



**MINUTES OF THE JOINT INDEPENDENT AUDIT and ETHICS COMMITTEE  
(WEST YORKSHIRE COMBINED AUTHORITY AND WEST YORKSHIRE POLICE)  
HELD ON 23 JULY 2021**

**ETHICS SESSION  
Video Conference**

**MEMBERS PRESENT**

Trevor Lake (Chair)  
Julie Talbot  
Julie Winham

**OFFICERS PRESENT**

Jayne Addy, Staff Officer, WYP  
Caroline Allen, Head of Legal and Governance, WYCA  
Simon Bottomley, C/Superintendent, WYP  
Ed Chesters, Supt, WYP  
Russ Foster, D/Chief Constable, WYP  
Janine Nelson, Head of Policing and Crime, WYCA  
Gemma Neville, Head of People's Systems, WYP  
Julie Reid, Governance Manager, WYCA (Notes)  
Neil Rickwood, Head of Audit & Risk, WYP  
Emma Winfield, D/CI, WYP

**1. WELCOME & APOLOGIES**

Trevor Lake welcomed all to the meeting. No apologies were given.

**2. DECLARATION OF INTEREST**

None declared.

**3. RECORD OF ATTENDANCE**

Details of member and officer attendance at previous meetings of the Committee were circulated for information and Trevor Lake noted 100% attendance by members.

**4. MINUTES**

The minutes of the meeting held on 19 March 2021 were agreed as a correct record.

## **5. MATTERS ARISING**

### **Item 25.1 2019 National Diversity, Equality and Inclusion Survey**

It was confirmed that this item is on the agenda for the next meeting.

### **Item 25.2 NDAS update**

It was confirmed that a substantive report is not required.

### **Item 25.3 2020 Staff Survey**

It was confirmed that this item is on the agenda for the next meeting.

### **Item 25.4 Stop and Search Disproportionality**

It was confirmed that this item is on the agenda for the March 2022 meeting.

## **6. CHAIR'S UPDATE**

Trevor Lake noted that this was the first Ethics Committee since the Mayoral election and welcomed Tracy Brabin and Alison Lowe into the positions of Mayor and Deputy Mayor for Policing and Crime (DMPC).

## **7. COVID-19 UPDATE**

### **(a) West Yorkshire Police**

Russ Foster provided an update to Committee confirming that England had entered step 4 of the exit roadmap on Monday 19 July although self-isolation regulations are expected to be in place until 27 September 2021. Members were advised that the overall threat of criminality remains low and there have been no unlicensed music events or protests of note in West Yorkshire. Current sickness absence rates are 4.5%, 2.7% of which relates to COVID-19. 144 members of staff are absent and not working because of COVID-19.

The West Yorkshire region is categorised as 'red' by Public Health England (PHE) and the Force is seeing increased calls for service (140 calls for service relating to COVID-19 last week) and an increase in reported COVID-19 breaches.

Members were informed that the Force is facing a significant challenge because of staff and officers having to self-isolate after being contacted by the Track and Trace Service. The Force has an expectation that, if staff have daily negative lateral flow tests after being contacted by Track and Trace, then they will come to work in line with Government guidance, but this is not a legal requirement.

Trevor Lake asked if West Yorkshire Police were part of the PHE pilot to assess the use of daily testing as an alternative to isolation and was advised that the Force liaises with PHE if there is a case of concern to allow staff to return to work but this cannot be enforced.

## **(b) Policing and Crime Team**

Janine Nelson provided a COVID-19 update for the Policing and Crime Team and reported that Ploughland House is not open yet. Arrangements are being made to revise the risk assessment for COVID-19 and it is expected that the current COVID-19 rules and advice will be followed once staff return.

## **8. ETHICS COMMITTEE ASSURANCE FRAMEWORK**

Julie Reid presented a draft Ethics Committee Assurance Framework for comment.

Julie Winham suggested that the Framework should be more explicit regarding the role of the Ethics Committee in terms of oversight of risk, internal control and governance.

Trevor Lake suggested colour coding for the assessment of evidence.

It was agreed that members would provide comments on the draft framework which will then be considered again in the next two meetings of the Committee.

**ACTION: Members to comment on the draft assurance framework so that it can be developed further and reported to October 2021 and January 2022 Committee.**

## **9. COMPLIANCE WITH THE WORKING TIME DIRECTIVE**

Russ Foster introduced a report on Force compliance with the Working Time Directive.

Gemma Neville gave a presentation on what the Directive is, who it applies to and what may be classed as 'exceptional circumstances'. West Yorkshire Police do not allow individuals to opt out of the maximum working week (of 48 hrs) and working time is monitored through monthly compliance reports to the Chief Officer Team, senior leadership teams (SLTs) and Local Accountability Meetings. Line managers can review their own team's records via the CARM system and an e-learn package has been developed.

Members were advised that the Force is good at managing working time although in some specialist areas, such as Protective Services Crime, it is more challenging. Officers and staff are aware of the requirements but face unprecedented demand. The Internal Audit report recommended additional duty payments, salary enhancement for hard to recruit posts and demand management techniques.

Members were also informed of a study by Liverpool University looking at the impact of shift length on the cognitive abilities of firearms officers.

Julie Talbot queried how significant an issue this is outside of specialist teams and was advised that the specialist functions see the highest number of breaches but SLT's manage the risk associated with breaches very well in terms of managing active service.

Julie Winham sought assurance of the time recording process and was advised that all officers and staff use the CARM system to book on and off duty and this is monitored by the systems team to see whether bookings are live or retrospective.

Trevor Lake asked what other assurances have been put in place following the Internal Audit report. Neil Rickwood advised that a follow up audit has been done with Protective Services Crime which will be reported to the next Audit Committee. Russ Foster noted that the Force is currently 140 detectives short of ideal which will exacerbate the issue. Recruitment plans are in place but there is a fallow year as part of the Police Educational Qualifications Framework (PEQF), so the Force is not able to release people on succession lists. Workforce planning is underway to mitigate the risk.

Russ Foster identified the ethical dilemma in complying with legislative requirements, protecting officers and staff health and wellbeing whilst also meeting Article 2 obligations (the right to life) under the European Convention on Human Rights as officers are often involved in threat to life situations – the Force draws on the Code of Ethics and the national decision-making model.

Julie Talbot asked how West Yorkshire compares with other Forces and was advised that all forces have similar challenges for specialist teams.

The Committee discussed the benefit of conducting a demand and resourcing review for Protective Services Crime whilst acknowledging that this might necessitate a business case being made for increased police funding which could potentially impact on the proposed level of council tax precept.

**ACTION: Russ Foster to report to Committee following a desktop outline review of Protective Services Crime in terms of demand and resourcing requirements in light of the Internal Audit report on the Working Time Directive, identifying how many extra roles would be required to sufficiently mitigate the WTD breach demand risks on the existing workforce.**

## **10. PUBLIC COMPLAINTS, GRIEVANCES, DISCIPLINARY, WHISTLEBLOWING, FRAUD AND MISCONDUCT MATTERS**

Simon Bottomley presented a report to Committee which identified a 64% increase in complaints received over the reporting period. Members were advised that the Independent Office of Police Conduct (IOPC) data-set gave a positive picture for West Yorkshire in terms of recording principles and timeliness with 45% of complaints being dealt with efficiently outside of Schedule 3 of the Police Reform Act 2002. Members were informed that all areas for improvement in the recent HMICFRS inspection of counter-corruption capability had been achieved.

Julie Winham queried the authorisation process for referral of lower-level conduct cases back to District and was advised that supervisors complete a form and capture the outcome on the performance note system (PEN) for the officer concerned which can be reviewed for consistency.

Julie Winham queried a specific case involving a member of police staff who was convicted of possessing indecent images of children, asking if this was on a works device. Simon Bottomley reported that this was on a personal device. Members were advised that a software monitoring system checks every key stroke on Force devices.

Members discussed the use of personal phones, particularly in relation to access to social media accounts and were advised that this has been minimised following a review by Corporate Communications Department.

Julie Talbot noted that West Yorkshire deal with 70% more complaint allegations than the other most similar police forces. Simon Bottomley acknowledged this and the fact that this could also be seen as a positive indicator, because more complaints are being reported.

Trevor Lake asked about the training offered to supervisors for dealing with low level conduct and was informed that, in addition to general supervisor training, there is dedicated input by Professional Standards Department (PSD).

Trevor Lake noted that a rise in the number of cases of sexual assault/ abuse and abuse of position for sexual purpose had been reported and was advised that the performance development review (PDR) system now includes an integrity check with a reminder of the policies relevant to abuse of position. Members noted a concern that no more than 70% of PDRs appear to be completed across the organisation. Gemma Neville advised that a request for funding for a new PDR module to the HR system was being considered by the Chief Officer Team.

## **11. SENIOR OFFICERS' EXPENSES AND PROCUREMENT RELATED DECLARATIONS**

Russ Foster presented a report on senior officers' expenses and procurement related declarations which also captured business interests and gifts and hospitality.

Jayne Addy informed members that the Business Interests policy is managed by PSD with the support of a Business Interests Panel. More than 3,000 business interests are currently recorded. The Deputy Chief Constable hears appeals. The PDR integrity check includes business interests and these are also reviewed as staff move role. Regular reminders are issued to staff.

Members were advised that the Business Interests Policy is due for review and it is intended that amendments will be presented to the next Joint Negotiating and Consultation Committee (JNCC).

Trevor Lake noted the Gifts and Hospitality Policy and queried the approval route for police declarations in the Policing and Crime Team. Julie Reid advised that this is currently the Director of Corporate Services or the Head of Policing and Crime but will be subject to review as part of the review of officer delegations in the Combined Authority.

## **12. POLICY REVIEW – BUSINESS CONTINUITY (OPERATIONAL SUPPORT)**

Ed Chesters presented a report on the Business Continuity (Operational Support) Policy which had been tested during the COVID-19 pandemic. Members were informed that the Civil Contingencies Act places a statutory duty on the Force as a 'Category 1' responder.

Members were informed of how the policy was informed by the Code of Ethics and the use of the National Decision-Making Model (NDM) was evident in its recent applications.

Business continuity plans are reviewed on a cyclical basis and are also stored on back-up devices to remain available in the event of a cyber-attack.

Activation triggers are partial or complete loss of; personnel, workplaces or equipment, utilities or other critical services, communications or computer systems, business critical suppliers/contractors/partners.

Julie Winham noted that there are a number of business continuity plans and was advised that a standard format is applied to each

Julie Talbot sought confirmation of how often the plans are tested and was advised that, in addition to cyclical reviews, critical plans are tested regularly

### **13. POLICY REVIEW – DOMESTIC ABUSE (SAFEGUARDING)**

Emma Winfield presented a report on the Domestic Abuse (Safeguarding) Policy and the accompanying tactical plan. Members were reminded of the 'outstanding' grade applied by Her Majesty's Inspectorate of Constabulary and Fire and Rescue Service (HMICFRS) to the Force's crime recording practices.

Domestic abuse investigations are supported by standard operating procedures. Ordinarily the Policy is reviewed every two years but the introduction of the Domestic Abuse Act in 2021 means that is currently under continual and ongoing review.

Members were informed that the Force policy adopts the national definition of domestic abuse and is designed to ensure that a consistent approach is taken to all investigations including the use of body worn video (BWV) and interpretation services where necessary and adherence to the Code of Practice for victims of crime. Domestic abuse relating to officers/staff is referred to PSD.

Supervisors must ensure that all crimes have been recorded in line with the Home Office Counting Rules and regular audits are undertaken by the Internal Audit Team and the Safeguarding Central Governance Unit. An Independent Domestic Abuse Scrutiny Panel has been established, currently paused due to the COVID-19 pandemic with the intention to resume once restrictions allow.

During the COVID-19 pandemic existing domestic abuse campaigns continued to be promoted and an online reporting tool for victims was developed. Specialist officers and staff have also provided one to one support over the phone and in person, alongside partner agencies, for around 100 of the families most at risk from domestic abuse.

Julie Talbot queried supervisor reviews of domestic abuse recording and was advised that a DASH (domestic abuse, stalking and honour-based violence) assessment is completed and authorised at supervisor level with reviews at no longer than 28-day intervals.

Julie Talbot asked how complaints of insufficient investigation are dealt with and was informed that these would be dealt with locally but learning shared via the Safeguarding Central Governance Unit. Safeguarding training provided to supervisors also includes domestic abuse.

Julie Winham sought assurance as to how partner organisations are informed of the Force Domestic Abuse Policy and was advised that excellent joint working arrangements are in place with local authority domestic abuse services being co-located with West Yorkshire Police officers and staff. There are also several joint workshops with partners. In terms of commissioned services an information sharing agreement is in place and the Force policy is a public document, being available on-line.

Trevor Lake asked for further information about dip-sampling of BWV footage and was advised that a new portal for body worn video uses a question set to assist Sergeants in reviewing appropriate use. Body worn video is also dip-sampled and learning shared by the Safeguarding Central Governance Unit

Trevor Lake sought assurance as to the effectiveness of the e-learning packages relating to domestic abuse and was advised that the completion rate is monitored and symposia on different aspects of the victims' journey were released every day last year. The ilearn site recorded 24,000 hits, not including access relating to team briefings

Members requested an update on the re-establishment of the Independent Domestic Abuse Scrutiny Panel.

**ACTION: Emma Winfield to provide an update to Committee on progress in re-establishing the Independent Domestic Abuse Scrutiny Panel.**

#### **14. POLICY REVIEW – DOMESTIC ABUSE AFFECTING POLICE OFFICERS AND STAFF (SAFEGUARDING)**

Simon Bottomley reported on the Domestic Abuse affecting Police Officers and Staff (Safeguarding) Policy. Members were also informed of the super complaint made by the Centre for Women's Justice relating to police force responses to police perpetrated domestic violence which is currently being considered by the College of Policing, HMICFRS and the IOPC collaboratively. Members were advised that the Policy requires supervision to be notified if a call is made relating to an incident involving a police officer.

Members were informed that a number of officers suspensions are related to domestic abuse.

Julie Winham noted the super complaint and the associated request for forces to provide details of all incidents involving staff and officers and queried whether this would breach the confidentiality principles contained in the policy. Members were advised that raw data would be provided but this would not include personal information.

Julie Talbot noted that the super complaint requests independent investigation of incidents involving police officers and staff and was advised that PSD deal with most West Yorkshire incidents and those reported out-of-hours result in the individual being taken to a different police station to their usual place of duty to avoid friends or associates.

#### **15. ETHICAL ISSUES ARISING FROM THE GOOD GOVERNANCE GROUP**

Janine Nelson reported to Committee on ethical issues arising from the Good Governance Group on 30 June. These included the likelihood of the Force receiving an increase in

civil claims relating to historic CSE investigations and a number of police pension test cases following the Court of Appeal's determination that transitional pension arrangements for Judges and firefighters were age discriminatory.

## **16. INTERNAL ETHICS COMMITTEE NOTES**

Members received the notes of the Internal Ethics Committee of 10 June.

Julie Winham noted that the Committee may comment on Force policies and identified a potential for duplication of scrutiny. Julie Reid agreed to liaise with Amanda Booth to identify any future planned policy reviews to be undertaken by the Internal Ethics Committee and report back to Committee.

**ACTION: Julie Reid to liaise with Amanda Booth and report back to Committee on any future planned policy reviews by the Internal Ethics Committee.**

Trevor Lake noted that the Committee had considered the use of the phrase 'ethnic minority' and had recommended that this is referred to the Diversity, Equality and Inclusion Gold Board for further discussion.

## **17. ANY OTHER BUSINESS**

Members noted that Simon Bottomley is due to leave the police service and Trevor Lake thanked him on behalf of the Committee for his service and professionalism.

**Date of the next meeting: 1 October 2021, by video conference**