

**MINUTES OF THE JOINT INDEPENDENT AUDIT AND ETHICS COMMITTEE
(WEST YORKSHIRE COMBINED AUTHORITY AND WEST YORKSHIRE POLICE)
HELD ON 07 JANUARY 2022**

**ETHICS SESSION
Video Conference**

MEMBERS PRESENT

Trevor Lake (Chair)
Julie Talbot
Julie Winham

OFFICERS PRESENT

Simon Bottomley, WYP
Rebecca Brookes, Regulatory Lawyer, WYCA
Det Ch Supt Nicola Bryar, Head of PSD, WYP
Sue Crawford, WYP (for item 5)
D/CC Russ Foster, WYP
Ch Insp Victoria Greenbank, WYP (for item 14)
John Greenwood, Head of Vetting, WYP (for item 10)
Supt Sareth Humpage, WYP (for item 13)
Allison Kemp, WYP
Insp Darren Norgate, WYP (for item 7)
Julie Reid, Interim Head of Policing and Crime, WYCA (Notes)
Neil Rickwood, Head of Audit & Risk, WYP
Ch Insp Ben Ryder, WYP (for item 5)
Jay Schofield, WYCA (observer)
Dt Ch Supt Mark Swift, WYP
Ch Insp Katy Woodmason, WYP (for item 11)

1. WELCOME & APOLOGIES

Trevor Lake welcomed all to the meeting and noted apologies from Caroline Allen, Rebecca Brookes representing.

2. DECLARATION OF INTEREST

Trevor reported that he had been appointed as a member of the Police and Crime Panel with effect from 9 November 2021 which did not present any conflicts of interest for any agenda items for this meeting.

3. RECORD OF ATTENDANCE

Details of member and officer attendance at previous meetings of the Committee were circulated for information and noted.

4. MINUTES

The minutes of the meeting held on 1 October 2021 were agreed as a correct record.

5. MATTERS ARISING

Item 24.1 Review of Protective Services Crime

Russ Foster reported to Committee on the desktop review of working time in the Protective Services (Crime) Team noting that officers are dealing with threats to life, engaging Article 2 of the Human Rights Act, which may mean that excess hours are unavoidable but are minimised wherever possible in line with the Working Time Directive. D/Ch Supt. Mark Swift welcomed scrutiny as breaches of the Working Time Directive will impact on staff welfare. Excess working is brought to the attention of Superintendents who are responsible for assessing allocation of duties. Interviews have been conducted with the ten highest overtime earners which found that some of the issue arise from staff managing their own workloads and the staff survey demonstrates morale in the Team, however, Inspectors have been tasked with focussing on non-critical workloads to balance the demand on officers.

Trevor Lake welcomed the report, reflecting on the recent HMICFRS report which demonstrates that the Force is willing to adapt and change its culture.

Mark Swift noted that the culture had changed significantly over time which has been an important factor in promoting a diverse workforce; there are now numerous flexible working patterns in the Team which helps to attract a diverse range of applicants.

Julie Winham queried how reportable breaches against the Working Time Directive are identified and was advised that the whole of the investigation timeline is scrutinised as breaches can occur at various points (the initial investigation, at submission of reports and at deadlines for trials).

Russ Foster confirmed that working time issues are reviewed in the Local Accountability Meetings (LAMS).

Item 24.2 Review of the Ethics Framework

Julie Reid confirmed that this will be carried forward as an agenda item. Members were provided an update on the review of the Joint Independent Audit and Ethics Committee and were informed that a recommendation will be made to the Mayor and Chief Constable on 25 January to separate the Committee into two; a Joint Independent Audit Committee and a Joint Independent Ethics Committee. A detailed review of the Ethics Committee will take place with a further recommendation being made to the Mayor and Chief Constable in due course.

Item 24.4 Using Personal Devices to access Social Media

Russ Foster informed members that there were 34 Force Facebook accounts, 348 Twitter accounts and six Force Instagram accounts. Force devices do not allow social media apps with exception of those used in Corporate Communications and the Chief Officer Team. The majority of officers access social media from their own phones and guidance is published as to what is acceptable with the framework of the Code of Ethics. Force policies relating to Access and Monitoring of Force Systems and Using Social Media are both due for review. In terms of monitoring, this must be done through the Regulation of Investigatory Powers Act (RIPA). Professional Standards Department (PSD) have established mandatory iLearn packages covering abuse of position, sexual harassment, and use of social media.

Members requested that the Social Media Policy and the Access and Monitoring of Force Systems Policy is included on the forward agenda.

ACTION – Julie Reid to include the Social Media Policy and the Access and Monitoring of Force Systems Policy on the forward agenda.

Julie Talbot asked whether WhatsApp is used for police business and was advised that it is not used in West Yorkshire Police, excepting for a small number of very senior officers, as it cannot be monitored although some Force partners may use it.

Item 24.5 Staff Survey Action Plan

Sue Crawford presented an updated staff survey action plan to members advising that the plan contains 46 actions, 33 of which are now complete, 13 are ongoing and three are overdue.

Trevor Lake requested that this report be brought back again to the March Committee meeting as, despite being asked for as an action at the 1st October 2021 meeting, it was only received by members the day before the meeting, giving insufficient time to read it and prepare questions accordingly.

ACTION – Sue Crawford to report to the March 2022 Committee with an updated staff survey action plan.

Julie Talbot asked whether an action plan is in place to complete the three overdue actions and was advised that this is in place and since publication of the action plan a further outstanding action has been completed.

Sue Crawford advised members that the action relating to reporting of sexual harassment will be kept open for a further month to allow assessment of low-level reporting and the action relating to access to training courses for females is being progressed via discussions with the Chair of the British Association of Women in Policing.

Item 24.6 Trends in Complaint Outcomes

Nicola Bryar reporting on trends in complaints reviews handled by the Policing and Crime Team since the introduction of new complaints regulations in 2020. Members were advised

that, for the period February 2020 to November 2021 there were 244 reviews, 43 of which were upheld (17.6%). 24 recommendations of further investigation were made and 11 of these were upheld on the grounds that not all complaint points had been addressed, 12 because not all relevant lines of enquiry had been addressed and one because the complaint response letter was not easy to understand. Members were advised that there are regular meetings between the review team and PSD to discuss learning points and Service Review Team Manager carries out regular dip-sampling and reviews of outcomes.

Item 24.8 Use of Force Policy

Russ Foster reported on the Use of Force Policy and scrutiny of disproportionality. C/Insp Ben Ryder informed members that the Force applies a model, Risk Adjusted Disparity, developed by the Cambridge Centre for Evidence Based Policing to scrutinise potential disproportionality which uses a 'threat population' as a comparator rather than a resident population. The model can be applied to age and gender as well as ethnicity. When assessed, the data demonstrates inconsistencies in terms of mixed, Asian or White ethnicity but, for black men, the use of force is between 1.4 and 2 to 2.5 times more likely after taking account of economic and social factors.

Members were informed that reviews of the use of force are carried out by supervisors who provide feedback to officers. Currently, reviews are conducted on 20% of all arrests as well as mandatory reviews on the use of taser (contact use) and use of spit/bite guards. Reviews of all non-contact taser use on under 18s, females and males from ethnic minorities aged 19-39 will be progressed. The reviewing mechanism creates reports that can then be presented to local public scrutiny panels, with their feedback being recorded and also passed on to the officers concerned.

Trevor Lake noted that the Use of Force Policy on the website is still showing as out of date and was advised that this will be updated after ratification by the Chief Officer Team.

Russ Foster noted that the updated national census data is due for publication which is likely to reflect the recent increase in migration of young males from ethnic minority groups, further supporting the use of alternative models to that of simple residential data.

Julie Talbot asked whether the data is published externally and was advised that West Yorkshire Police is progressive in examining and understanding inequalities, but external publication presents a challenge in terms of presenting comprehensive and contextualised information.

Trevor Lake noted the report's reference to black men being disproportionately impacted and was advised that, for example in the case of firearms discharge, 85% of victims and offenders are of the same ethnicity so, in fact, most of the time the police are using force to also protect people from minority ethnicities.

Russ Foster noted that use of force is a response to wider societal problems and the next step is to work with the Mayor to commission an independent study.

Item 24.10 Review of Guns Licencing

Russ Foster presented a report to members noting that, following the Plymouth shooting incident in 2021, West Yorkshire Police have given gun licencing and renewals increased scrutiny, including carrying out social media checks and cross-referencing data across multiple Force systems.

Trevor Lake queried the use of 'GoodSam' and was informed by Ben Ryder that this mobile phone app can be used to allow members of the public to show the Police their homes and gun security, but it doesn't replace a physical visit; first time applicants have physical visits, but renewals may be done by video with a threat-based evaluation approach being taken.

Julie Winham queried the use of social media to vet applications and was informed that the social media check is a non-mandatory element of the form (10% of applicants consent), and the Police do open-source checks.

6. CHAIR'S UPDATE

Trevor Lake asked Committee to note that members' terms of office end on 31 March 2022 which means that there may be a gap in the Independent Ethics Committee until the new ethics committee is established. This will result in a consequential loss of knowledge and continuity in the Committee.

7. BODY WORN VIDEO

Darren Norgate presented a report to Members on the use of body worn video.

Julie Talbot noted that, on a dip-sample, only 10% of officers make the required verbal declaration and was advised that the purpose of the declaration is to comply with the Data Protection Act. When footage is reviewed officers are issued with reminders.

Julie Talbot asked if there was a risk of inappropriate data access arising from technical issues with cameras and was advised that the cameras are encrypted – data cannot be accessed by third parties.

Julie Talbot queried the introduction of live-streaming and was advised that the January 2021 'go-live' date has been unavoidably delayed. Trevor Lake asked how many officers have been trained on the livestreaming software and was advised that six have received training to date with an intention to roll this out across specialist areas in the next two months. Livestreaming controls are only activated for those officers with appropriate training.

ACTION – Members to receive confirmation, in due course, of the number of officers who have received training on the livestreaming body worn video system.

Julie Winham sought assurance that officers have received training on body worn video and was advised that initial iLearn training covers the Data Protection aspects of the system and is supplemented by classroom input covering physical operation and

downloading/ editing of videos. To address complacency amongst user's the police decision makers have been asked to review footage for breaches of protocol and raise these with individuals.

8. COVID-19 UPDATE

(a) West Yorkshire Police

Russ Foster provided an update to Committee reporting that the Gold, Silver and Bronze Groups have been re-established. The current absence rate is 6.3% with 4.5% of absences due to COVID-19. Business continuity plans have been refreshed.

(b) Policing and Crime Team

Julie Reid provided a COVID-19 update for the Policing and Crime Team reporting that staff were continuing to work from home with the majority of meetings being held on-line. Managers have discretion to arrange face-to-face work and events where absolutely necessary and provided appropriate safety measures are in place. A number of COVID-19 infections had been reported amongst the Team, but staff were, largely, able to continue to work from home and delivery had not been affected.

Trevor Lake outlined the significant impact of COVID-19 on the health sector and Russ Foster confirmed that the challenges currently facing Yorkshire Ambulance Service has had a knock-on effect on the Police.

9. PROFESSIONAL STANDARDS DEPARTMENT REPORT

Nicola Bryar presented a report to Members covering the period September to November 2021. Abuse of authority remains the main strategic threat with the highest risks by volume relating to inappropriate association and disclosure of information. The reporting period had seen a reduction of 31% in recorded complaints but, due to staff abstractions, approximately 80 complaints are still waiting to be reviewed and assessed.

Since the new complaints regulations were introduced in February 2020 6,024 complaints have been recorded with 52% being dealt with outside Schedule 3 meaning that early intervention and an explanation has resolved the complaint to the complainant's satisfaction.

An increase in recorded conduct matters was noted in the reporting period along with an increase in suspended or restricted officers and staff.

Following the Sarah Everard murder a review of compliance with vetting has been carried out. West Yorkshire adopt the College of Policing APP for Vetting but one area where the Force is not fully compliant is in the collection and storage of data in respect of protected characteristics, the Force is considering a new software package to assist with this.

A review of vetting of designated posts is currently underway in association with the Internal Audit Team. Members were advised that there are currently just over 500 cases in the vetting system, with an estimated turnaround time of 4-6 weeks.

Nicola Bryar reported that staffing levels are being compared to those available in other most similar forces and concerns in respect of staffing capacity has been recorded on the risk register.

Trevor Lake noted the onus on officers to report material changes which is identified via PDR and stated that members have asked for a report of PDR completion rates via the Audit Committee.

10. REVIEW OF VETTING POLICY

John Greenwood presented the Force Vetting Policy.

Julie Winham noted the review of vetting of designated posts and sought assurance that the whole population would be examined. Neil Rickwood confirmed this. Julie Winham noted that the review period for recruitment vetting is ten years and was advised that this is being reviewed by the National Vetting Group.

Julie Winham noted the designated post issue and sought assurance as to the effectiveness of the People Department in notifying PSD of contract amendments. John Greenwood advised that the issue has been that HR has been bypassed by Districts who have arranged internal moves locally.

Trevor Lake queried how the Force will be able to check that the problem has been rectified and was advised that a monthly report will be produced by the HR Systems Team to identify any individuals without appropriate clearance. Trevor Lake recommended that dip sampling continues in this event and was advised that Internal Audit will continue to carry out annual checks.

11. POLICE PURSUITS

Russ Foster introduced a report on police pursuits. Katy Woodmason confirmed that every single pursuit is reviewed and there is also live streaming during the pursuit which is downloaded and can be reviewed afterwards.

Julie Winham sought assurance that the policy was based on national guidance, and this was confirmed. Julie Winham queried whether the policy had had an equality impact assessment.

ACTION – Katy Woodmason to confirm whether the Police Pursuits Policy has had an equality impact assessment.

12. UNIFORM STANDARDS POLICY

Nicola Bryar confirmed that the Uniform Standards Policy is currently being consulted upon after being updated to include ear stretchers and tattoos.

Julie Winham noted the use of video conferencing and queried whether the dress code applied in such circumstances. It was agreed to report back to Committee on conclusion of the policy review.

ACTION – Uniform Standards Policy to be brought back to Committee on conclusion of the consultation process.

13. POLICY REVIEW – VICTIMS AND WITNESSES (CRIMINAL JUSTICE)

Sareth Humpage reported on the Victims and Witnesses (Criminal Justice) Policy.

Trevor Lake sought assurance as to checks on training completion and was advised that, in addition to training records, compliance is evident by measurements of victim satisfaction.

ACTION – Sareth Humpage to report to Committee on how training on the Victims Code is recorded.

Julie Winham queried the timescales for actions and was advised that a performance dashboard is produced and reported to the Victims and Witnesses Governance Board.

Julie Talbot asked how many complaints have been received and was advised that complaints raised by victims under the Victims Code are identified by PSD.

ACTION – Nicola Bryar to report to Committee on recorded complaints relating to the Victims’ Code.

14. POLICY REVIEW – SAFEGUARDING CHILDREN AND YOUNG PEOPLE

Victoria Greenbank reported to Committee on the Safeguarding Children and Young People Policy advising that audits are carried out by the Safeguarding Central Governance Unit and increased internal and external messaging had been issued via social media during the pandemic.

Julie Talbot asked how lessons are learned from significant cases and was advised by Russ Foster that, for example, a serious case review across the partnership is anticipated in connection with the most recent case, the death of Star Hobson, the Force having shared the information gathered by the investigating team with the statutory review team.

Julie Winham asked whether the policy is shared with external agencies and was advised that it is published on the internet site and, whilst not directly shared with partners, the policy includes obligations of officers/staff in terms of working together.

Julie Winham referred to a recent HMICFRS report identifying a lack of clarity in work in multi-agency safeguarding hubs and was advised by Russ Foster that West Yorkshire Police were aware of inconsistencies across the five districts and had notified this to the HMICFRS inspectors.

Trevor Lake noted the establishment of a new NHS Integrated Care Board for West Yorkshire which may be a useful forum for increased partnership working. Members queried how the review period for policies is set.

ACTION – Russ Foster to confirm how policy review periods are determined.

15. ETHICAL ISSUES ARISING FROM THE GOOD GOVERNANCE GROUP

Julie Reid reported on the recent meeting of the Good Governance Group which had heard that the National Legally Qualified Chairs Association had advised its members that no new instructions should be accepted unless the Home Office formalises an undertaking to bring primary legislation forward to indemnify Chairs. In West Yorkshire an agreed indemnity is in place but, unless a resolution can be found, misconduct hearings may not be able to take place. The meeting also heard of a national test case in relation to allowances claims by dog handlers and the decision in West Yorkshire not to compensate officers until the outcome of this is reported.

The Good Governance Group is being reviewed. One proposal put forward, and to be considered in the next meeting, is that it focuses on legal compliance, data protection issues and contracts and indemnities as included in the Scheme of Consent for the Chief Constable.

16. COMMITTEE ANNUAL REPORT

Julie Reid presented an annual report for the Ethics Committee covering the period 1 January – 31 December 2021 which was noted by members.

17. INTERNAL ETHICS COMMITTEE

Minutes of the Internal Ethics Committee were not available, but Trevor Lake noted the recent HMICFRS recommendation that the Internal Ethics Committee is promoted across the Force.

18. ANY OTHER BUSINESS

(a) Access to personal files

Trevor Lake noted that this has been converted from a policy to a procedure and asked how staff are informed of how to access information in their personal file.

ACTION – Members to receive confirmation of how staff and officers are notified of how to access information in their personal files and how and when the procedure will be reviewed.

Date of the next meeting: 18 March 2022, by video conference