

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

**14th November 2019**

**Executive Officer: Deputy 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. **Background**
   1. Since the last report to the Audit Committee in November 2018, there have been a number of changes with respect to Ethics Committee arrangements.
   2. In March 2019 Durham Constabulary announced that they would be withdrawing from the joint arrangements in place with Cleveland for an External Ethics Committee. Durham confirmed that an internal and external Ethics and Legitimacy Board would be formed within the Force area.
   3. Changes took place within Cleveland Police at Chief Officer level resulting in a need to review the arrangements. Initial discussions with the then DCC Oliver confirmed that there would be separate internal and external Ethics Committees.
   4. The latest HMIC PEEL inspection took place in May and published on 27th September 2019 reporting six ‘Causes of Concern’ with the overall grading of ‘Inadequate’ across the three pillars of Efficiency, Effectiveness and Legitimacy. The report is publically available for members on the HMICFRS website.
   5. The topic of ethics is predominant within the pillar of ‘Legitimacy’ that includes three Causes for Concern referring to; how Cleveland Police value engagement with the public; how senior leaders are not consistently demonstrating ethical behaviour and; how the workforce is not treated with fairness and respect.
   6. There are a number of statements/areas for improvement identified within the report, all of which require consideration as to how ethical behaviour can be developed, more specifically and for the purposes of the Ethics Committee the following was reported about how ethics are discussed and explored:

*………the force should immediately take action to*

* *embed the Code of Ethics principles and behaviours within the organisation*
* *ensure there is a process for the workforce to discuss ethical dilemmas regularly and understand decisions made by the force about fairness that also influence policy and practice.*

…… *‘The force has an established internal ethics committee, which considers ethical dilemmas raised by the workforce, but this hadn’t met for nine months. Officers and staff are submitting issues to this meeting for consideration but these are still waiting to be discussed. The force is also sifting out some of the dilemmas, with no established criteria for doing so. It doesn’t prioritise this forum as a way of addressing workforce concerns. The OPCC also has an ethics panel to provide an external view. However, we weren’t able to review its effectiveness during our inspection.’……..*

* 1. Following the departure of the DCC further discussion took place to re-consider these arrangements with the Director of Standards and Ethics, Chair of the External Ethics Committee and Assistant Chief Executive for the OPCC. This also considered feedback that had been provided by HMICFRS at the time of the inspection.
  2. As a result it was recommended that a joint (internal and external) committee be formed to support the development of ethics within Cleveland Police. The rationale for this included:
     1. To improve the understanding of ethics and ethical situations within Cleveland Police by blending internal and external representatives with an external Chair.
     2. To increase the use of the Ethics Committee to provide non-bias and constructive advice to the Chief Constable in development of policy and practice.
     3. To improve the integrity, quality and volume of ethical issues for support from the Committee. This also supports HMIC feedback to improve decision making for topics put forward by Cleveland Police for discussion at the Ethics Committee.
     4. To improve communication within Cleveland Police and to the public on advice provided by the Ethics Committee on ethical issues and promote standards of conduct.
     5. To maximise the knowledge and experience across Cleveland Police, scrutiny within the OPCC and external advice on the development of Ethics. This will be developed in the following ways:
        + Confirmation of how internal governance and workforce engagements arrangements identify ethical issues for discussion with the Committee
        + Confirmation as to how other external and/or scrutiny arrangements identify ethical issues for the Committee e.g. Stop/Search panel, Everyone Matters Board, Independent Advisory Groups
        + Considering the above increased communication across the Director of Standards and Ethics, OPCC Assistant Chief Executive and Chair of the Ethics Committee to co-ordinate and review the above.
  3. To further support members of the Ethics Committee a training package has been developed with the College of Policing and further informed by materials produced by the University of Bath who support ethics development nationally. This has been agreed by the committee and training will be scheduled before the end of the year.
  4. A draft Terms of Reference has been produced for the revised Ethics Committee that now requires discussion with the new DCC, Ian Arundale. This will confirm the linkages into the wider recently revised Cleveland Police Governance framework and to support the development of ethics internally across Cleveland Police and externally through scrutiny panels.
  5. Specific items that have been discussed since February 2018 have been included at Appendix 1 for information. Prior to this time only items from Durham were discussed. Members will note that there are only three items presented within approximately 12 months further demonstrating the issues recognised by the Committee and HMICFRS.

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. A range of development work is required within Cleveland Police to understand ethics and consistently use this understanding in how the workforce provide service to the community and interact internally. The use of the Ethics Committee has not been fully utilised and changes are required to use this structure to best effect developing staff and advising on policy and practice.
   2. The next steps to the development of the Ethics Committee is to overlay recent proposals with the revised internal governance framework being developed within Cleveland Police and across others are of external scrutiny.

**Deputy Chief Constable**

**Appendix 1 – Items proposed from Cleveland Police discussed by the External Ethics Committee since February 2018.**

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| --- | --- | --- | --- |
| **Submission Title** | **Outline of Dilemma** | **Internal Comments** | **EEC Comments** |
| Internal Buy and Sell Site | Cleveland Police have the opportunity to host an internal sharepoint site which aims to provide officers and staff with a forum to place recommendations and advertisements for other officers/staff.  This is not a scheme which would be endorsed by the organisation in terms of guaranteeing any goods or services, responsibility lies solely with those using the facility.  Examples of its intended use would:  -        Staff list goods they wish to sell  -        Staff may make recommendations regarding services they have used (such as tradespeople).  -        Staff may advertise their own private business interests. | Noted that organisations such as the NHS and Middlesbrough Borough Council already perform similar functions within their organisations.  The committee has no objections to staff members selling/buying personal belongings upon the site as it merely facilitates contact between the parties, on the understanding that the organisation bears no responsibility for the items.  The committee raised no concerns to utilising the site to advertise offers aimed at serving staff, such as approved discount schemes.  However concerns were raised regarding the recommendations for services or advertising own business interests.  This is due to the potential for perceived organisational support towards particular businesses.  Services recommended in such a manner would not be vetted.  Also the situation would raise vulnerability in terms of any interested parties submitting freedom of information requests.  For example, if staff had recommended a particular company for a service, but then a competing company submitted an FOI request and learned the first company was being recommended internally, then they may potentially have a case to argue the organisation is discriminating against them and attempt to cast blame regarding loss of turnover.  Finally the committee raised concern regarding the level of expenditure required to maintain such a site.  The organisation is responsible for using its financial resources to serve the public and as such the benefits of such a scheme must be carefully weighed against the level of required expenditure.  The potential for improved staff motivation and performance from employee schemes such as this is accepted even though it is difficult to quantify how that relates to service improvement. | The majority of the committee agreed with the view of the internal committee that they would support point one of the submission (staff able to list items for sale) but they would oppose the other two points of service recommendations or advertisement of private business interests. |
| Community Groups Patrols | In the past year, publicity has been afforded to at least two community groups in Cleveland who have commenced crime reduction patrols in their local area due to increase levels of crime.  Recent publicity has indicated one group has directly assisted in 6 arrests in their home area.  This group operate independently of the police, patrolling their streets with the express purpose to call police should they observe any suspicious activity.  They update residents via whatsapp and facebook when suspicious activity occurs and request gathering of evidence to assist police investigations.  However this activity holds risk towards the community members who take part and any suspects they encounter.  As such the opportunity for the police to support such activity itself presents reputational risk. | N/A - Internal committee was not held | Following discussions, the committee felt that the Force should thank the members of the community for their work. The majority felt that the work would be considered as ethical so long as it did not cross over into the groups punishing or rehabilitating the alleged perpetrators or physically taking action. The groups involved should continue to report the incidents through the usual channels. |
| Positive Action | The ethnic diversity of police officers in Cleveland Police is disproportionate to the ethnic diversity of the community which it serves (2.1% against 5.5%).  Under representation of specified groups is a national concern shared by all or most forces.  This is based upon the notion of positive action (as opposed to positive discrimination).  Cleveland Police have undertaken its own positive action campaign.  This involves noting the ethnicity of those who register interest in becoming a police officer and then taking action to support them through the application process.  The action was to hold workshops to explain the recruitment process to BAME individuals.  No coaching was afforded, but the process was explained to attendees.  For this recruitment campaign, a significantly higher number of BAME applicants were successful at the papersift stage than in previous years.  Those who were successful were then invited to a further workshop where preparation materials were outlined.  These materials consisted entirely of web resources that are publicly available. | N/A – Internal committee was not held | The committee agreed that the approach which as been taken is ethical and that positive action would only become positive discrimination if a group with another protected characteristic was directly discriminated against as a result of the process. A longer term suggestion of considering other protective characteristics within future recruitment drives was raised by the committee and will be fed into the Everyone Matters Governance Board. |