

# THE CHIEF CONSTABLE OF CLEVELAND

## Ethical Standards

Internal audit report 11.23/24

Final

6 February 2024

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# 1. EXECUTIVE SUMMARY

## Why we completed this audit and background

We have undertaken a review of the Force's ethical framework to provide assurance that there are effective processes and procedures in place to ensure that ethical concerns or dilemmas can be raised, discussed and considered by the Force and Chief Officers. As part of our audit, we have considered the different groups and committees that form the ethics governance structure and how these interact and provide advice and guidance on ethical dilemmas. We have also considered how officers and staff are made aware of ethics, whether there is a mechanism or system in place to report ethical dilemmas or concerns and how these are discussed and communicated to the wider Force.

His Majesty's Inspectorate of Constabulary and Fire and Rescue Service (HMICFRS) undertook a police efficiency, effectiveness and legitimacy (PEEL) inspection of Cleveland Police in the 2018/19 year (with the report published in October 2019) which highlighted a cause for concern with regards to ethics. In particular, it was noted that "many senior leaders aren't consistently demonstrating ethical behaviour" and that this behaviour was so profound that it was "affecting the efficiency and effectiveness of the Force". Additional comments within the report highlighted that there was no structured approach to ensure that the Code of Ethics was applied consistently by officers and staff and that there was no clear lead for ethics within Cleveland Police.

This is in contrast to the most recent PEEL inspection for the 2021/22 year (with the report published in March 2023) which stated that the Force has integrated an ethical culture and that the inspector remarked that "I am pleased with how Cleveland Police has improved in this area. In particular, it has created an effective ethics and standards board and recruited ethics advocates throughout the workforce".

As part of the Force's ethical framework, a governance structure is in place to discuss ethics and ethical dilemmas. This is comprised of an Ethics and Standards Board, a group of Ethics Advocates, an external Independent Ethics Committee and an external Youth Committee. This structure is supported by members of the Directorate of Standards and Ethics (DSE), in particular with the Operational Ethics Lead who is responsible for managing the Force's Ethics Advocates and promoting ethics to staff and officers.

## Conclusion

Our review has identified that the Force has a comprehensive and significant ethics framework in place which is supported by senior leaders, the DSE and a network of Ethics Advocates. The Force has a clear governance structure in place that is supported by terms of reference and an appropriate range of individuals. This includes both internal and external parties, as well as a range of officers and staff from a variety of departments and ranks. As part of the audit, we attended the October 2023 meeting of the Ethics and Standards Board as an observer and verified that this was well attended, had a formal agenda, and discussions were held to discuss and debate ethical issues or dilemmas. All groups within the governance structure are linked together and this is supported by the Operational Ethics Lead who acts as the ethics subject matter expert within the Force. We verified that clear mechanisms have been developed to raise ethical dilemmas, with the resulting discussions documented and available for all staff and officers to view centrally on the intranet.

Whilst the Force has significant guidance and information available on the intranet, mandatory e-learning training should be introduced to ensure all staff and officers are aware of their responsibilities and the Code of Ethics (national guidance for officers and staff to ensure that they are policing and acting ethically). However, it should be noted that an update to the Code of Ethics was due to be released on the 24 January 2024, after the completion of our audit. As such,

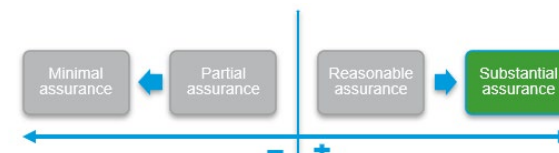
the Force has been limited in the training they have been able to produce before our audit, particularly as the updated Code of Ethics has been delayed and was originally scheduled to be rolled out in late 2023. We have agreed this as a **low** priority management action.

We have also made **one suggestion** relating to the creation of a criteria framework for assessing ethical dilemmas. Similar reviews undertaken at other UK police forces have identified that a framework from which to assess dilemmas could be useful to ensure consistency, albeit it should not be used to restrict and limit discussion. Further details of this action and suggestion can be found in section two of this report.

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#### Internal audit opinion:

Taking account of the issues identified, the Chief Constable of Cleveland can take **substantial assurance** that the controls upon which the organisation relies to manage this risk are suitably designed, consistently applied and effective.



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## Key findings

**Our audit review identified the following controls are suitably designed, consistently applied, and are operating effectively:**



Whilst the Force do not have an ethics policy, they have adopted the Code of Ethics as the main ethical framework for officers and staff. The Code of Ethics is a national set of guidelines and therefore ensures that a consistent approach is used with other forces and other officers and staff transferring from different areas. This is supported by the Force's code of conduct which incorporates the standards of professional behaviour which was made mandatory as part of the Police (Conduct) Regulations 2008 legislation.



The Force has an ethics intranet page that provides staff with guidance and information regarding ethics and the Code of Ethics. This page also has information regarding each of the different groups within the governance structure and a summary report for all ethical dilemmas discussed.



The Superintendent in charge of DSE confirmed that the Deputy Chief Constable (DCC) is the Chief Officer Lead for ethics and professional standards and is responsible for acting as a senior focal point for any issues or problems with respect to ethics. Responsibilities for the ethical process are documented on the ethics intranet page and includes the Operational Ethics Lead, the DCC, the Superintendent and Detective Chief Inspector in charge of the Directorate of Standards and Ethics, and each of the Ethics Advocates within the Force.



A network of Ethics Advocates is currently in place and acts as the first point of contact for officers and staff if they have an ethical issue or dilemmas. There are approximately 60 different individuals that volunteer as an Ethics Advocate and include officers and staff from a range of departments including Learning and Development, Department of Standards and Ethics, the Force Control Room and the Office of the Police

and Crime Commissioner (OPCC). A list of Ethics Advocates is available on the ethics intranet page and posters have also been placed within buildings owned by the Force.



A clear governance structure is in place and is comprised of the Ethics and Standards Board (made up of Force staff and officers) and the Independent Ethics Committee (made up of external, independent members). The chair of the Independent Ethics Committee attends meetings of the Ethics and Standards Board to feed back discussions and enable a link between the groups. Alongside the two primary groups, the Force have the Youth Committee which is facilitated through the OPCC and is comprised of teenagers or young adults though does not focus on ethics. As well as this, the Operational Ethics Lead attends the Northern Regional Ethics Committee which discusses ethics and ethical dilemmas from a regional level. Attendees to this meeting include representatives from West Yorkshire Police, Greater Manchester Police and Merseyside Police.



Terms of reference for the Ethics and Standards Board, the Independent Ethics Committee, Ethics Advocates and the Youth Committee are in place and are available to staff and officers on either the intranet or on the OPCC website (in the case of the Independent Ethics Committee). A summary report or set of minutes are produced for all meetings and are available on the ethics intranet page for all staff and officers. Minutes for the Independent Ethics Committee are available on the OPCC website.



A highlight report is produced by the Operational Ethics Lead and was presented to the Strategic Workforce Planning Board (chaired by the DCC). The report provides a summary of the discussions from the September and November 2023 Ethics and Standards Board. As well as this, the Operational Ethics Lead presented an Annual Ethics Report to the Audit Committee in December 2023 providing an overview of the Force's improvements with regards to ethics and ethical dilemmas.



The Force has several mechanisms to report ethical concerns or ethical dilemmas including a dedicated form on the ethics intranet page, a central ethics inbox maintained by the Operational Ethics Lead, and the network of Ethics Advocates. The Force have also started to implement an ethics standing agenda item and this can be seen in several agendas across the Force including the Strategic Workforce Planning Board, the Tactical Workforce Planning Group and the Digital, Data and Change Board. Any concerns can be raised here and are fed back to the Operational Ethics Lead.



Inspections undertaken by HMICFRS have identified improvements in the Force's approach to ethics and this has been reflected in the PEEL inspection for 2021/22 (published in March 2023). More in-depth feedback was provided by HMIC which highlighted that they were "really impressed with the ethics element of the inspection and how the Code of Ethics is woven through the organisation", as well as crediting the Operational Ethics Lead with being an excellent lead.

## 2. DETAILED FINDINGS AND ACTIONS

This report has been prepared by exception. Therefore, we have included in this section, only those areas of weakness in control or examples of lapses in control identified from our testing and not the outcome of all internal audit testing undertaken.

Risk: Ethical Standards (Risk Reference 1662)			
<b>Control</b>	There is an ethics page on the Force's intranet that contains guidance, news and alerts to all officers and staff regarding ethics.	<b>Assessment:</b>	
	Staff and officers receive induction training from the Operational Ethics Lead when first joining the Force.	<b>Design</b>	✓
	The Force has a mandatory training package that covers ethics and is required to be refreshed annually. Officers are required to complete an annual integrity health check.	<b>Compliance</b>	×
<b>Findings / Implications</b>	<p>We confirmed the Force has an ethics intranet page that is available to all staff and officers. Upon review, we confirmed this contains:</p> <ul style="list-style-type: none"> <li>• a summary of ethics and the importance of the Code of Ethics (including a link to the code itself);</li> <li>• contact details of the Operational Ethics Lead;</li> <li>• details of the Ethics Advocates including a list of advocates and how to apply;</li> <li>• details of the various committees and groups set up to discuss ethics (such as the Independent Ethics Committee and the Ethics and Standards Board);</li> <li>• details and links to training sessions and presentations completed (including a recording of these); and</li> <li>• a list of ethical dilemmas that have been discussed and the summary report for each.</li> </ul> <p>We confirmed that officers are required to complete an annual integrity health check (IHC) form which is submitted to their line manager. This determines whether they are fit to work and, according to the HMICFRS, whether the staff or officer could 'pose a corruption risk'. Through review of the IHC form, it is clear that ethics are at the forefront of this check and multiple references are made to ethics, the Code of Ethics (including a link) and other relevant documentation (such as the Gifts and Hospitality guidance document and the Notifiable Association guidance document).</p> <p>We did note that only 76.1% of staff have completed the IHC though it was clarified by the Superintendent in charge of DSE that this has been raised internally and is currently being investigated. Furthermore, the IHC is only one method to ensure staff and officers are aware of ethics and is not the only control in place regarding staff and officer awareness. We have therefore not agreed a management action.</p> <p>It was also noted that staff or officers with a dual role (such as a staff role and a special constable role) only have to complete the check once but will be marked as non-compliant if they do not complete it for both roles. Furthermore, the Superintendent clarified that the check is reset to 0% every April, meaning those staff members that completed the check in February or March 2023 will not be included within the 76.1% noted above, despite having completed the check within the last 12 months. As work to review this process is underway, we have not agreed a further management action within this report.</p>		

## Risk: Ethical Standards (Risk Reference 1662)

### Training

To support the ethics intranet page, training is also provided to officers and staff through a training module (simply called Code of Ethics) on the College of Policing's e-learning system and via training days. We requested a copy of the completion report to determine the rate of training completion; however, the Operational Ethics Lead noted that the module had recently been removed. As such, we have been unable to verify the completion rate of this training. Whilst the Operational Ethics Lead could not verify the reason for the training being removed, it was suggested (alongside the Superintendent in charge of DSE) that this was in preparation for the updated Code of Ethics launch later in January 2024.

Following a search of the training modules available on the Code of Ethics, we noted that there are three additional modules, though all are optional and not mandatory. One module covers the Code of Ethics for trainers (added in 2023), the other is a document with the Code of Ethics (added in 2019), and the final module is a document explaining how the code can be applied (added in 2018).

It was agreed that following the launch of the new Code of Ethics, the Force would ensure mandatory training is rolled out and compliance monitored to ensure all staff have completed the training. However, it should be noted that this will be a longer process as full details of the Code of Ethics changes have yet to be released. If ethics training is not available and staff and officers are not completing this, there is a risk that staff and officers may not be fully aware of the Force's ethics standards and their roles and responsibilities with respect to this.

### Presentations

The Operational Ethics Lead confirmed they also provide presentations to staff and officers regarding ethics. They confirmed a presentation is provided to each officer intake and, from review of this standard presentation, we confirmed that the Code of Ethics, standards of professional behaviour and the Directorate of Standards and Ethics are covered within this presentation. This includes the mechanisms in place to raise ethical dilemmas or request advice on an ethical issue.

The Operational Ethics Lead noted that one-off sessions are also provided on an ad-hoc basis. One example was a presentation (similar to that provided to the officer intake noted above) provided to the Intelligence Unit in June 2023 as part of their continuing professional development (CPD) training day. Two additional examples were provided regarding the Force Control Room and their CPD training day and the Corporate Communications Team CPD training day in November 2023.

We confirmed other ethics events were held by the Force and videos of these are available on the ethics intranet page for all staff.

<b>Management Action 1</b>	Once the new Code of Ethics is rolled out, mandatory training will be created and made available to staff to ensure they are aware of the new changes.  Compliance will be monitored and any instances of staff not completing training will be escalated as per the Force's training process.	<b>Responsible Owner:</b> Operational Ethics Lead	<b>Date:</b> 31 October 2024	<b>Priority:</b> Low
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## Risk: Ethical Standards (Risk Reference 1662)

Control	The Force uses the National Decision Model (NDM) and the Code of Ethics, both produced by the College of Policing, as the framework for assessing ethical dilemmas.	Assessment:		
	Both the National Decision Model and the Code of Ethics are required to be adhered to by all staff and officers.	Design		✓
	A formalised criteria framework specifically for ethical dilemmas has not been developed.	Compliance		✓
Findings / Implications	The Superintendent in charge of the Directorate Of Standards and Ethics (DSE) and the Operational Ethics Lead confirmed that a formal criteria framework to assess ethical dilemmas is not currently in place. It was noted that this is a deliberate decision to ensure that ethical dilemmas can be fully reviewed, discussed and assessed, rather than focusing on certain areas or criteria. Whilst a framework is not in place, dilemmas are assessed using a combination of the Code of Ethics (which is mandatory for all staff and officers employed by any UK police force), and the NDM which is also required to be used by the College of Policing.			
	Whilst we have identified a clear governance structure is in place and a foundation (the Code of Ethics and the NDM) is used to assess ethical dilemmas, we have raised a suggestion for the Force to consider the benefits and drawbacks of a framework, and whether other forces are using a framework to assess their ethical dilemmas. As part of this exercise, the Operational Ethics Lead has agreed to discuss this with attendees of the Northern Regional Ethics Committee to understand the mechanisms in place for other forces in the region.			
	During our observation of the Ethics and Standards Board meeting on 21 November 2023, we noted two ethical dilemmas discussed related around the use of the THRIVE model (threat, harm, risk, investigation, vulnerability and engagement) by the Force Control Room when dealing with vulnerable individuals and the Force's large backlog of seized exhibits. As part of this same meeting, updates were also provided regarding an ethical dilemma discussed previously around Freemasons, and whether a log or register should be required, or whether officers should be declaring membership (due to the public perception of potential conflicts of interest). For all three dilemmas discussed, we noted clear reference to the Code of Ethics and the standards that officers should be abiding by. This was particularly evident during the discussion regarding Freemason membership and the integrity that is expected of officers.			
	This was also clear through review of the summary report from other meetings (such as the Ethical and Standards Board meeting held on 28 September 2023), and the importance of considering ethics, the standards that officers and staff are required to meet and their decision making. As part of these discussions, viewpoints from a wide range of staff and officers were sought and discussed, including from an Assistant Chief Constable (ACC) (during the November 2023 meeting).			
Suggestion	The Force will consider the drawbacks and benefits of using a formal criteria framework to assess ethical dilemmas.	Responsible Owner:	Date:	Priority:
		-	-	Suggestion

#### **Risk: Ethical Standards (Risk Reference 1662)**

As part of this exercise, discussions with other Forces could be undertaken to understand their processes and ethical frameworks for assessing ethical dilemmas.

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## APPENDIX A: CATEGORISATION OF FINDINGS

Categorisation of internal audit findings	
Priority	Definition
Low	There is scope for enhancing control or improving efficiency and quality.
Medium	Timely management attention is necessary. This is an internal control risk management issue that could lead to: Financial losses which could affect the effective function of a department, loss of controls or process being audited or possible reputational damage, negative publicity in local or regional media.
High	Immediate management attention is necessary. This is a serious internal control or risk management issue that may lead to: Substantial losses, violation of corporate strategies, policies or values, reputational damage, negative publicity in national or international media or adverse regulatory impact, such as loss of operating licences or material fines.

The following table highlights the number and categories of management actions made as a result of this audit.

Risk	Control design not effective*	Non Compliance with controls*	Agreed actions			
			Low	Medium	High	Suggestion
Ethical Standards (Risk Reference 1662)	0 (13)	1 (13)	1	0	0	1
<b>Total</b>			<b>1</b>	<b>0</b>	<b>0</b>	<b>1</b>

\* Shows the number of controls not adequately designed or not complied with. The number in brackets represents the total number of controls reviewed in this area.

**Debrief held** 12 January 2024  
**Additional evidence received** 24 January 2024  
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**Responses received** 6 February 2024

**Final report issued** 6 February 2024

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