

Minutes of a meeting of the Ethics, Integrity and Complaints Committee
held at Police Headquarters, Enderby
at 2:00pm on Friday 15 December 2017

Present

Members:

Mr Cillian Ryan (Chair)
Dr Steven Cammiss
Mrs Karen Chouhan
Mrs Lois Dugmore
Dr Mark Peel
Ms Lynne Richards

Officers:

Mr P Hindson, Chief Executive
Mrs A Perry, Executive Director
Ms S Blair, OPCC Communications Advisor
Mr R Bannister, Deputy Chief Constable
Mr M Tapp, Director of Strategic Communications and Engagement
Mr M Ball, Professional Standards Department
Mr C Brett, EMSOU, Special Branch
Ms L Cordiner, Change Team
Ms L Woodward, Diversity Unit

35/17 Apologies

Apologies were received from Ms Linda James.

36/17 Urgent Business

There were no items of urgent business.

37/17 Declarations of Interest in Items on the Agenda

The Chair invited attendees to make any Declarations of Interest regarding any of the agenda items. No such declarations were made.

38/17 Minutes of the meeting held on 22 September 2017

The minutes of the meeting held on 22 September 2017 were discussed and confirmed as an accurate record with the following amendments:

Various titles given for Lois Dugmore, to be amended to read "Mrs".

32/17 Police Approach to Hate Crime & Terror Attacks

The DCC pointed out that hate crime was not just racially motivated and that hate crime was an incident where the offender demonstrated hostility towards someone based on one of the protected characteristics (race, gender identity, disability, religion, nationality, gender, sexual orientation). This hostility is demonstrated at the time of committing, or immediately before or after committing an offence.

33/17 Child Sexual Exploitation

Mrs Dugmore asked for paragraph three to read "It was harder for ethnic minorities to come forward based on cultural needs and there needs to be greater training with staff around cultural needs and less victim blaming".

Mr Bannister confirmed that a lot of the existing support to victims/adult survivors, social care etc, safeguarding support was in place for adult survivors as for other victims.

Page seven: last but one paragraph Ms Richards asked for *“there was not enough communications around the community not wanting this to take place”* to be changed to read *“there are not enough communications around why a local community want this to take place”*.

39/17 Recruitment, Retention, Progression of the Workforce

The Committee received a written report from the Chief Constable regarding the recruitment, retention, progression and engagement of under-represented groups of the workforce. A copy of the report marked 'A' is filed with these minutes.

Mr Bannister notified the Committee that this report was discussed approximately 12 months ago and he remembered an interesting discussion around S.159 of the Equality Act and he reminded the Committee that their view was then that the Force should be utilising it.

Ms Richards said that it seemed from the narrative in the report that whilst recruitment of female police officers were more likely to be taken up through the recruitment process they were less likely to be gained via a search process. Ms Woodward explained that the search process had the same success rate nationally and that women do not tend to apply to join the police service so they are searched.

Mrs Dugmore asked if an analysis on the protected characteristics could be carried out from HR data as grievances and attraction rates in future reports and Ms Woodward said that this could be produced and that this data was scrutinised quarterly in Force.

Ms Woodward updated that there would be 5 cohorts of officers, 120 in total, recruited in the coming year. She added that in respect of S.159 of the Equality Act a Gold Group had been convened to identify any failure rates. Ms Woodward informed that the last promotion process used balancing measures and the results of this could be seen.

Regarding recruitment Ms Woodward explained that all recruitment was now online and that a lot of applicants drop out during the electronic application form completion stage. Applicants had to fill in competency based questions and an attrition rate was obtained at that stage, which was accessed independently. Ms Woodward explained that the biggest fallout rate for BME candidates was at interview stage which was face-to-face and also at the assessment centre at Ryton which was also face-to-face.

Professor Ryan asked what type of training was provided for interviewers and asked if unconscious biased training was provided. Ms Woodward confirmed that it was and said that interviewers for Leicestershire Police had a three day interview selection course and a part of that was unconscious bias. The Assessors for the search process were National Assessors and Ms Woodward said she assumed that they also did unconscious bias.

Dr Peel commented on a bullet point on page A3 *“to look at the opportunity for direct entry into detective roles. The Met Police had shown that this approach had increased BME representation”*. Dr Peel asked if the Met's experience could be replicated and encouraged Ms Woodward to see if this could work for Leicestershire. Ms Woodward explained that anecdotal evidence was that people who apply for Direct Entry Detectives were more likely to come from a BME background than any other role within the organisation. She added that it was felt that BME families were more encouraging for other roles as they see their children not being put on frontline policing duties and being put in danger and it is also seen as a more cerebral role.

Mrs Dugmore asked about the current position regarding LGBT data as the report states that due to some technical issues data is currently inaccurate. Ms Woodward explained that LGBT data is monitored constantly but there had been a computer glitch which seemed to be throwing out unreliable data.

Mrs Dugmore asked if data regarding Eastern Europeans was broken down further. Ms Woodward confirmed that Eastern Europeans were monitored on an 18+1 category which says "White/European" so is not broken down into further Eastern European countries, in the same way that Gypsy/Travellers was not monitored but that this would be captured after April 2018.

ACTION: Mr Bannister and Ms Woodward to provide statistical breakdown of rank and PCSO success rates and provide LGBT data when the technical glitch was.

The Committee NOTED the contents of the report.

40/17 Prevent and Counter-Terrorism

The Committee received a report on Prevent and Counter-Terrorism from the Chief Constable. A copy of the report marked 'B' is filed with these minutes.

Professor Ryan asked what impact this approach had on community and neighbourhood relationships. He asked if this strategy was having an impact on recruitment. Detective Inspector Brett explained that he did not have any statistics regarding this but he informed the Committee that there were clearly challenges and that misconceptions were regularly challenged.

Ms Woodward notified the Committee that the Force had Independent Advisory Groups for Race IAG, Disability IAG an LGBT IAG and a Religion and Belief IAG was about to be formed.

Mr Bannister tabled the Home Office Statistical bulletin 23/17 "Individuals referred to and supported through the Prevent Programme, April 2015 to March 2016" for information and also an extract entitled "Counter-Terrorist Law in British Universities: A Review of the 'Prevent' Debate".

Mr Peel felt that the report did not have the same rigour as was fed to the Committee during the morning session.

The Committee NOTED the contents of the report.

41/17 Dip Sampling of Complaint Files

The Committee received a written report from the Chief Constable addressing the findings from the dip sampling of complaint files. A copy of the report marked 'C' is filed with these minutes.

Ms Richards said that she was aware that most complainants were given the right to appeal the decision made by Professional Standards, some were not and asked how these decisions were made and if there was a protocol in place.

Mr Ball explained that it was currently a very complicated process which would be changed after the Independent Office of Police Conduct (IOPC) became live on 5 January 2018.

Mr Ryan asked why the IPCC non-referral register was not looked at and those who attended the dip sampling session explained that it was unavailable on the day.

The Committee NOTED the contents of the report.

42/17 Ethical Dilemmas

The Committee received an Ethical Dilemma from the Chief Constable. A copy of the report marked 'D' is filed with the minutes.

Purpose of Report

1. Policing nationally is facing unprecedented changes in funding, increasing demand and new and emerging crimes that are putting significant pressure on resources. Policing, like all public sector services, is funded on a fixed budget basis that changes year on year but takes no real consideration of demand. As such police forces have to work with the resources they have budget for and to attempt to juggle priorities and meet the demands they face with fixed resources. Nationally 41 of the 43 forces have reduced officer numbers. This is now becoming significantly difficult to do and the force needs to consider what services it should prioritise, what it should stop doing and what it can alter its service levels on to try and cope with the priorities.
2. This paper presents a number of ethical questions to the Ethics Committee seeking guidance on making changes that are ethically sound based on the difficult financial circumstances the force faces.
3. It is important to emphasise that the ethical questions and suggestions posed later in this paper merely reflect discussions taking place within the Police Service and beyond. Their presence within this paper should in no way be viewed as an intention or pre-determined decision to progress in this way at this time.

Recommendation

4. To consider the ethical questions posed and to discuss and provide guidance to the force on potential changes that can be ethically made to services.

Background

5. Leicestershire Police has already saved over £37 million from mainly non people costs since austerity began in 2010. There is now a further funding gap to be bridged of £12 million by 2021/22. 83%+ of budgets are spent on people. Non people based budgets are <17% (£26-27 million) and many of these budgets pay for non-adjustable or time based contracts/services such as pensions, insurances, estate costs and IT systems. Savings from non-people based budgets look very difficult to achieve. This will mean that the majority of the savings required are likely to come from a reduction in the people budgets and a reduction in police officers and police staff. In October 2017 the OPCC agreed to allow the force to use £4.6 million of reserves to maintain police officer numbers at current levels of 1782 FTE until April 2019. **Appendix A** shows the budget situation for Leicestershire Police.
6. Demand is also increasing. Both locally and nationally we have seen increases in reported crime (nationally estimated at 13%), increases in historic crime related to sexual offences and child sexual exploitation, new and emerging crimes like online fraud and increases in violent crimes (knife crime) and an increase in murders and reported rapes and other sexual offences.
7. Partner agencies are also facing significant budget cuts, in many cases more severe than those in policing. The City Council is expecting to have only 33-35% of the budget it had in 2010 by 2022. To date the cuts have impacted most significantly on non-people based services (highways, arts, maintenance, libraries, parks etc) but the remaining cuts to services

are most likely to impact significantly on adult and children's services. This will leave significant gaps in safeguarding which will impact on policing as the last emergency service.

8. The over-arching impact of the reduction in police resources, increasing demands and reduced partner service offer means that the force may well have to reduce or significantly alter its service offer. Nationally this has already begun to take place with forces not attending low level, high volume crimes such as bilkings and shoplifting below a fixed amount (£50-100). Leicestershire Police will probably now need to follow this reduction in service offer to cope with the impact of current budget situation which was highlighted at a recent national conference held by demand based consultants Process Evolution who work with over half the UK Police Forces. Process Evolution summarised the state of British Policing as...
 - 5-10% increase in total demand over the last 2 years.
 - Reported increase in volume crime of 13%.
 - Increasing levels of complexity i.e. time at scene increased by 10-15% in last 5 years.
 - Reducing workforce: 41 of 44 forces (incl BTP) are reducing officer numbers (Durham highest reduction, Met least).
 - Drop in performance against standards overall.
 - More single crewing in all forces.
 - Officer utilisation levels significantly increasing (work life balance, overtime up, ability to take leave reducing, increasing stress, increasing mental health issues and sickness levels up)
 - Neighbourhood policing generally made up of what's left rather than what's needed.
9. The following questions are those for which the force would like to test the ethical right to make changes and advice is sought from the Ethics Committee to do so.
10. **Not attending.** Is it ethically acceptable to not attend low risk, low harm, high volume crimes that are unlikely to lead to any form of positive judicial outcome?
11. **Alternative action.** Is it ethical to maximise the full use of alternative outcomes such as out of court disposals in all circumstances when arrest and temporary detention is unlikely to achieve any form of judicial action?
12. **Charging.** Is it ethically acceptable to charge businesses/households/parishes for services above or beyond what the force can afford to offer to all? Examples are crime prevention advice and policing public events.
13. **Safeguarding.** Is it ethically acceptable for the police to reduce its role in safeguarding some vulnerable people based on other partners reducing their roles in the safeguarding arena?
14. **Non-emergency calls.** Is it ethically acceptable for the force to only offer a phone service for non-emergency calls from 8am to 10pm providing that an online reporting process is in place for out of hours reporting?
15. **Focusing on crime.** Is it ethically acceptable that the force should focus its services primarily on crime rather than safeguarding (accepting that safeguarding should be a fully partnership based service provided by multi agency groups)?
16. **Welfare checks.** Is it ethically acceptable to refuse to do welfare checks when another agency may be responsible for the overall wellbeing of the person?
17. **Breach of the peace.** Is it ethically acceptable to refuse to attend potential breach of the peace requests when a family member could assist in supporting?

18. **Social media.** Is it ethically acceptable to not investigate harassment on social media when advising victims to delete or block access to accounts may suffice as suitable means to prevent occurrences?
19. **Low value offences and civil matters.** Is it ethically acceptable to not investigate low value crimes such as shoplifting offences relating to low value goods and alleged matters which may be civil rather than criminal (when claims of criminal damage could be below £100)?
20. **EMAS escorts.** The police are often asked to attend with EMAS crews to potentially volatile situations. Often there appears to be little or no reason for the police attendance. Is it ethically acceptable to not escort EMAS based on revised criteria for risk based on Police assessments and rules?
21. **Missing from home.** Is it ethically acceptable to reduce our service offer to children's homes and other institutions when the children's home could and probably should take more responsibility for their children in care?
22. **Mental Health Act.** On 11 December 2017 the MHA changes and detainees will need to go to a non-police place of safety. This may require officers to transport and await the receiving organisation to accept the detainee. Is it ethically acceptable to make this process as quick as possible and of minimal bureaucracy to ensure officers can return to patrol duties quickly?

In some areas the Committee felt that they needed more information before they could comment or make a decision as they felt that they did not know enough about the strategy, information gathering, did not understand the process which had suggested these areas, do not have any risk assessments available and it was not this Committee's role to say what the police should or should not be doing.

The following comments were made:-

10 Not attending.

The Committee felt it was ethically acceptable, with the word 'ever' inserted.

12 Charging.

The Committee felt it was ethically acceptable to charge businesses / households / parishes for services above or beyond what the Force can afford to offer. They felt there should be a fixed cost and funds to be used elsewhere. However, one Committee member felt that access to justice and should not be able to buy it.

13 Safeguarding.

The Committee felt it was ethically acceptable for the police to reduce its role in safeguarding some vulnerable people based on other partners reducing their roles in the safeguarding arena and questioned who would carry out this role instead. They felt that this decision should be made at a partnership level.

14 Non-emergency calls.

The Committee felt that it was ethically acceptable for the Force to only offer a phone service for non-emergency calls from 8am to 10pm providing that an online reporting process was in place for out of hours reporting.

16 Welfare checks.

The Committee felt that they did not know enough information regarding other organisations carrying out welfare checks.

17 Breach of the peace.

This is the core duty of the police.

18 Social media.

The Committee discussed not investigating harassment on social media when a victim has been advised to delete or block access to accounts. They felt there was an element of difficulty considering that a victim might have failed to protect themselves in the first instance and that this is not the responsibility of the police.

The Committee NOTED the contents of the report.

On behalf of the Committee the Chair acknowledged that this was Mr Bannister's last meeting due to his impending retirement, thanked him for his contribution and gave their wishes for the future

Chair

2:00 pm – 4:05 pm