

Minutes of a meeting of the Ethics, Integrity and Complaints Committee
held at Police Headquarters, Enderby
at 2:00pm on Friday 15 March 2019

Present

Members:

Mr Cillian Ryan (Chairman)
Ms Linda James
Dr Steven Cammiss
Mrs Karen Chouhan
Ms Lynne Richards
Ms Lois Dugmore

Special attendance:

Lord Willy Bach, Police and Crime Commissioner

Officers:

Mr Jason Masters, Assistant Chief Constable
Ms Lou Cordiner, Chief Inspector
Mr Steve Durrant, Detective Chief Inspector, Professional Standards Department
Ms Sallie Blair, OPCC Communications Advisor
Mrs Nish Padhiar, Executive Manager, OPCC

1/19. Apologies

Apologies were received from Dr Mark Peel, Mr R Nixon, Deputy Chief Constable, Mrs A Perry, Executive Director, Mr M Ball, Professional Standards Department and Mr M Tapp, Head of Communications and Engagement.

2/19. Urgent Business

There were no items of urgent business.

3/19. Declarations of Interest in Items on the Agenda

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

No such declarations were made.

4/19. Minutes of the meeting held on 21 September 2018

The minutes of the meeting held on 21 September 2018 were discussed and confirmed as a true and accurate record with the following highlighted:

11/18. Dip Sampling of Complaint Files

CO/139/17 – Members had requested further information on this case at the February meeting of the Committee which Mr Ball agreed to provide. This had not been received. DCI Durrant said that he would provide an update.

20/18. Forward Workplan

People Zones to be added onto the Forward Workplan. The Executive Manager to confirm this had been actioned.

5/19. Terms of Reference

The Committee received a report from the Executive Director proposing an additional area of business for the Committee to address and to include in the Committee's Terms of Reference. A copy of the report marked paper "A" is filed with the minutes.

The Police and Crime Commissioner had requested the Ethics, Integrity and Complaints Committee scrutinise areas of grievances, employment tribunals and disciplinary and performance procedures in Leicestershire Police. As such a revised Terms of Reference were put before the Committee.

The Chair said that this Committee had not previously looked at grievances and tribunals and welcomed the additions to the Terms of Reference.

The Committee APPROVED the revised Terms of Reference.

6/19. Annual Report on the Work of the Committee – September 2017 to September 2018

The Committee received a report from the Executive Director presenting the Annual Report on the work of the Committee for the period September 2017 to September 2018. A copy of the report marked paper 'B' is filed with the minutes.

The Chair stated that his biography on page 10 needed to be updated to take account of his change of role.

The Committee discussed the equality and diversity information on page 11 and the fact that as a small group individuals may be identifiable however they acknowledged that the public needed to know the breakdown of membership.

The Committee discussed the wording of the Dip Sampling section on page 15 and expressed concern over the word "minor" which they felt could be misleading.

The Committee discussed the Ethical Dilemmas within the Annual Report and there were several amendments required which the Chair said he would do.

- Dilemma 1 - required some firming up of words.
- Dilemma 2 – title needed to be amended.
- Dilemmas 3, 4 and 5 – no amendments required.
- Dilemma 6 – some of the wording needs to be changed.
- Dilemmas 7, 8 and 9 – no amendments required.

The Committee AGREED that the Chair consider and feedback on:-

- (a) the Equality and Diversity section and report back on how he wanted this information displayed;
- (b) amend the wording of the dip sampling and ethical dilemmas sections accordingly; and
- (c) draft his foreword for the front of the document.

7/19. Ethical Dilemmas for Discussion

The Committee received a report from the Deputy Chief Constable on Ethical Dilemmas. A copy of the report marked paper 'C' is filed with the minutes.

The following dilemmas were discussed by the Committee:

Appendix A – Safeguarding

A young male child, with no family in England. He is a looked after child and managed by another social care geographical area. He is involved with established gangs in the Metropolitan Police area and is heavily involved in drugs, knives and violence.

He was placed into Leicestershire to safeguard him from this lifestyle however he does not want to sever any ties with these gangs and in a matter of months he has been reported missing 27 times to Leicestershire Police.

He has been found on each occasion down in London. He is actively involved in drug supply. He has befriended a number of girls of similar age from Leicestershire and they too have been reported missing and have been located down in London with this 14 year old and his gang associates. The girls are vulnerable and also looked after children in social care. It is believed that they are being recruited and exploited by the gang but are refusing to disclose any information to Police about their lifestyle. The 14 year old male is pivotal in exposing them to drugs and violence. He will not engage with agencies.

Is he a victim? Or should he be managed as a suspect? How do we manage him? How do we manage the girls and any other future vulnerable people he befriends?

The Committee welcomed the report and discussed the criminal and safeguarding issues. They felt that as the child was likely to become heavily involved with gangs the right thing to do was to try and protect him via active police engagement.

Appendix B – Missing child

A male child repeatedly goes missing. 52 times recorded so far. He has just turned 10 years old but has the mental age of 5yrs old he suffers from ADHD. He does smoke cannabis. He will literally leave his house whilst parents are asleep and wander around at all times of the day and night. He has been found in various parts of the city and will ask strangers for money. Harbours warnings have been issued to anybody he is found in company of. His parents do report him missing each time. Due to his vulnerabilities he is always deemed a high risk Missing from Home and it is resource intensive on each occasion. There is extensive social care involvement. Social care are the lead agency for child safeguarding but it's the Police that have to respond to each and every missing episode.

The Committee welcomed the report and discussed the issue of neglect. They acknowledged that missing from home cases took up a lot of police resources. The Committee agreed that although missing from home was a key part of policing, the issue also required strong partnership working and a better solution for all involved, including the appropriate use of technology.

Appendix C – Child Sexual Exploitation

A 16 year old female is looked after by social care and lives in a residential placement managed by them. She has historically been involved in child sexual exploitation (CSE) which made her high risk as she was often in possession of new clothes, expensive trainers, cash and mobiles. She would never make any disclosures around her activities when away

from home and believes she is fully capable of making decisions and doesn't feel she is at any risk.

Her risk assessment was high when she was suspected of being involved in CSE. One tactic to assist police is to track her mobile phone signal. In the absence of any other information is it appropriate that we use these tactics regularly to locate her?

She has since begun a relationship with a male. She will often stay out overnight and spend time with this male. She is allowed to legally have sex with him and to marry him as she is 16 years old. However she is reported missing if she refuses to answer her phone or return home. She will remain under social care's responsibility until she is 18 years old and an adult.

Is she officially missing if she is with her boyfriend? Is this a breach of her human rights if she chooses to remain in a relationship with this male and stay with him overnight? Should the police deal with her as a missing from home?

The Committee welcomed the report and discussed the female's rights if she chose to remain in a relationship and stay overnight with her boyfriend. The Committee discussed if it was right for the police to deal with her as missing from home given her age. It was explained that Social Services had an on-going obligation to someone who had previously been under their care, even after the age of consent (16) and came to the conclusion that as she had previously been at risk then social services should check to see if her boyfriend was known by the police.

Drink Drive - Tabled during meeting

The Committee considered a report in relation to Chief Officers who would shortly be making a decision as to whether to introduce the 'name and shame' dimension into the NPCC Drink/Drug – Drive Summer Campaign.

The Committee welcomed the report and questioned the proportionality as to whether such a course of action was appropriate. It noted that ethically nobody should be named before they were convicted. Members also queried whether there was any evidence or research which indicated that this would be an effective deterrent. The Committee felt that if someone drove for a living or had a high profile job they might be dissuaded from drink driving by a naming and shaming policy but there was probably little to be gained in doing so if the driver was not well known.

8/19. Complaints Against the Police – Performance Data

The Committee received a report from the Chief Constable providing an update on the Force performance for dealing with public complaints during the period 1 April 2018 to 31 December 2018 (quarter 3). A copy of the report marked paper 'D' is filed with the minutes.

The Committee questioned if statistics within Table 1 were for quarter 3 only or did were they for quarter 1, 2 and 3 altogether. DCI Durrant said he would take this back to the office and check.

The Committee asked if the Force employed any Eastern European staff as this was not shown in the ethnicity of subjects involved in allegations recorded by Leicestershire Police in Table 8. DCI Durrant said he would take this back and check.

The Committee discussed the contents of Table 8. Members asked for further breakdown of "White" and "BME" which was mentioned underneath the table. They felt that both categories needed to be layered further.

DCI Durrant explained that the upcoming change in complaints legislation would probably change lots of reporting and recording criteria. The Committee said that they would require training once the legislation comes into force so that they are prepared for dip sampling files.

ACTION: Check figures in Table 1 – do they relate to just Quarter 3 or Quarters 1, 2 and 3 together.

ACTION: Check ethnicity of subjects involved in allegations to see if any Eastern European staff are employed by the Force.

ACTION: Further breakdown of categories in Table 8 to be provided.

The Committee AGREED to note the contents of the report.

9/19. Dip Sampling of Complaint Files

The Committee received a report from the Chief Constable on the findings from the dip sampling of complaint files carried out on 6 November 2018 and 28 January 2019. A copy of the report marked paper 'E' is filed with the minutes.

The Committee highlighted an error against record number CO/521/17. This error has since been rectified.

The Committee discussed the following cases further:-

CM11/18 – The Committee questioned what guidance was given to supervisors with regards to bringing 3rd parties to a sensitive meeting. A response was provided that as guidance was offered to the officers and no disciplinary action was required, HR did not need to become involved. The Committee noted that in their sectors they would probably have invited HR to assist.

CM13/18 – The Committee raised a question about officers attending an incident without their personal protective equipment. A response was provided confirming that student officers are taught to always wear their protective equipment and that in this instance lessons had been learnt.

CO141/18 – The Committee asked who would be carrying out the monthly auditing of telephone calls within the Contact Management Centre. Superintendent Cordiner said she would discuss this further outside the meeting and report back.

The Committee NOTED the contents of the report.

10/19. Civil Claims

The Committee received a report from the Chief Constable providing information concerning civil claims against the Force as at 15 March 2019. A copy of the report marked paper 'F' is filed with the minutes.

The Committee questioned a paper on civil claims from December meeting, which said that under the Police Reform Act the Police and Crime Commissioner and Chief Constable would consider whether civil proceedings involved or could involve conduct matters. The Committee wondered what the governance was around this, how were issues would be recorded and whether they would be under independent scrutiny.

It was noted that civil claims also included employers' liability and the Committee felt that they had no idea of the scale of claims plus there could be ethical issues.

DCI Durrant responded by confirming that as far as conduct matters arising from civil claims, staff in Professional Standards would identify them and he was confident that these would be assessed appropriately and acted upon.

The Committee noted that the trend in claims had increased, which was a concern.

It was confirmed that decisions made around civil claims are recorded on a decision record and the Committee asked if these were scrutinised. The Executive Manager said she was unsure but would check and report back.

The Committee noted the contents of the report.

11/19. Race, Religion and Belief Group

The Committee received a verbal report from Superintendent Cordiner in relation to the creation of a new internal support group being the Race, Religion and Belief Group. She explained that over the next five years there would be a huge amount of new staff joining the organisation and the Race, Religion and Belief Group would hopefully encourage new staff to talk about “uncomfortable issues” and that it would be helpful to have an independent member from this Committee to sit on the Group.

The Committee asked how often the Group were going to meet and if the same person would need to attend for continuity purposes. Superintendent Cordiner explained that the Group would probably meet every 3 to 4 months and that continuity of the same person would be most helpful.

The Committee agreed to discuss this further outside of the meeting and to report back on whether a member of the Committee would sit on the Group and if so who that would be like to do.

Chairman

2:00 pm – 4:01 pm