



Cleveland Independent External Ethics Committee

Minutes

Date: Tuesday 13 April 2021

Time: 16:00

Venue: Via MS Teams

Attendees:

Name	Role
Dave Smith	Committee Chair
Richard Smith	Committee Vice Chair
Craig Marshall	Committee Member
Georgina Fletcher	Committee Member
Tresor Bukasa	Committee Member
Stuart Green	Committee Member
Kim Stewart	Committee Member
Sean Mooney	Committee Member
Craig Wright	Committee Member
Richard Lewis	Chief Constable – Cleveland Police
Jenni Salkeld	EDI Manager – Cleveland OPCC
Isaac Holmes	EDI Officer – Cleveland OPCC
Paul Waugh	Superintendent, DSE – Cleveland Police
Charlotte Rumins	Community Hub Advisor – Cleveland OPCC (Minutes)

Apologies:

Name	Role
Rachelle Kipling	Interim Assistant Chief Executive – Cleveland OPCC
Khan Hanif	Committee Member
Lauren Blair	Committee Member
Irene Kayube	Committee Member
Ian Arundale	Temporary Deputy Chief Constable – Cleveland Police
John Dodsworth	Operational Ethics Lead Sergeant – Cleveland Police

No.	Discussed	Outcome/Decision/ Attachment
1	<p>Welcome & Introduction Housekeeping Update</p> <p>The meeting was opened with a round of introductions.</p> <p>CC RL provided a brief overview of his National Police Chief’s Council portfolio in terms of Ethics. CC RL holds responsibility for Chairing the National Ethics Committee and formulating the NPCC Ethics Portfolio for the next 12 months. It was noted that the national committee also has independent lay members and they work closely with a number of academics. One of the main areas of focus for the national committee is to work on adapting and developing the Police Code of Ethics. DS extended an offer of support on behalf of the committee to CC RL and the national committee.</p> <p>JS provided an update in relation to housekeeping tips for virtual meetings and liaising with the Independent External Ethics Committee in general.</p> <p>Discussions took place in relation to options for returning to in-person meetings following the easing of lockdown restrictions. CM asked that consideration be given to the potential for holding hybrid meetings. DS asked that IH add a question to the next post-meeting survey in relation to whether attendees would be happy to attend each of the upcoming meetings in person.</p>	<p>IH to add a question to the next post-meeting survey in relation to in person meetings</p>
2	<p>Apologies for Absence</p> <p>Apologies for absence were received from DCC Arundale, Rachelle Kipling, John Dodsworth, Lauren Blair, Irene Kabuye and Khan Hanif.</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.</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>Independent External Ethics Committee Development</p> <p>Development Action Plan</p> <p>IH provided a brief overview in relation to the work which has been taken forward in relation to the Development Action Plan to date.</p> <p>Submission Form Template</p> <p>JS shared a copy of the draft dilemma submission form which has been produced by John Dodsworth and requested feedback from</p>	

<p>members of the Committee.</p> <p>DS noted that the two submissions provided for the meeting have been shared using the template and asked whether it might be useful to consider the two submissions first before providing feedback on the form as this will allow members to evaluate whether anything is missing.</p> <p>Following discussion of the submissions, this item was revisited and it was agreed that the form is fit for purpose. Further feedback is to be provided by CM at the next meeting once he has attempted to complete the form as a lay member to submit a submission.</p> <p>Training Needs Assessment/Panel Link Member Role</p> <p>JS provided an overview of the work which has been conducted so far in relation to the Training Needs Assessment. It was noted that as part of this work, consideration has been given as to whether there would be benefit in members having a 'link member' role, this has been observed from other areas through the benchmarking work which IH conducted early into the development work.</p> <p>It was asked that members consider whether they would be interested in having a 'link member' role and whether there is a particular area which members would be interested in having a focus on.</p> <p>CM requested further clarification on the role would consist of and the nature of the link to the Force. IH noted that it is called a link member as they would 'link in' with the Force with direct contact with the person within the Force who has responsibility for the area they are the link member for. For example, if the lay member is a link member for Hate Crime they would link in with an Officer within the Force whose portfolio is tackling Hate Crime to receive updates and share them with the Committee.</p> <p>CW noted that link members are used frequently to improve the skillset of Governors on the Boards he sits on within his day to day role. CW suggested that he and IH could meet outside of the meeting to agree the basis of a pilot and to test the value of the 'link member' role. DS agreed that this would be useful and asked that the discussions between CW and IH confirm the purpose and remit of the role as well as confirming what the role will aim to achieve.</p> <p>CM noted that lay members currently represent 'the man or woman in the street' and provide a non-specialist response to the dilemmas which they are presented with and he would therefore have some concerns in relation to specialisms which may alter the dimensions of the views which are being provided.</p> <p>SG noted that he is keen to gain additional knowledge and lean on the expertise of potential link members but he is wary of the tendency to divide into smaller groups and he would therefore be in agreement with the need for 'link member' roles if it were to gain skills and</p>	<p>CM to provide feedback re submission form following use.</p> <p>Members to consider interest in link member role</p> <p>IH to link in with CW and produce pilot model for link member.</p>
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<p>knowledge but he would not be in agreement with the role if it were to consider submissions alone.</p> <p>GF noted that she shares some of the concerns and asked whether gaining the expertise may be attained through recruitment to the Committee rather than increasing the knowledge held by current members. DS noted that it is likely that there will be other areas identified for the 'link member' role and there could be a request made for applicants with the particular knowledge areas to apply.</p> <p>IH noted that he has taken note of the concerns raised by the Committee and that he would make contact with the Chair of the panel in South Yorkshire gather greater detail on how the role is carried out in South Yorkshire. IH will then link in with CW to produce a model which will be brought back for further discussion. JS and IH will also link in outside of the meeting to produce a survey in relation to carrying forward the Training Needs Assessment.</p> <p>Cleveland Youth Commission</p> <p>IH noted that over the last year, the Committee have given consideration to increasing the diversity of the group. There have been issues in the past in terms of ensuring the Committee is accessible for young people to become a part of as the discussions tend to be held at a high level which young people do not always tend to be used to.</p> <p>An opportunity has been identified for the Committee to link in with the Cleveland Youth Commission. The Youth Commission is made up of members aged between 14 and 24 and they meet to discuss a number of different topics, to conduct research and to take action. The Cleveland Youth Commission will meet to discuss ethical dilemmas from June 2021 onwards. There will be a process in place to ensure appropriate filtering of submissions in order to gain their views on submissions which are age-appropriate but also are also relevant to them. This process will also aim to act as a form of succession planning for the Committee as their involvement in these discussions will provide them with development which may lead to them wishing to become members of the Cleveland Independent External Ethics Committee in the Future.</p> <p>Chair & Vice Chair Protocol</p> <p>DS noted that discussions have taken place in the Development Group in relation to the need for a protocol for the role of the Chair and Vice Chair, including consideration in terms of succession planning. Role profiles for each of the roles are to be formulated setting out the time commitment associated with each of the roles. Insight and feedback will be requested from the group outside of the meeting once the draft role profiles are available for consideration.</p> <p>RS noted that succession planning is essential and a significant amount of time is dedicated to the role of Chair, he noted that he</p>	<p>IH to link in with South Yorkshire re link member role.</p> <p>IH to link in with CW and produce pilot model for link member.</p> <p>JS and IH to produce survey re Training Needs Assessment.</p> <p>JS, DS & IH to work on protocol which will then be circulated for views from the group.</p>
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	<p>unfortunately would struggle to dedicate this amount of time and would therefore be reluctant to step up to the role of Chair. He added that as such, he would not be against stepping down from the role of Vice Chair if another member of the Committee would be interested in taking on the role with succession planning in mind.</p> <p>CM noted that continuity is a vital point for consideration when the proposals are being drafted for the Committee to provide their views on.</p>	
<p>5</p>	<p>Minutes of the Previous Meeting and Matters Arising</p> <p>RS proposed that the minutes of the previous meeting were an accurate record; CM was the seconder to this proposal. The minutes of the meeting of 2 February 2021 were approved.</p>	
<p>6</p>	<p>Submissions</p> <p>BP Fuel Discount</p> <p>JS provided an overview of the content of the submission and the issue which the Committee are being asked to consider.</p> <p>SM noted that he is of the view that just because an opportunity is presented, it does not mean it is the right opportunity to take. He noted that in order to make the decision as to whether the decision taken was appropriate, further detail would need to be provided in relation to the amount of money which has been saved, where this money has been spent in its place and what benefit the use of the scheme has had for the wider public.</p> <p>CM noted that he would suspect that the general public are not aware of the discount which has been offered as he himself had not been aware that this is happening. He therefore feels that there wouldn't be a current public perception in relation to this. CM provided his opinion that it appears to be a fairly straightforward offer but there is not enough data available to make a reasoned opinion. He added that gains and benefits need to be judged on a national level as the offer has not only been afforded to Police, but to all emergency services.</p> <p>GF noted that the offer would have been seen as providing an economic gain to BP to keep their sales of fuel up as there is the awareness that the general public will have been at home for the majority of the time throughout the pandemic and would have reduced fuel consumption.</p> <p>DS noted that he is not of the view that there is ever 'free fuel' and that somewhere along the line somebody has paid for it. DS noted that the offer is only afforded to fleet vehicles and queried whether Police ever use fleet vehicles to travel to and from home as this would put them in a different position to other first responders who have been afforded access to the scheme. DS asked how the saving has been used to benefit the public.</p>	

SG asked what would constitute a 'fleet vehicle' and whether there is any risk of a member of the public seeing a uniformed Police Officer attend a fuel station in an unmarked car and leaving without paying for their fuel. He added that there is the potential risk for some of the fuel being used for private purposes.

PW noted that he has made a note of the questions which have been asked and he agreed to take these away and attempt to gather answers on the Committee's behalf. PW noted that the Force have a responsibility to the public to spend the money in the best way possible to protect the public and asked what the public perception would've been if they were to find out that the Force were offered access to this scheme but they had declined.

RS noted that within previous meetings, discussions have taken place in relation to Officers being afforded access to free gym memberships and there would be merit in considering what had previously been discussed to ensure that a consistent approach is provided.

DS summarised the views of the Committee, it was noted that there are concerns that this scheme may have been used in a way which is detrimental to BP's competitors and there is therefore an ethical concern that the Force and other organisations may have been offered something which is detrimental to the local area. However, if the scheme were to be declined by the Force, a negative public perception of the Force may arise as the scheme could potentially have had significant savings which could be put towards a policing purpose.

Office365 Discount

JS provided an overview of the content of the submission and the issue which the Committee are being asked to consider.

CM noted that there is a close link between the submissions which have been discussed within the Committee. It was noted that Microsoft are offering the discounts as a commercially beneficial decision and they also do so to students around the world.

SG noted that an overwhelming majority of students utilise a similar discount scheme. He queried whether there is any potential risk to information which any officer or staff member may access on their personal devices. SG added that he is of the view that some members of the public may be of the view that the reference to 'comparable employers' is not appropriate as there are not many employers which are comparable to a police force.

TB noted that the laws governing data sharing in the United States differs significantly to those governing data sharing in Europe and the United Kingdom, this may potentially impact upon the usage of the

system and the security afforded to the data. TB asked whether the person who utilises the discount would have a personal contract with Microsoft or is it the organisation that has the contract. PW noted that the individual will be required to prove that they are an employee of the organisation but they will then be required to take out a personal contract with Microsoft.

GF noted that it is driven by the commercial interests of Microsoft but she is of the view that as long as the offer of 30% discount is not the reason why the Police chose to go with Microsoft, they don't have to actively do anything as a Force to allow the offer to be made to staff and the members of staff are not required to take up the offer then she does not see an issue with the discount being accepted.

SM noted that he does not feel it is appropriate to compare the offer to the Force with the offer to students as the offer to students is often made as students tend to be less financially stable and they would gain more of a benefit from reduced prices.

CM noted that it is difficult to assess as it does not just fall down to cost, he added that in any profession there are benefits which are not just limited to salary and it is therefore not always unethical for employees to benefit from these various schemes.

GF noted that the promotion of the use of the discount as a staff benefit would be a different matter; she noted that she would feel uncomfortable if it was a one off promotion of a discount as opposed to an addition of the benefit to an already existing list of discounts which are available. JS noted that the majority of discounts are accessible via the BlueLightCard.

RS noted that it is sufficiently incidental in terms of corporate decisions in relation to ICT and it is available to a broad range of people in comparable circumstances to other discounts which are available to organisations.

PW noted that it is a personal benefit and the offer is a 'business offer' which is offered to every business which takes on board the Microsoft business product. It was confirmed that the offer of discount to staff is not the reason that the system have been taken on by Cleveland, the package has been taken on as part of the National Enabling Programme national roll out across the entire UK Police Service.

Overall, it was assumed that there has been due-diligence exercised in appointing Microsoft as the national software provider. The human element of individuals aiming to access the best deal for products they purchase was also discussed by the committee. The benefit is an incidental benefit which all members of staff are able to benefit from if they wish to, arising as a by-product from the national roll out of the system, the Committee are not of the view that the use of this discount would be unethical. As such, it is not therefore considered to be unethical for the Force to inform its staff that the discount is available.

	<p>Gifts and Gratuities Policy</p> <p>PW noted that the policy is currently going through an internal consultation process and will be shared with the Committee at the appropriate point in time following this.</p>	<p>Gifts and Gratuities Policy to be brought back to the Committee for discussion when appropriate.</p>
<p>7</p>	<p>Any Other Business</p> <p>CM provided an update in relation to the Harry Miller case which he had raised previously, the case had been taken to the Court of Appeal and concluded on 10 March 2021, the Judgment has not yet been released but it is expected that it will be prior to the next meeting. It was asked that this be added as a submission for the next meeting.</p> <p>GF requested an update in relation to the submission which had been discussed previously as part of an extraordinary meeting. RL noted that there had been brief coverage in local media but there has not been any complaints received.</p> <p>DS informed the Committee the CR would be leaving her role in the OPCC in the near future. He reflected on the excellent support that CR had provided both to him as Chair, and to the Committee more generally. On behalf of all members, he thanked CR for all she had done and wished her all the very best in her new role.</p>	<p>CM to produce submission form for the next meeting.</p>