadership, people and culture) are represented; and
- (b) the Chair meet with the Executive Director to populate the forward workplan for 2021

24/20. Diversity and Inclusion Strategy

The Committee received a report from the Chief Constable providing information of the new Diversity and Inclusion strategy for Leicestershire Police. A copy of the report marked paper 'E' is filed with the minutes.

The Chair welcomed the report and invited the committee to provide comments:

- The strategy is compact and concise - missing aspects around positive action
- What will success look like - might be useful to set targets
- Have the force considered looking at reserve mentoring schemes
- Useful to see a fuller equality scheme
- Going forward if documents like the one presented could contain embedded links to other documents
- Under the heading 'Our Organisation' it would be useful to include more information about what kind of leadership the Force envisions

Lynne Woodward highlighted that DCC Nixon has been heavily involved in driving the Equality, Diversity and Inclusion Framework and provided an update on what the Framework looks like. It was agreed to share the Framework and to bring a report to a future meeting.

Lynne Woodward and Chris Kealey left the meeting

25/20. Modern Day Slavery/Human Trafficking

The Committee received a report from the Chief Constable providing an overview of Modern Slavery and an insight into the Force's approach. A copy of the report marked paper 'F' is filed with the minutes.

The Chair highlighted the Committee only received this report the day before the meeting, and have not yet had chance to fully read the Annual Report.

The Committee highlighted:

- They would like to see a copy of the toolkit
- In terms of Modern Day Slavery and Human Trafficking – needed more mention of sexual exploitation and trafficking for those reasons
- Dilemma: paper didn't give enough information to go on
- Implication in the paper that the idea of consent is binary, in terms of policing, there is no clear binary between consent and no consent

The Committee AGREED to note the contents of the report.

26/20. Knife Crime and Young People

The Committee received a report from the Chief Constable providing an overview of serious violence involving young people and an insight into the approach taken by Leicestershire Police. A copy of the report marked paper 'G' is filed with the minutes.

Gail Pringle provided a view that if sharing information with other individuals or community groups, it is important to be careful about the reasoning for sharing. Concerns were also raised regarding the ages of the young people, the paper highlights it could be persons as young as 12 and up to 24 years of age and there is a potential risk to criminalise young people who could potential be vulnerable.

It was AGREED to note the contents of the report.

27/20. CCE - Ethical issues

The Committee received a report from the Chief Constable providing an overview of Child Criminal Exploitation and an insight into the Force's approach. A copy of the report marked paper 'H' is filed with the minutes.

The Committee raised a couple of issues:

1. Example of exploitations – did the Rotherham case come into this as it is a good example of where victims were also perpetrator and were let down by the Criminal Justice System.
2. Paragraph 20 displays the key factors in deciding what to charge, it's obvious that they are not ranked but it was queried why the welfare/interest of the child and young person is at the bottom of the list.

DCC Nixon welcomed the comments, noted to take the feedback on board and asked the Committee what they would like to see going forward. The Committee AGREED they would like to see a change-up of the emphasis in the paper and would like to see how the Force would answer the question proposed in the paper (paragraph 3) from a child centred approach and then the committee can look at the answer.

It was AGREED to note the contents of the report.

28/20. Ethical Dilemma for discussion

The Committee received a report from the Deputy Chief Constable for members' consideration of ethical scenarios. A copy of the report marked paper 'I' is filed with the minutes.

The following scenarios were discussed by the Committee:-

Scenario 1

During the recent demonstrations organised by Black Lives Matter it was left for officers to make a personal decision as to whether 'to take the knee' but on the proviso that it did not compromise their safety, that of their colleagues or the public.

The origins of 'taking the knee' are said to date back to 1965 when Martin Luther King did so in prayer with protesters in Selma, Alabama. Black Lives Matter was founded in 2013 and this symbolic action has been adopted during recent demonstrations and at times by sportspeople, especially in the United States. Some see Black Lives Matter as a political organisation and therefore the act of 'taking the knee' has been interpreted as a demonstration of support for a political stance. The Code of Ethics states that Police officers must not take any active part in politics. This is intended to prevent them from placing themselves in a position where their impartiality may be questioned.

'Taking the knee' could be interpreted as an act of humility in light of the death of George Floyd and the appalling circumstances in which that took place. It could also be seen as a show of support and solidarity against all forms of racism and hate; something that Leicestershire Police is working hard with our many diverse communities in Leicester, Leicestershire and Rutland to eradicate.

1. *Does the panel consider that the act of 'taking the knee' is a political stance that would be in conflict with the Code of Ethics?*
2. *Was Leicestershire Police correct to leave the decision as to whether 'to take the knee' to the individual officer?*
3. *What considerations should Leicestershire Police have if similar events and actions arise in the future?*

Mixed opinions were viewed during this scenario. Ms Gail Pringle highlighted other examples of something political, i.e. wearing a Poppy. A poppy is worn as a symbol of respect, but others see this as a political statement and choose not to wear one as it could be seen as glorifying the war. Minutes silences; some people participate, others don't. Gail expressed views that if a police officer wanted to take the knee and they were off duty they would be fine to do so, but if they were in a capacity of being on duty, if their primary capacity was to Police that demonstration, they should not do so as their primary purpose is to ensure there's no trouble.

Dr Steven Cammiss discussed he does not think this is a political stance and believes it is right to allow individual officers to make their own decision if they want to take part.

Members agreed:

1. They do not think it is in conflict with the Code of Ethics
2. It should be left to the individual officer with the caveat that there is a view if on duty officers need to consider how many are taking the knee as they still need to be vigilant
3. It was agreed it would be up to the individual officer and hopes that the Force would back them if that's what the officer wanted to do

Scenario 2

Policing receives reports of patients who abscond from hospital. These individuals are often reported as missing people to the police and the police take primacy for locating them. Police have a duty to protect life. Often people make their way home and providing the person has the mental capacity to decide to refuse hospital treatment then the police have no powers to compel that person to return to hospital. In effect the police conduct welfare checks on behalf of health and try to persuade the individual to go back to hospital. Police officers are not health professionals and their ability to assess the medical requirements of individuals is limited in line with first aid training. Policing will argue that the deployment of an ambulance is the best resource if it is a medical issue and the deployment of Mental Health Professionals are best if it is a mental health issue. It is accepted that demand on all emergency services is high. Leicestershire Police seeks to divert calls for service to the most appropriate agency.

1. *Does the panel consider that Leicestershire Police is correct in diverting calls in relation to those who have absconded from hospital to partner agencies, such as the ambulance service, as part of its most appropriate agency approach?*
2. *Does the panel consider any circumstances or specific factors where it would not be appropriate to adopt the most appropriate agency approach?*

Members discussed that it might be useful for agencies to get together to discuss this issue, to identify whose responsibility it is. It was highlighted that agencies need a join up and a multi-agency approach as this might be more appropriate.

29/20. Covid 19

The Committee received a verbal update from the Deputy Chief Constable providing information on Leicestershire Police's operational and organisational response to the COVID-19 pandemic.

Key points:

- Leicestershire Police chaired the SCG up until July '20 where it then went back to Health
- From a public sector perspective, the Force are looking how they can create and have resilience
- Concerns around the lack of testing facilities available

It was AGREED to bring COVID back to the meeting for a further discussion around ethical dilemmas.

Chair
Friday 18 September 2020
2:00 – 3:21 pm

OFFICE OF POLICE AND CRIME COMMISSIONER
ETHICS, INTEGRITY AND COMPLAINTS COMMITTEE

ROLLING ACTION SHEET

ACTION NO.	Meeting Date	Minute No.	Paper	Action	Person Responsible	Target Date	Update
6	20.9.19	31/19	B	<u>Dip sampling</u> Members to dip sample redacted grievance and misconduct cases at the same time as dip sampling complaint files. Cases for grievances/misconduct to be provided by PSD.	Supt. Ward PSD	March 2020	13/12/19 – will commence when members next visit PSD to review complaints files 18/9/20 – dip sampling session which was planned has been cancelled - looking to put arrangements in place before the next meeting (depending on COVID-19). Rob Nixon informed members that Unison are not supportive of members dip sampling grievances files due to the confidential nature. Angela agreed to look into this further and provide an update to members at the next meeting.
8	20.9.19	31/19	B	<u>Stop and Search</u> A member of the Cohersive Powers Group be invited to attend the Committee meeting when Stop and Search is being considered. Include on forward work plan.	Executive Director	TBC	13/12/19 – outstanding, invite to be sent when next on the agenda. 18/9/20 – outstanding.
11	20.9.19	33/19	D	The Chair and Dr Peel meet to provide feedback to the Force on the format and content of stats and data provided within the promotion process report.	Mrs Chouhan / Dr Peel		13/12/19 – outstanding. 18/9/20 – included on the forward plan, when this item is on the agenda a meeting will be arranged to discuss what data is required.
18	19.06.20	5/20	A	<u>Annual Report</u> A meeting for the Chair, CC, PCC to be arranged to provide feedback on the work carried out over the past	Business Staff Officer		18/9/20 – outstanding; a date has not yet been arranged.

				year.			
19	19.06.20	6/20	B	<u>Social Media</u> Appendix B Visuals mentioned in Appendix B - (videos shown as graphics only in the appendix) Chair would like to view at a later date.	Business Staff Officer		(Suggestion: arrange for videos to be shown during one of the morning sessions) 18/9/20 – outstanding.
20	19.06.20	6/20	B	<u>Social Media</u> Quality Impact Assessment section within the report was missing. Committee would like to know if one had been carried out.	ACC Debenham		18/9/20 – outstanding. DCC Nixon agreed to follow up with ACC Debenham.
22	19.06.20	9/20	E	<u>Hate Crime</u> Service Specification to be shared with the committee	ACC Debenham		18.09.20 – outstanding.
24	19.06.20	15/20	K	<u>Covid 19</u> ACC Debenham said she would like to bring back to this committee at a later date a report on gatherings during the lockdown as it would be interesting to gain the committee's perspective.	ACC Debenham		18/9/20 – agreed to bring COVID back as a theme and deal with some of the ethical issues that have arose.
25	18.9.20	21/20	B	<u>Review of Terms of Reference</u> Wording on B7 'live cases' to be reworded.	Executive Director		
26	18.9.20	21/20	B	<u>Review of Terms of Reference</u> Feedback from HMIC to be included on the forward work plan	Business Staff Officer		
27	18.09.20	23/20	D	<u>Forward Workplan 2021</u> Force internal complaints – staff wellbeing. Rob Nixon agreed to product a report following the programme on workforce engagement	DCC Nixon	March 2021	
28	18.09.20	23/20	D	<u>Forward Workplan 2021</u>	Chair / BSO		

				The Chair agreed to check agendas going forward to ensure they cover what is set in the ToR (leadership, people and culture).			
29	18.09.20	24/20	E	<u>Diversity and Inclusion Strategy</u> Lynne Woodward to share the Positive Action Strategy including the comprehensive action plan	Lynne Woodward		