



Police & Crime Commissioner for Cleveland
Cleveland Community Safety Hub
1 Cliffland Way
Middlesbrough
TS8 9GL

Email: pcc@cleveland.pnn.police.uk
Website: <http://www.cleveland.pcc.police.uk>

Cleveland Independent External Ethics Committee

Minutes

Date: 8th February 2022

Time: 16.00-18.30

Venue: Microsoft Teams

Attendees:

Name	Role
Dave Smith	Committee Member - Chair
Tresor Busaka	Committee Member
Craig Marshall	Committee Member
Richard Smith	Committee Member
Sarah Soppitt	Committee Member
Kim Stewart	Committee Member
Paul Woodvine	Committee Member
Paul Waugh	Chief Supt - Cleveland Police
Stephen Bell	Counter Corruption Inspector – Cleveland Police
Neal Gillson	Operational Ethics Lead – Cleveland Police
Jenni Salkeld	EDI Manager – Cleveland OPCC
Heidi Spencer	Community Hub Advisor – Cleveland OPCC
Rachelle Kipling	Temporary Assistant Chief Executive – Cleveland OPCC

Apologies:

Name	Role
Aaron Fidler	Committee Member
Georgina Fletcher	Committee Member
Stuart Green	Committee Member
Hanif Khan	Committee Member
Craig Wright	Committee Member
Ian Arundale	DCC Cleveland Police
Emma Kensey	PHT Sergeant – Cleveland Police (Ethics Advocate)

No.	Discussed
1	<p>Welcome & Introduction</p> <p>DS welcomed everyone to the meeting and started with a round of introductions. It was explained that the meeting was being recorded on Teams to facilitate the minute taking.</p>
2	<p>Apologies for Absence</p> <p>Apologies for absence were received from: Ian Arundale, Craig Wright, Georgina Fletcher, Emma Kensey, Hanif Khan, Aaron Fidler and Stuart Green No apologies were received from Sean Mooney</p>
3	<p>Declarations of Conflicts of Interest</p> <p>Members were reminded to declare any conflicts of interests at any points throughout the meeting.</p> <p>DS declared a potential conflict of interest due to sitting on the internal Ethics and Standards Board for Cleveland Police.</p> <p>No further conflict of interest were identified.</p>
4	<p>Updates and Matters Arising</p> <p>Due to two members with the same initials – PW will refer to Paul Waugh and PDW will refer to Paul Woodvine in the meeting minutes.</p> <p>The committee accepted and agreed the accuracy of meeting minutes from both 19th October and 7th December 2021.</p> <p>NG updated in relation to the youth committee meeting scheduled for March. Once dates have been circulated, availability from IEC will be discussed and attendance rota confirmed. .</p> <p>DS referenced the complaints process document from PCC in relation to the new complaints model which launched on 31 January 2022. No further comments.</p> <p>a) Whistle-blowing policy</p> <p>SB explained that the document is a policy statement which also provides guidance on procedures, and what happens when someone makes a report including the process of how this is being recorded by the force.</p> <p>SS had an observation around the policy. She felt it was great in terms of addressing any ethical behaviour or challenges but if it is just a policy with no reports coming through, how will that be monitored?</p> <p>SB replied that the document was in existence before but was not as detailed as it is now. The Whistle-blowing policy has been there for some time but the procedures are now included. It was agreed it is important to push out the policy to the</p>

force so all staff and parties are aware of the procedure. There has been an increase in the number of whistle-blowing reports and SB expects a further increase when it has been fully implemented.

We will be able to look at the quantity of data and when the policy is in place - to go back to those affected and see how they managed the process and what improvements can be made going forward.

CM highlighted that it takes enormous courage to stand up and blow the whistle if the process can become easier it should be applauded.

RS agreed it is a good document and it is good to raise the profile.

DS raised a couple of issues in terms of the limitations of the examples given and covered by the policy. He asked why the document does not mention sexual misconduct or discriminatory misconduct.

JS made a comment that a sexual harassment policy is in development.

PW replied to SSs observation - for awareness and reassurance the force has had a recent external audit regarding processes and procedures in terms of whistle blowing and had some recommendations. The force now has an action plan in place in terms of process and measurements.

DS noted that the policy does not state anything relating to a relationship within the workplace where a partner would need to whistle blow on their partner. Specific circumstances which previously have been discussed as a duty of care. There might be a situation where they do not want to whistle blow against their partner as the circumstances involves further issues, for example if a marriage breaks up. DS asked if there was any reference to the matter within the policy.

SB explained that it does not cover this at present, and an issue with a policy is you cannot capture every single scenario. Policies need to give a broad scope in terms of dealing with an issue. A whistle blowing policy is all about making sure that there is not any detriment from the organisation and give guidance and support no matter what the situation is. SB explained that there is other policies that cover relationships at work.

NG added that some of the issues raised will be brought up on a national level and is ongoing.

DS summarised that it is a good piece of work and the committee are happy with the policy but consideration should be given to the comments made by committee memberst.

b) Chief Constable update

RK provided an update on the Chief Constable recruitment process. Originally 4 applicants and 2 were shortlisted for the interview process. One withdrew due to personal reasons, therefore only one candidate was interviewed. The PCC has identified Mark Webster as the preferred candidate for the new Chief Constable. Mark is currently the Deputy Chief Constable at Cumbria. A meeting with the Police and Crime panel will go ahead this week to go through the formal confirmation process. The independent member, who on this occasion was the Chief Fire Officer from Cleveland Fire Brigade, will provide a report and the panel will decide whether they support that appointment.

c) Vice Chair arrangements

DS and JS confirmed a discussion with Stuart Green who has agreed to take on the role as Vice Chair of the IEC. It was highlighted that there could be a conflict of interest as SG is to likely to become chair for the Joint Audit Committee.

DS, SG and JS have discussed this and agreed on ways to resolve any potential issues relating to the matter.

d) Members – vetted or not

It was discussed within the committee regarding requirements in terms of sensitive information. More a scope conversation and having a risk assessment management plan in place around the issue to identify what and potentially where the information is going.

RK shared her views with the group in terms of both positives and negatives of getting members to go through a vetting process. RK agreed to take this action away to speak with the force vetting officer / DPO and bring back a report to a future committee meeting.

SS questioned what sensitive information is being sent out via email.

JS noted that the meeting minutes are accessible online so already in the public domain. Discussion took place about the possibility of having a secure access point where members could access sensitive documentation.

This will be discussed further at the next triage meeting to see if it is possible to put a system in place.

RS reminded the meeting that a confidentiality agreement has been signed by all committee members and anything discussed at the meetings are confidential.

e) Custody Suite update

Following the Cleveland Police Inspection Report in 2019 the force has worked hard to try and address any ethical issues identified in the report including the most recent custody inspection.


The force responded to the custody inspection findings through forming a gold group with senior level representation with clear tasks and direction. The action plan is going well in terms of the issues raised.

PW explained one of the key things that has been raised is the actual governance of all of this.

DS noted the good work that is ongoing and that it is about addressing the difference in culture between a police force and the outsourced company. This relates to how you measure performance and how joint priorities are set. It is clearly important, if you are going to have an outsourced contractor, that the tender process is clear about what is required. Another issue is that the contract is coming to an end soon and there no identified alternative providers to supply the services required.

JS agreed to circulate the 2019 report from HMIC to committee members.

	<p>The custody leadership team are aware of the Independent Ethics Committee and it has previously been raised that they can bring matters for consideration. A meeting is in place to finalise one of the long-term improvement plans, with support from EDI and custody suite management.</p>
<p>5</p>	<p>Submissions</p> <p>Ethical dilemma regarding officers keeping found money</p> <p>NG talked the committee through a real-life example where an officer on duty found £20 on the floor in a secluded street. The Officer followed the correct process and as per the policy the found money can go back to the finder after 28 days unclaimed. Is this ethically correct?</p> <p>CM noted that the quantity of the find is not mentioned in the legislation. If the quantity was of a bigger scale, would there be a difference? Is this a factor that should be considered?</p> <p>RS - Has a different view and believes officers should be treated with courtesy, respect, and fairness in relation to this and has no problem with an officer keeping any money found.</p> <p>SS made a point in terms of where the money has come from., Is it legal or money from a criminal activity?, How do you prove that this? Could this be a way of bribing police?</p> <p>PW asked if it would make a difference if the money was found on duty as opposed to off duty?</p> <p>RS thought this a good point. If an officer is on duty, paid by the taxpayers, we can possibly, as a force, expect something different i.e. for the money not to be available to the officer.. While if they are off duty perhaps they should be allowed to keep the money.</p> <p>PDW makes a point that the amount of money makes no difference, it is the procedure that is important. If an officer is not allowed to keep the findings after the time limit, there is no incentive to hand it in.</p> <p>TB thinks the key point is if the officer is on duty or not. Could be good practice for the police force to say that if on duty, 50% of the findings could be donated to a local charity.</p> <p>CM asks if the same rules apply if the finding is an item such as a watch?</p> <p>NG explains the policy is the same for any item found, jewellery or cash.</p> <p>DS the view that police officers should always be required to hand in the money whether on duty or not regardless of the amount. The money should be donated by the police to charity.</p> <p>DS summed up noting the many valid points and the good spread of opinions. There is obviously a split within the committee. Some members think it matters if the officer is on or off duty as well as where the money is found and the amount found. Others have a different view i.e. that any found money/goods should be donated to charity. And that as a police officer is always on duty the code of ethics always applies.</p> <p>Ethical dilemma regarding the seizures of off-road bikes.</p>

	<p>Is it appropriate for the police to seize off-road vehicles at a funeral and what considerations should be made?</p> <p>RS – believes the vast majority of people would like them to be dealt with and find it frustrating that it is almost common knowledge that the police are reluctant to pursue off-road vehicles on roads even though they are breaking the law. Clearly there is an expectation that action will be taken.</p> <p>CM agrees with what RS said. Ethically he sees a difficulty in reconciling the fact that we would fail to uphold the law because some might be offended. If it is known a group of people are breaking the law, action should be taken. Another ethical issue is the balance of harms. What will be more harmful – to aggravate a small group of anti-social individuals or to act more softly about it and achieve less reaction and bounce-back. Ethically, if people are breaking the law, there need to be consequences.</p> <p>SS asks if the response would be different at any other event in respect of the comparable and fair decision making. Why do we need to let it get to the funeral itself before it becomes a decision? The force should speak to the family beforehand to put preventative measures in place.</p> <p>To avoid the situation, it is important to work with the family beforehand to stay clear of any confrontation and to be clear of any consequences and actions the force will take. The police will uphold the law regardless of where the breaking of the law takes place.</p> <p>DS summed up – There is a consensus within the committee. Ideally the force should avoid the situation by working with the family and the community of off-roaders beforehand and being clear on any consequences of any action that they take, i.e., the police will uphold the law, regardless of where breaking the law takes place. There is a duty on the police to try and avoid the confrontation that might happen.</p>
	<p>Ethical dilemma regarding time afforded to student officers.</p> <p>This item was not discussed.</p> <p>Harry Miller Appeal Judgement – CM summarised the outcome of the Supreme Court appeal. Harry Miller won a case against Humberside Police for their action against him for an alleged hate incident.</p> <p> Ethics Submission Harry Miller Appeal Ju</p> <p>DS – essentially a conflict between different ways of looking at behaviour i.e., hate crime, hate incidents and freedom of expression. Those three things converge at some stage and judgements must be made about where behaviour split into those.</p> <p>CM thinks it's a fourth element – operationally, how different police forces have responded historically. He was impressed by the update provided by NG and particularly pleased that</p>

	<p>Cleveland Police were not likely to make the error that Humberside Police made, according to the document.</p> <p>DS – one of the issues to highlight is that there is huge amount of information re. hate incidents which under the new definition of hate incidents issued by the college of policing might no longer be deemed as hate incident. What should the police forces do about the information stored on their computers? On the other hand, which is made clear in the documents provided, the collection of information is important in identifying potential hate crime and hate incidents in the future.</p> <p>The ethical dilemma - what is appropriate for the police to hold in terms of meeting their objective in preventing crime and criminal behaviour.</p> <p>NG – put the document together referred to earlier. He was hoping the document provided some clarity and there is also a second document around DBS checks which gives grater clarity on what recording could mean in the future in terms of DBS checks - what will flag and what won't and the consequences that could arise for personal vetting.</p> <p>Five questions from CM relating to the matter got deferred and will be discussed further at the next meeting.</p>
6	<p>Deferred Items</p> <ul style="list-style-type: none"> • Appropriate Relationships Guidance to next meeting • Social media policy brought to next meeting • Restrictions on independent ethic members to respond on social media. Ethically correct? • Event on 1st March will be sent out.
7	<p>AOB</p> <p>There were no items of any other business</p>
8	<p>Next meeting: 16.00 27th April 2022 @ Central HQ.</p>