

Item 9

**Report of the Chief Constable to the Chair and Members of the Audit Committee**

**14th December 2017**

**Executive Officer: Mr Iain Spittal, Chief Constable**

**Status: For Information**

**Cleveland Police Ethics Committees**

1. **Purpose**
   1. The purpose of the Report is to update Members on the work of the Force Ethics Committees.
2. **Recommendations**

2.1 It is recommended that Members note the content of the Report.

1. **Reasons**
   1. An explicit commitment to integrity is essential to the legitimacy of policing; legitimacy being one of the areas inspected by HMIC. Our behaviour, actions and decisions must always consider public interest. We value public trust and confidence in policing as an institution, and to earn this we need to be open to scrutiny and transparent. We recognise also that professional ethics is far broader than integrity alone. It incorporates the requirement to give an account of one’s judgements, acts and omissions. In simple terms it is not only about doing the right deed but also about doing it for the right reason.
   2. In recent years the actions of a small number of Police Officers and staff has led to a heightened focus on the integrity of them and their Forces. The College of Policing published the Code of Ethics in 2014 which Forces are continuing to embed.
   3. One of the measures taken by a number of Forces, to be more transparent and demonstrate their commitment to integrity, is the introduction of Ethics committees. The remit of an Ethics Committee is to *promote the highest standards of ethical conduct, providing a focus for education into ethical issues, a source of support for others and ensuring compliance with organisational values.*
   4. The development of Ethics Committees was conducted by a ‘Proof of Concept’ Group consisting of eight Forces led by Ex-Chief Constable Jacqui Cheer. These Forces were: Cleveland Police, Durham Constabulary, Essex Police, Greater Manchester Police, Northamptonshire Police, South Yorkshire Police, Staffordshire

Police and Wiltshire Police. Chief Constable, Iain Spittal is now the NPCC Lead for Professional Ethics.

* 1. Ethics Committees offer an opportunity for the Police Service to develop a structured environment in which to discuss and debate some of the most difficult and contentious issues we face. They have the potential to improve and strengthen the delivery of policing services to the public and to be seen to be taking the recent integrity challenges seriously. Ethics Committees are advisory groups and not decision-making bodies; and can examine historic and current issues as well as future matters. They may be asked to advise on live operations or events, or examine a decision maker’s application of the National Decision Model (NDM). Their remit is to discuss and provide advice about ethical issues not just to scrutinise the application of policy and procedure. This Committee adds value and provide something in addition to the current audit and scrutiny processes.
  2. Cleveland Police were the first Force to implement an Ethics Committee and they held their first meeting in December 2013. The Committee is currently chaired by the Chief Constable, Iain Spittal. The internal Ethics Committee consists of post holders so, as individuals in specific roles change, so does the representative.
  3. The membership of the Committee also includes our Strategic Partnership Director (SopraSteria), the Chief of Staff for the Office of the Police and Crime Commissioner (OPCC), the Force Chaplain, and further volunteer members from the wider organisations, to make 21 members in total.
  4. The Group meets four times per year to consider papers which have been submitted, as well as scrutinising Chief Officer expenses, gifts, gratuities and hospitality. There is also the capability to pull the Group together at short notice to consider time-critical issues.
  5. Cleveland Police has an intranet site which promotes the work of the Group and identifies the members, so that officers can easily access advice and guidance on ethical issues. In line with ‘openness and transparency’ all submissions and the corresponding advice is published on the intranet site.
  6. In addition to the Internal Ethics Committee, an external independent Ethics Committee exists in collaboration with Durham Constabulary. The Committee was formed in May 2014 and is a key contributor to maintaining and improving trust and confidence in the two organisations.
  7. Chief Officers in Cleveland and Durham are operating in an increasingly complex business environment as well as an operationally challenging one. We hope the skills and experiences of our Committee Members can enrich the decision-making of senior leaders within Cleveland and Durham and improve our transparency for the benefit of the communities we serve.
  8. The remit of the External Ethics Committee is to promote the highest standards of ethical conduct, providing a focus for education into ethical issues, a source of support for others and ensuring compliance with organisational values.
  9. The Committee will ensure senior leaders are aligned to these values and the Code of Ethics, through scrutinising, challenging and advising the organisations in areas such as:
* Leadership
* Police culture
* Complex operational decision-making
* Theses of national significance
* Strategic influence
* Development and management of resources and estate.
  1. In recent months the OPCC has taken on the responsibility for administering the External Ethics Committee. This is to allow for greater independence for the Committee in general.

1. **Implications**
   1. Finance

There are no financial implications arising from the content of this report.

* 1. Diversity and Equal Opportunities

There are no diversity or equal opportunity implications arising from the content of this report.

* 1. Human Rights Act

There are no Human Rights Act implications arising from the content of this report.

* 1. Sustainability

There are no sustainability implications arising from this report.

* 1. Risk

There are no risk implications arising from the content of this report.

1. **Conclusions**
   1. The Force continues to develop its work around the promotion of ethical behaviour using the principles from the Code of Ethics and further use of Ethics Committees to give recommendations based on the ethical dilemmas considered.

**Iain Spittal**

**Chief Constable**

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| **Childcare and flexible working patterns** | 10/01/18 | The External Committee states this issue cannot be fully defined by policy and each case should be approached on an individual basis.  All requests for a change to working patterns should meet operational requirements. Discussions should address all factors which may affect operational efficiency which in some cases may include childcare.  However the Force has no ethical mandate to determine the appropriateness of childcare arrangements. The domestic provisions of individual officers are their sole responsibility and should not be subject to scrutiny at work.  Nevertheless officers should be encouraged to discuss with line managers any life balance issues which may suggest  an alternative working pattern. The Internal Committee was in agreement that decisions on the appropriateness of childcare was a parental one and the well being agenda and flexible working are supported as per policy. |
| **Professional Boundaries and Abuse of authority** | 10/01/17 | Both internal and external Committee agreed on the essential nature of the policy. DI Hunt is to circulate the Cleveland guidance for all staff. |
| **Charity Logos and advertising on Police Vehicles** | 21/03/17 | The Internal Committee highlighted that undoubtedly we support good work done by charities and that we always want to prevent offences and exploitation. There must be a consideration on the impact if someone contacts a charity but may be making admissions of an offence in doing so. Also it is right to discuss the prioritisation of one charity over another. The submitting officer thanked the group for their thoughts as a starting point for their research.  Discussed by the Cleveland and Durham External Ethics Committee on Wednesday 5 April, 2017.  Following this discussion the Committee were happy in principle to support charity logos on Police vehicles, subject to considerations by the Force and Charity that funding is not disproportionate and that it is demonstrated to be effective.  Additionally, the Committee wanted any hidden consequences of this contact method to be fully risk assessed taking into account the individuals and groups of people that the charity are trying to reach. The discussion also included the issue of fairness and suggested that the Force may want to consider a rolling programme to support other national or local charities in the same way. |
| **Ethics of businesses we engage with** | 21/03/17 | The internal committee saw two types of engagement. The formal procurement process and the less formal 'support' of businesses perhaps by uniformed officers attending retail stores where there had been links to previous criminality. Within the current procurement process ethics of a business are considered. It was clear that where there was any current links to criminality then businesses should not be supported even informally, however there was also the expectation of rehabilitation, and links to previous crime can't be held against a business owner for an indefinite period of time. It should be part of the policing process to aid rehabilitation once convictions are spent.  Discussed by the Cleveland and Durham External Ethics Committee on Wednesday 5 April, 2017.  It was recognised that this issue covered two types of interaction.  Firstly, those formal arrangements through which the police purchase services via a tendering arrangement.  In this situation the procurement process would normally include some degree of ethical consideration.  However, the Committee were interested in the level of weighting given to these ethical considerations compared with other considerations such as cost.  It was also considered that ad hoc/informal arrangements for services provided to the organisation and its members should mirror those of the formal procurement process; the ethics of a supplier organisation should then be recognised through the weightings applied during assessment of suitability. |
| **Accepting Alcohol as a gift** | 21/03/2017 | This was passed to the EEC at the request of the internal committee as it was identified that alcohol had been accepted previously where this should not have happened although giving alcohol as a gift outside of policing is a common place occurrence.   Discussed by the Cleveland and Durham External Ethics Committee on Wednesday 5 April, 2017. It was considered that there was no ethical reason why this policy could not be amended to include the acceptance of alcohol as a gift, but it was considered that this should be subject to a suitable monetary limit, presumably set at the same level as for other gifts.                              Having subsequently considered the EEC's recommendations within their decision making it was initially decided acceptance of alcohol should remain.A further review prompted a change of policy and acceptance of the EEC’s initial recommendation in line with other gifts. |
| **WellFit initaitive** |  | The principles of the proposal were supported by the Internal Ethics Committee in recognising the benefits of physical and mental wellbeing. There was a concern that unless the selection of a trainer was opened to the wider staff then it could be perceived as unfair. The proposal was further referred to the External Ethics Committee that will meet in early July. The EEC met on 5th July and then made the following observations and recommendations. A key ethical issue discussed at the Internal Ethics Committee had been resolved by the time this was discussed at the EEC (opening up the selection of a suitable trainer across all staff). The only remaining issue was one of access and, given the limited places available on the programme, the Committee felt that it would be appropriate for members of the service to be referred, for instance as part of a return to work regime, rather than opening the programme up to all members of staff. |
| **Blue Lyke Walk** |  | Accepting these goods does not create any conflict or ethical issue. The message needs to be clear that the organisations that are giving services or goods to the participants are actually supporting them doing a charitable action and are therefore facilitating a charitable action, so the charity are the beneficiaries and not Cleveland Police staff. There needs to be a Communications strategy with the message sent out regarding the event along the lines of thanking people for supporting the charity as opposed to advertising / endorsing their businesses. Many companies make donations to charity or have community or social responsibility funds. There is no ethical issue in that officers are completing this difficult event in their own time and for no personal gain and should be supported. There is the benefit of reputational gain for both Cleveland Police and the contributing businesses. When officers approach businesses it should be done with a standard professional approach and explaining that it won’t lead to future endorsement and is to support a charity, not Cleveland Police or its staff. T/Insp Spencer to liaise with Corporate Communications re the above recommendations. |
| **Sponsorship of Force Football Team kit** | 05/07/2017 | External committee discussed on 05.07.17 and state: There was a view that the value of the sponsorship was important in considering the ethical aspects of this referral. It was estimated that for the purposes of this submission the value would be approximately £200-£250.  There was some difference of opinion within the Committee over the ethical issues relating to sponsorship of the Police in general, with the majority view being that sponsorship should be acceptable provided the sponsor could demonstrate their ethical credentials and provided there were no other contractual links between the sponsor and the police.  There was a strong opinion that the Force needed to be able to demonstrate its impartiality within the community and the Committee’s preference was that any sponsorship should clearly not be viewed as the Police endorsing a particular company or organisation. It was suggested that, given these caveats, requesting a donation or grant could be a more appropriate solution for the organisation than seeking sponsorship. |