



Cleveland Independent External Ethics Committee

Minutes

Date: 19 October 2021

Time: 16:30

Venue: Cleveland Police Central HQ

Attendees:

Name	Role
Dave Smith	Committee Chair
Craig Marshall	Committee Member
Richard Smith	Committee Member
Khan Hanif	Committee Member
Georgina Fletcher	Committee Member
Kim Stewart	Committee Member
Stuart Green	Committee Member
Ian Arundale	Deputy Chief Constable – Cleveland Police
John Dodsworth	Inspector, DSE – Cleveland Police
Neal Gilson	Sgt, Ethics Lead, DSE - Cleveland Police
Jenni Salkeld	EDI Manager – Cleveland OPCC
Elise Pout	Standards and Scrutiny Manager – Cleveland OPCC

Apologies:

Name	Role
Tresor Bukasa	Committee Member
Rachelle Kipling	Temporary Assistant Chief Executive – Cleveland OPCC

No.	Discussed	Outcome/Decision/ Attachment
1	Welcome & Introduction DS welcomed everyone to the meeting and started with a round of introductions. DS gave an apology to the group for the papers not arriving within the timescales normally set. He explained the situation in terms of the current capacity within the OPCC team due to several vacancies which are in the process of being filled.	

	<p>It was explained that the meeting was being voice recorded to facilitate the minute taking. It was hoped that by the next meeting additional capacity will be in place to support the work of the Committee.</p> <p>DS highlighted that the Committee still does not have a vice chair and members may be contacted for additional support.</p> <p>DS advised those members joining online to keep microphones muted when not speaking, use the 'raise hand' and chat functions, and to challenge the use of acronyms.</p>	
2	<p>Apologies for Absence</p> <p>Apologies for absence were received from Tresor Bukasa</p>	
3	<p>Declarations of Conflicts of Interest</p> <p>DS declared his interest as being a member of the Internal Ethics and Standards Board. However, no meetings had been held recently.</p> <p>Members were reminded to declare any declarations of interests at any points throughout the meeting.</p> <p>It was noted that all external lay members have signed a confidentiality agreement and the matters discussed within this meeting are protected by that agreement.</p>	
4	<p>Minutes of the Previous Meeting and Matters Arising</p> <p>The chair highlighted some important updates that were not covered under item 5 of the agenda including:</p> <p>Chief Constable Recruitment</p> <p>DCC Arundale provided an update from a force perspective including the fact that the application window had closed, and they were expecting a competition. However, the force does not know what that means in terms of applicants and timescales as the process rests with the OPCC.</p> <p>EP confirmed that shortlisting will take place on 29 October with interviews taking place on 10 and 11 November 2021. The interview will consist of internal and external stakeholder panels where questions will be put to the candidates followed by an interview panel that will consist of the PCC, representative from the College of Policing, representative from the Fire Service and an independent member who is the Chief Executive of Hartlepool Council. After the interview process a report will be taken to the Police and Crime Panel by the PCC who will be asked to ratify the decision of the appointment panel.</p> <p>DS confirmed that he has been asked to sit on the external</p>	

stakeholder panel on behalf of the Committee. He asked members of the committee to send him any questions that they would like to be put to candidates.

DCC Arundale confirmed that the existing Chief Constables' tenure comes to an end on 15 December with his last day in the building – possibly being 17 November.

Police & Crime Plan Update

DS asked if a copy of the presentation from the last meeting in relation to the Police and Crime Plan could be circulated to the Committee.

EP updated that the Police and Crime Plan will go to the Police and Crime Panel meeting in November for approval and that the final version would be shared with the Committee once complete.

Update on the Youth Ethics Group (YEG)

DS updated the Committee in relation to the rationale for the establishment of the YEG which was to obtain the views of young people, other than those sitting on the Committee, about ethical issues that have been identified.

JS has worked with Leaders Unlocked to develop a youth commission and as part of that developed a youth ethics group. A daylong conference was held at Middlesbrough Police Station which was very successful. DS attended along with the PCC. A presentation was delivered by DS and IH to generate interest in joining the youth ethics committee. Subsequently around 10 people have confirmed their interest and the first meeting was held w/c 11 October. The first meeting was a success, although it was felt there was some further work to do to make it even more successful in the future. The young people were engaged and keen to give their views on issues. This ensures that the Force have access to the views of another demographic wider than the ones represented at the main Committee.

RS asked how the views of the young person's committee will feed into this committee as concerns were previously raised around the care needed in relation to a lack of experience and the need to understand the views of a wider group and not just individuals.

JS advised she had not seen the notes from that meeting yet but recognised this was something that needed to be discussed with Kaytea from Leaders Unlocked. It was important that it was acknowledged that the views expressed were based on those in the room and not wider young people. It is important to ensure discussions are had in relation to how the groups can learn from each other, especially if the 2 groups look at the same dilemmas.

JD suggested an item on the IEC agenda following each meeting of the youth ethics committee to feed back to the IEC as to what perceptions were, and what was discussed, to assist everyone in understanding

	<p>the perceptions of others and to reflect on their thoughts and feelings.</p> <p>JD further advised that young people discussed the Thames Valley papers in terms of the right to protest and there was some interesting discussion. One young Committee member was a law student and was aghast that police officers could not march through town.</p> <p>RS highlighted the obviously gap in youth representation on the committee and that doing it this way is the right way as one 16-year-old on the panel would not reflect the wider views of young people in the Force area. He stated that it is essential to show that different demographic views are taken on board here and it is imperative that we capture their perspectives formally too.</p> <p>DS highlighted that in terms of process there will be a joint triage meeting that would plan both meetings at the same time. This will also allow planning in relation to feedback to both meetings, to ensure synergy and learning from one another. This was acknowledged as important.</p>	
5	<p>Updates and Matters Arising</p> <p>DS highlighted that members will have received in their pack a diagram that has been put together due to an issue in relation to gratuities. The decision-making tree sets out DS's thinking in terms of the offer of gifts.</p> <p>The panel were presented with a real-life case in which a police officer and 5 of his colleagues had been offered a meal at a local hotel and it turns out a member of staff at the local hotel is a partner of the police officer. Is this ethical or not?</p> <p>Does the offer relate to a particularly outstanding police work – Yes/No</p> <p>Is it available to all? - Yes/No</p> <p>Can it be allocated in a fair and equal fashion - Yes/No</p> <p>If no to the above, then the gift should be declined. DS asked if anyone had any questions in relation to the decision-making tree.</p> <p>CM commented that it was an excellent diagram.</p> <p>GF agreed it was a very clear diagram and wondered whether there would/should be any additional guidance around how things should be shared for example – Christmas raffle – otherwise there is a pathway which makes it equitably available to colleagues with no process.</p> <p>DS opened the response up to Police colleagues as to whether there are fair and equitable ways of allocating limited gifts. If there is no equitable and fair way, then they say no.</p> <p>CM highlighted that this issue had been discussed a number of times</p>	

<p>in the past and the diagram is excellent and very clear but in previous discussions the challenge has been defining words like outstanding, appropriate, proportionate – how are those decisions made and who makes them – that’s the issue here.</p> <p>DS clarified that that is not the group’s decision to make and Force leaders need to set those standards.</p> <p>JD highlighted that anyone going through the process should be guided by the national decision-making model, the Code of Ethics and the police standards and that these should be the underpinning factors, along with the force values and behaviours, of what is expected. Those are what would guide what is appropriate what are proportionate and there is also the gifts and hospitality guidance too.</p> <p>DCC Arundale highlighted that these issues pop up all the time and relate to the public confidence issues and we need to identify whether a decision will enhance or detract. Quite often it comes down to how this looks, how it feels, and it is a difficult balance to strike; it’s not an easy task as the consequences can be significant for public trust and confidence when we get it wrong.</p> <p>DS agreed in terms of the public perception / public confidence issue being a significant one. Another issue is around outstanding work as there will be some police staff and officers whose work precludes them from doing publicly recognised outstanding pieces of work. Office workers or those working in situations where they are not likely to get members of the public saying that they have done a fantastic piece of work – they are not in that position so that is unfair to begin with and they are disproportionately affected by that.</p> <p>KH added, that in his previous work in Citizens Advice people used to bring small gifts of appreciation for himself and his colleagues. If it was flowers or chocolate then we could take it, most used to share in the office.</p> <p>DS said it was a sensible approach in a small office but more difficult across the police service.</p> <p>The importance of recognition was agreed.</p> <p>Lions Tickets</p> <p>In relation to this item a formal submission had not been received as it was added to the agenda outside of the triage process.</p> <p>DS advised he has spoken with the PCC who was expecting this to be discussed within the meeting.</p> <p>JD and JS highlighted that a submission form had been requested, but not supplied however JS, JD and EP would be able to provide a verbal summary if the group deemed that suitable in the absence of a written submission.</p>	
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<p>EP highlighted that the PCC had been to an event run by Teesside Lions basketball club who wanted to provide some family tickets. This is something that the OPCC is not involved with and is not something that the PCC has paid for. It is purely the PCCs links with the club that made them want to offer tickets to the Force. EP asked whether the force wished to submit a submission on the correct template given this was an offer to Cleveland Police to consider.</p> <p>DS advised that the PCC had not encouraged this and had been approached by the basketball team with the offer. This fitted with his desire to improve wellbeing of police officers so was pleased to receive the offer, however it did not come at his instigation. The question that we have is:</p> <p>Do we feel we want to discuss this without the paperwork?</p> <p>Is it enough to know in this circumstance that an organisation has offered the police, albeit through the PCCs office, family tickets to basketball matches – not sure of frequency?</p> <p>It is a gift and a gratuity, and it is understood that one officer and his family have been already. We are being asked now, is this ethical and are there any other ethical considerations for us here. It fits within the gifts and gratuity tree but there may be more nuance to it that we may wish to defer until we have more details. If we don't discuss it and provide a view it may go ahead anyway.</p> <p>DS opened it up for any views. Panel members agreed to discuss this item.</p> <p>Question: Are there any ethical considerations for the panel to consider when a gift of family tickets to basketball games have been offered to Cleveland Police through OPCC?</p> <p>If you look at the decision-making diagram, this is not for an outstanding piece of work and so fits on the right side of the column. Is it a gift or gratuity available to all? NO – It is something that is not generally available to all.</p> <p>Can it be allocated in a fair and equitable fashion?</p> <p>The question is what measures would the police force use in deciding whether it could be allocated in a fair and equitable way?</p> <p>Public and workforce perception was identified as a key criterion to consider.</p> <p>It was considered that this could be done in a variety of ways. It was suggested by RS that the decision maker needs to be clarified: can the PCC / PCC's office determine, as the voice of the public and an elected position, what can be offered or does the police force need to make these assessments.</p> <p>DS highlighted possible issues around favouritism in the way this gift</p>	
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	<p>has been handled so far, which he noted as concerning.</p> <p>One suggestion as to how it could be allocated fairly and equitably would be through the PCC's office coming up with some sort of criteria and identifying officers based on that criterion. For example, officers injured in the course of their duty.</p> <p>It was agreed to make sure whatever the route it needs to be tested to be appropriate and proportionate to avoid any comeback and to have a quick pathway due to the possibility of a tight timescale. Members suggested that clarifying the pathways and rationales for them would lead to establishing some clearer organisational practice.</p> <p>RS suggested that could be allocated to officers who have been assaulted - and their family.</p> <p>Availability for the tickets to be posted in the police communications group on a first come first serve basis was also suggested. However, concerns were raised as it could be unfair because some could be unable to access the post due to duty rotas/annual leave/ time off work, etc.</p> <p>JS observed that if gifts of this nature are used to improve wellbeing for officers who have been assaulted then there are colleagues who are not police officers or directly employed by Cleveland Police who often experience assaults, such as Mitie employed detention officers. It was agreed that all officers harmed whilst providing services to the community on behalf of Cleveland Police should be included in the reward and recognition activities if this is the criteria selected – regardless of role / direct employer.</p> <p>It was summarised that the Gift and Gratuities decision making tree can be used effectively as a guide for this matter. Using the tree members agreed that tickets being offered for the basketball games are not available to all. However, they can be allocated in a fair and equitable fashion and several suggestions on how to allocate these limited tickets had been made. The Committee encouraged the Force and OPCC to explore the equitable allocation of the tickets further outside of this meeting.</p> <p>CPD Session update/Discussion of post-meeting surveys</p> <p>JS gave an update to the attendees on the action plan in which she informed the group that her focus is to prioritise and review the time scales for planned development work. This is due to a vacancy in the EDI team, and the planned changes to the Operational Ethics Lead role (JD moving on and NG currently settling into the role).</p> <p>It was agreed that the development action plan be brought back to the next meeting for a review once updated. Related to this JS asked the Committee if they would be happy to change the frequency of the post meeting questionnaire to become an annual questionnaire. The Committee agreed they were happy to do so.</p>	
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	<p>Annual Report update</p> <p>JD informed the Committee that a position paper is in development. He also let the Committee know that last year an additional report was submitted that included the impact of recommendations resulting from work that the IEC had influenced. He reported back that this was a success to the Committee. This year it has not been a standard reporting item and he feels it is something that needs to be given some key consideration because if a report on ethical issues just based upon the work of DSE alone that will not provide the full picture of the ethical work that takes place within the force or within the OPCC.</p> <p>IA and JD suggested that the Audit Committee report should be a joint report. DS agreed...</p> <p>Right to Protest update</p> <p>JD informed the Committee regarding his communication with Steve Smith (the Force lawyer) and how human rights matter. The youth ethics committee, like the IEC, discuss topics and then decide on recommendations. He mentioned it is important to receive these views and points raised by each group as it plays a huge part in decision making. Regarding the right to protest, John added, the Force are seeking guidance from people to inform decision making. Having consistency on the decisions that officers are making is essential to avoid misunderstanding. Inconsistency will undermine the model. Further updates to be made on this at the next meeting.</p> <p>DS summarised the discussion so far on this topic noting that it is a very difficult and complex issue, and that the Force will continue to seek guidance nationally and will report back in the future.</p> <p>Recruitment</p> <p>DS informed the group he has received emails from 3 individuals expressing an interest in becoming members of the Ethic Committee. He let the group know he has spoken to all 3 and they seem to be keen to join. There are dates in the diary for a meeting with all 3 of these individuals. DS informed the group they all seem to have backgrounds and life experiences that will be beneficial and fit within the group. He will be keeping the panel members updated on this process.</p>	
<p>6</p> <p>1)</p> <p>2)</p>	<p>Submissions</p> <p>Raising Ethical Concerns in Relation to a Partner</p> <p>There is ongoing regional discussion about how different personal relationships create personal and professional ethical conflicts for officers. It was mentioned to the panel members that this is a piece of work that has been taken to the regional meeting and will be brought back with further details to the next IEC meeting.</p> <p>New OPCC Complaints Model</p>	

<p>DS started by making sure the panel members have seen the submission and understand the changes between the previous model and the new model that the OPCC and Force are moving to, which they all agreed they had. EP talked the panel members through the presentation she put together. EP informed the group that nationally there are 3 models for dealing with complaints and under each review there is a process. The decision as to which model is adopted rests with the PCC.</p> <p>When the new PCC was elected, he was given the opportunity to decide on the operating model for complaints. So, in terms of what is available to him as per the Police and Crime Act 2020 there are 3 models.</p> <p>Model 1 - Receiving and making initial contact with a complainant, handling complaints outside schedule 3, keeping complainants informed, investigating complaints, complaint reviews.</p> <p>Model 2 - Reviews, receive and make initial contact with the complainant, handle complaints outside of schedule 3, police keep interested parties and complaints involved. Also responsible for investigating complaints.</p> <p>Model 3 – OPCC responsible for receiving and making initial contact with the complainant, handling complaints outside of schedule 3, service recovering complainant, keeping complainant’s and interested parties informed, managing the appeals.</p> <p>EP informed the panel members the PCC would like to improve the powers of this and has picked Model 3. She let the group know we had a hybrid model outside the framework which meant members of staff who were responsible for triage training were having to deal with the complaints side which wasn’t effective. So, this gave the PCC the opportunity to have more resources in the team. It was mentioned the OPCC have worked very closely with the force to create a working group which has been successful and documents for a business case have been produced alongside other important work.</p> <p>In terms of timescales, the OPCC have been working towards this since June and are hoping to implement/go live in January 2022, so recruitment has been in progress. There will in total be 6 resolution team advisors and they will sit under the resolution team leader, Hazel, who is the senior complaints handler within the OPCC.</p> <p>In terms of the resolution team, EP informed the panel members the PCC was keen to call the team ‘Resolution Team’. The main point of the team will be the first point of contact for all complainants. They will deal with and resolve police complaints and case work in a timely manner. They will deal with complaints and do what is right in individual circumstances. If they cannot service recover the complaint it will go through to the Force to be investigated and recorded.</p> <p>In terms of reviews EP updated the panel members that the OPCC are looking to have an independent complaint adjudicator.</p>	
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IA stated that the Force fully respect the Commissioner's decision and the work the OPCC, and the new approach will be carried out. IA indicated that the Forces' main concern is the role of the OPCC in updating complainants. From his experience he feels it works best for the person dealing with the complaint to be updating the individual to avoid misunderstanding. A significant issue raised by the Committee members was the importance of gaining a positive relationship with the complainant.

Key risks identified by the Committee were: staff in both teams could be limited in their abilities to carry out their roles effectively if collaboration is not effective. Further, there is a risk of relationship breakdown between the Force and OPCC complaints teams where consensus and compromise can't be achieved in contentious cases.

JD pointed out that from his perspective and his experience within DSE, staff dealing with the complainant create positive relationships and perceptions with people who had lost trust in the police and officers – he felt the new approach might reduce the opportunity to build those bridges again.

JS agreed but pointed out that on the other side of this, from her perspective and her experience within the EDI team and collaborating with the Community Safety Team, when engaging with minority ethnicity communities who will not engage with the Force there is great relief and enthusiasm when they learn that someone from the OPCC manages the complaints system. This is seen to be much more accessible and a fairer service for marginalised communities and individuals.

The Committee observed that re-building the police-to-community trust is a critical part of complaints handling. There is a balance to be struck; for some there will be a missed opportunity to engage and re-establish trust directly with the Force and others who feel more marginalised from the Police will be more likely to develop that trust over a longer period through the OPCC.

DS highlighted that we must be clear that the police and ourselves need to recognise that this is a decision that has been made. We are not here talking about the ethical aspects of should you or shouldn't you make this decision. The PCC has made this decision, as is his right to do, and he did ask for views prior to doing that. What we are interested in here is whether there are any ethical issues still surrounding the implementation that both organisations need to consider and actively address in order to mitigate any negative impacts.

CM - The primary ethical issue in relation to this one that has already been addressed in relation to independence which is a very important issue. Essentially, we need to try and square the circle because we want independent judgement of the police – but who is going to do the job as it's only the police who can really do the job and how you square that circle, I think is really difficult. On a practical level, as

opposed to ethical issues, CM noted that he and DS had sat on the Complaints Scrutiny Panel which considered a whole range of complaints against the police over the last couple of years.

Summary from DS – **There are benefits from the existing system; individual point of contact, SPOCs, and the sense of resolution that the force can get through good piece of work, but there is still the importance of legitimacy gained through an independent view and if that was not important, then why would there be the Independent Office of Police Complaints. At some stage you must have an independent view and accept that.**

Complaints can be a useful thing. Complaints are what organisations should use to help develop good practice. They provide feedback from the public and it tells you what you need to do. Protocol needs to be in place to ensure that learning from complaints doesn't get stuck in the PCC's office. Learning must still feed into the force to promote learning and organisational change.

EP noted that she has been responsible doing the reviews for a couple of years. She has spoken to people who have been in the system and had their complaint dealt with but when you say you are not from the police and you have never been in the police you can hear their attitude change. She thinks that's what this team will bring at the front end.

In terms of improvements and measuring impacts, EP informed the IEC that the OPCC will be delivering a survey to keep on track and up to date.

EP informed the group she has put together a diagram to help people to learn from their mistakes and which she will be sending out to the IEC members once the meeting has finished. This includes service recovery lessons and lessons that went into schedule 3 for the higher level.

DS suggested that it will be crucial to set up a series of meetings to address any difficulties, and not to wait for a problem to arise. He questioned what is the process/place where these discussions are taking place between the OPCC and the Force?

EP highlighted her working group, and that they are in a phase where they are in the process of testing out the model. Working with the office manager to go through all the processes and working through all the details.

DS summarised the view as a committee noting that there has to be recognition that there are positives and negatives in all the models., He noted that for any of the models to work effectively the OPCC will need to work with the Force to proactively avoid the negatives and avoid any waste of resources.

The Committee requested that, when the review is undertaken any ethical issues identified are brought back to the IEC.

3)

Recording of Non-Crime Hate Incidents

CM re-visited his papers and reminded the Committee of the discussion on the issues back in September 2020. He briefed the group on the Harry Miller appeal against the College of Policing. His submission revisits this whilst the court are considering their verdict. The specific issues raised; Harry Miller appeal raises the prospect that ethical scrutiny may be appropriate to the guidelines provided to Forces by the College of Policing.

When discussing recording of Hate Incidents there is a compelling argument in the support of the police compiling intelligence to understand community tensions and for the purpose of crime prevention.

DS summarised – Just to be clear, what you are asking; is it ethical for the police to retain information on individuals that haven't committed a crime in relation to their views, when their views are regarded as hateful or harmful.

GF – if someone has been recorded as the perpetrator of a non-crime/hate incident and has a DBS check will that be disclosed at all levels or only on enhanced levels?

IA stated that the guidance in relation to recording of non-crime hate incidents does refer to the DBS checks. This is where you must show the relevance test and proportionality test. Must be relevant and proportionate.

DS summarised very briefly and questioned the process within Cleveland for ensuring that those decisions to record are based upon that motivational aspect of hatefulness?

JD – if a public body was fully aware that somebody held some deep biases or prejudices against people with a characteristic and chose to employ them still, they could be risking exposing service users with that protected characteristic to unlawful discriminatory treatment. Depending on how sensitive a role is, that kind of intelligence could be essential to protecting the rights of those they serve. The Force's role is the preservation of life and the preservation of public order. Hate incidents can act as early warning signs of rising tensions and enable prevention. For example, how would we feel if we learnt that someone was seriously harmed or killed, and that police had been given intelligence that the perpetrator was behaving in a threatening and hateful way but the Force did not record or act on that information as the behaviour had not yet become criminal.

DS summarised that members did not see problems regarding the hate crime element. As long as there is clarity and consistency in what is recorded as a hate incident then the IEC do not have any problems with the recordings if it is useful to protect lives (as JD described) there are, however, possible consequences of recording that information. including an impact on the freedom of expression.

7.	Any Other Business N/A	
8.	Upcoming Meeting Dates Tuesday 7 th December 2021, 4pm – 6:30pm	