



**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: 7th December 2021

Time: 16.00-18.30

Venue: Microsoft Teams

Attendees:

Name	Role
Dave Smith	Committee Chair
Craig Marshall	Committee Member
Richard Smith	Committee Member
Aaron Fidler	Committee Member
Kim Stewart	Committee Member
Paul Woodvine	Committee Member
Paul Waugh	Chief Superintendent - Cleveland Police
Neal Gillson	Operational Ethics Lead – Cleveland Police
Jenni Salkeld	EDI Manager – Cleveland OPCC
Richard Cockbain	Police Scotland - Observer
Heidi Spencer	Community Hub Advisor – Cleveland OPCC
Rachelle Kipling	Temporary Assistant Chief Executive – Cleveland OPCC

Apologies:

Name	Role
Georgina Fletcher	Committee Member
Stuart Green	Committee Member
Tresor Bukasa	Committee Member
Ian Arundale	Deputy Chief Constable – Cleveland Police

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 voice recorded to facilitate the minute taking.</p>

	DS highlighted that the Committee still does not have a vice chair and members may be contacted for additional support.
2	<p>Apologies for Absence</p> <p>Apologies for absence were received from Georgina Fletcher, Stuart Green, and Ian Arundale. Tresor Bukasa initially joined the call, but lost connection and was unable to re-join.</p>
3	<p>Declarations of Conflicts of Interest</p> <p>Members were reminded to declare any conflicts of interest at any point throughout the meeting.</p> <p>DS declared he might have a potential conflict of interest as he sits on the internal Ethics and Standards Board for Cleveland Police which took place a couple of weeks ago.</p> <p>No further conflict of interest.</p>
4	<p>Minutes of the previous meeting could not be agreed as SG had raised an issue and he had sent apologies for today's meeting. It was agreed that JS would address the issue with SG and once resolved the minutes would be circulated.</p>
5	<p>Updates and Matters Arising</p> <p>In terms of attendance (referring to the clause in the Terms of Reference) – any member who does not attend a meeting 3 times in a row, without good cause, should have their position re-considered and discussed if they want to continue or not. It was recognised as essential to maintain a high standard regarding attendance as a lot of effort and recourse are put in from everyone.</p> <p>RS questioned the link between the Independent Ethics Committee and the Youth Ethics Committee. DS stated that there would be a joint triage but that the linkage beyond that had not been discussed. Normally DS, as Chair, would attend but a suggestion of an attendance rota to include all members was suggested.</p> <p>RS expressed concerns about consistency. He was worried that if too many people attend it will not solve the problem. He recognised the need for an input of youth representation but was concerned it might not represent a cross-section of youth in Cleveland and might miss out certain elements.</p> <p>JS explained the Youth Committee has not been elected, that they are all volunteers who wants to stand up and contribute. 'Leaders unlocked' works across the Cleveland area with a diverse group of young people. She noted that their feedback is getting used in a similar way to this Committee.</p> <p>CM mentioned it would be an idea to bring a representative from the Youth Committee to come and report to our group.</p> <p>JS explained there could be an issue regarding attendance because those attending the Youth Committee may be different on each occasion, but agreed to raise the question with Kaytea and Leaders Unlocked. Previous feedback was that it would be better for one of our members to attend their meeting instead as it is shorter due to school etc.</p> <p>It was agreed that a rota will be put in place for IEC members to take turns in attending the Youth Committee meetings with some flexibility.</p>

RS again raised his concern, he sees it difficult for the youth issues to be represented in a proportionate way. He believes they must have the benefit of adult assistance. He noted that the IEC have had sincere young people involved in the past who were not able to represent their views on issues in an appropriate way. It was agreed to allow the proposed arrangements to be put in place and monitored over time.

a) Proposed ethical dilemma form

NG proposed the revised form to the Ethics and Standards Board who welcomed the idea. It could take a little longer to complete but would make it more beneficial when it comes to discussing the matter. The purpose of the change is to bring out some points that might be queried in order to best discuss the matter and any legislation that needs to be covered. The form would not just to be used by the Force but also by the Committee.

It would be good for a member of the Committee to see how useful it is when an issue is raised by an independent member.

CM stated that he is happy with the new format and that it does not make a lot of difference.

b) Ethics and Standards Strategy

This was raised at the recent Ethics and Standards Board to with the intention to formalise the strategy regarding ethics and standards.

NG informed the Committee that the Ethics and Standards Board are the equivalent body within the police, with bi-monthly meetings being held where any relevant topics are brought for discussion. It talks about the structure and background of the Ethics and Standards Board, alongside the underpinning rules and regulations.

IEC members were happy with the strategy document and no further comments were made.

c) Ethics Advocates

Currently 10 Advocates made up of police, PCSOs and staff, based around Cleveland police and different departments within the organisation. They are sent dilemmas or generate their own for discussion, with responses being fed into committees or the Ethics and Standards Board. If there are any ethical concerns, they act as points of contact for workforce colleagues to obtain guidance and signposting from.

A proposal has been reviewed at the Ethics and Standards Board and has received executive support to increase the membership and the impact the Advocates have in the future.

Training will be given to the advocates to increase their awareness of ethical issues within policing and participation in these meetings will be beneficial.

NG is in the process of recruiting Advocates and the intention is to have 30-35 members with the purpose of further embedding the Code of Ethics into the force.

All IEC members were happy with this proposal and it was agreed that one Advocate could attend each IEC meeting.

d) New Members

JS reported that three new potential members had met with herself and DS. Aaron, and later Paul, attended today's meeting. The third candidate was unable to attend the meeting.

	<p>e) Chief Constable recruitment update – A preferred candidate was not identified through the appointment process, so no appointment was made. The PCC has re-launched the recruitment exercise with a closing date of 12th January. It is anticipated the process will be similar regarding internal and external panels as well as the final interviewing panel. The College of Policing are also involved providing support throughout the process.</p> <p>Richard Lewis was in post until the 12th December and it is yet to be decided who will step in as Acting Chief Constable.</p> <p>f) PCP Update RK explained the OPCC have been through an in-depth process in terms of what the content of the Police and Crime Plan would look like. It went to the Police and Crime Panel towards the end of November and their feedback that is currently being implemented. The PCC is looking at launching the plan in the early new year. The 10 priorities will remain the same.</p> <p>It is anticipated that there may be some ethical issues the Committee may be able to support on as the OPCC's team move into the development and implementation of the Police and Crime Plan in the coming months.,</p> <p>g) Richard Cockbain (RC) Ethics Committee Research Summary - RC is a part time PHD student and serving police officer with Police Scotland since 2007. His PHD has the title 'Examining the nature and impact of ethics panels in the UK'. His research is structured into three parts:</p> <ol style="list-style-type: none"> 1) Mapping the landscape of ethics panels in the UK 2) In-depth case studies, interviews and focus groups 3) Focus on Police Scotland and their journey and development of ethics panels <p>The intention of the research is to understand the journey that forces have been on and their establishments of ethics panels, to identify and document good practice, and document and develop a framework that can be used by practitioners.</p> <p>Findings so far – 89% of responding forces participated in some form of ethics panel/committee. 30% of those responded have only set up ethics panels since the start of 2020 and 71% in the last 5 years.</p> <p>His aim is to collect quality data to establish what works and what doesn't in terms of good practice.</p> <p>NG happy to be point of contact.</p> <p>DS thanked RC for sharing with the Committee and mentioned it would be good to get a further update in terms of the findings, and also what the Committee can implement to learn and improve.</p>
5	<p>Submissions</p> <p>1) Force members accused of domestic abuse</p> <p>Initial questions up for discussion:</p>

- Do the committee feel it is ethical for police officers or staff members to continue being at work if they are under investigation for domestic violence offences?
- How strongly do the seriousness and circumstances of the allegation influence the decision to suspend or not?

KS asked if there is anything in their contracts that currently addresses this issue.

NG explained there are the Police Regulations which do not give a definitive answer and, therefore, it is dealt with on a case-by-case basis.

CM finds it a complex issue and asked if we know how many of these allegations are possibly malicious compared with general allegations and any statistics around that?

PW explained there are many potential issues with domestic abuse within the police. Reluctance from victims of domestic abuse that won't come forward because they don't think they will be believed or because the police might be biased and protect their colleagues. Statistics are not good when it comes to where any police officers have gone to court and being convicted. It largely comes down to evidential issues which could be a problem.

DS asked, how do you make sure the decisions are made consistently and who oversees the process.

PW explained that criminal investigations are undertaken by detectives who are not within DSE or professional standards and there is one decision maker for all suspensions which is DCC Arundale. The DSE are having quarterly meetings looking at all suspensions to get the balance right. This is a sensitive matter as a member of the public or a victim of DV would probably expect the accused should be suspended but the Regulations are quite clear, in that we should look at all alternatives to suspension, and that suspension should be the last option.

The question of how strongly does the seriousness and circumstances of the allegation influence the decision to suspend or not?

NG explained that same suspension rules and guidelines would apply regardless. A question, regarding DA, was brought up in the Ethics and Standards Board following on from the Sara Everard case. It was said that police officers under investigation should not be in work and DV perpetrators would not be able to operate functionally in their capacity as an officer.

AF – Relating to SE case think it is detrimental for forces around the country looking to restore confidence in policing from women. It is a definitive difference between suspension and termination and a very sensitive nature to understand.

CM – in the process of the investigation there might be a risk to other people. Not sure if suspension will get rid of that risk. One important issue is the length of time for the case to be resolved. This must be added into the equation in some way.

DS mentioned a second aspect of the dilemma – In order to ensure the police are trusted by the society maybe suspension should be the default approach?

NG made a point that every case is examined on a case-by-case basis and appropriate action is taken. It could be an ongoing decision in which decisions are reviewed every month and the decision can be changed at any point.

DS asked if it is ethical or appropriate for an officer facing an allegation of crime of DV to continue to work while under investigation?

RS stated that he is comfortable that this is going to rely upon the judgement of the Deputy CC.

KS asked if the suspension is with or without pay.

PW answered with pay as it is unfair to remove someone's pay while they are suspended.

CM supports RS comments and there are elements of law we cannot write a formula for – it is too complex and must be matter of judgement.

NG mentioned it is a balance of probabilities.

Summary:

The majority view of IEC members was that it would be ethically correct for people who are subject to allegations to continue to work in some form or other within the force while those investigations take place. One aspect that needs to be considered regarding what actions to take, ethical or not, would be the seriousness of the offences and the evidence base on which the decision will be made. However, the key issue is the mechanism for making those decisions and making sure no bias will be seen in the decision making. Independent scrutiny of the decisions made by the Deputy CC would help give confidence to the Committee that the decisions are made in a fair and consistent way.

2) Police who are victims of domestic abuse

DS summarised the dilemma for discussion – are there any ethical issues or concerns about a member of the force or police staff, who is subject to domestic violence/abuse, and who is not willing to give evidence against the perpetrator? Are they breaking the Code of Ethics? The key issue is how to compel someone to give evidence.

CM asks what the definition of domestic violence is.

PW explains it can include coercive control and does not have to be physical assault. It could be a family member who lives in the same address or someone who has been in a relationship with the victim.

KS mentioned that by the time the police get involved it could be much more serious than just yelling at each other, much more significant.

RS feels his view is less relevant to some extent, being a man.

AF noted that if someone is not being cooperative it could be for other reasons such as fear of family law matters and other things outside of the criminal justice system.

DS asked if any action should be taken against a police officer or member of staff who refuses to give evidence because they are breaking the Code of Ethics.

	<p>RS finds it a difficult issue regarding regulations. It is a fine balance and do recognise the challenges by being a police officer. Do not want officers to be unduly penalised because of their role. A matter for the individual officer.</p> <p>DS agreed with the point regarding the matter of individual decision making. But some exploration needs to take place as to the reasons why someone would not provide evidence against the perpetrator of domestic abuse.</p> <p>NG mentioned it is complicated and raised the hypothetical situation where both victim and perpetrator are employed by Cleveland police, serious offences have occurred, and the lack of victim engagement means that an officer who is perpetrator of DA may not be prosecuted.</p> <p>Summary on the 3 questions from NG.</p> <p>The Committee agreed that it would be wrong to use the Code of Ethics to enforce any evidence giving or indeed for them to be sanctioned at work because of breach of the Code of Ethics and regulations. There does need to be some discussion with the victim as to why they would not want to go down the route of supporting the prosecution.</p> <p>PW answered that there would be no difference if the victim was a police officer, member of staff or member of the public. If there was a chance to do an evidence led prosecution, we would do that. If the victim is not willing to give evidence, we can still go for criminal proceedings.</p> <p>CM mentions a relevant point. We can use the Code of Ethics and regulations to support several different positions and he is not convinced if it is a valid route to go down in this instance.</p> <p>IEC members agreed it is not appropriate to use the Code of Ethics or any other regulations to enforce a member of the police force who has been subject to DA to provide evidence to support prosecution.</p> <p>NG added it is a difficult topic and has been taken to regional and national ethics committees, he will feed back in due time.</p>
<p>7.</p>	<p>Any Other Business</p> <p>CM asked a question regarding the appointment for a Vice chair as still no update and DS explained it will be discussed at a later stage.</p> <p>PW mentioned what if there was a Conflict of interest. Explained they have clear guidance on that.</p> <p>Update of contact details for the committee members will be provided.</p> <p>One deferred item in relation to relationship guidance which will be on next meeting's agenda.</p>

8.	Next meeting: 8 th February 2022 @ 16.00	
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