



Office of the
**Police & Crime
Commissioner**
West Yorkshire



**WEST YORKSHIRE
POLICE**

**MINUTES OF THE JOINT INDEPENDENT AUDIT and ETHICS COMMITTEE
(POLICE AND CRIME COMMISSIONER FOR WEST YORKSHIRE
AND WEST YORKSHIRE POLICE)
HELD ON 13 APRIL 2018**

ETHICS SESSION

MEMBERS PRESENT

Richard Baldwin
Trevor Lake (Chair)
Ann Liston

OFFICERS PRESENT

Pamela Quinn, OPCC Staff Liaison Officer, WYP
Julie Reid, Governance Manager, OPCC
Neil Rickwood, Head of Audit & Risk, Shared Services
Jane Sykes, Interim Chief Executive, OPCC
Julie Sykes, Head of PSD, WYP

1. WELCOME & APOLOGIES

The Chair welcomed all to the meeting. Apologies were received from Harry Bower and John Robins (Julie Sykes attending).

2. RECORD OF ATTENDANCE

Details of member and officer attendance at previous meetings of the committee were circulated for information.

3. MINUTES

The minutes of the meeting held on 5 January 2018 were agreed as an accurate record.

4. MATTERS ARISING

Item 11 – Committee terms of reference and workplan

Minuted at item 14.

5. CHAIR'S UPDATE

No items were reported.

RESTRICTED

6. ETHICAL ISSUES ARISING FROM THE GOOD GOVERNANCE GROUP

Jayne Sykes reported on ethical issues arising from the Good Governance Group. Members discussed governance of the use of drones and noted that there is presently no single policy lead in the NPCC or central oversight. Jayne Sykes advised that the use of drones will be taken forward with the NPAS National Strategic Board. Members sought a report on the ethical issues associated with the use of drones in light of the lack of national policy.

Neil Rickwood confirmed that the internal audit plan includes the use of drones.

ACTION: John Robins to report in October 2018 on the use of drones in West Yorkshire from an ethical point of view in light of the lack of national policy in this area.

Jayne Sykes also reported on a recent Supreme Court Judgment (Robinson v Chief Constable of West Yorkshire) which had implications in terms of the numbers of officers and command resilience.

Trevor Lake noted that this also related to an earlier (Audit Committee) discussion on training provision in the Force. Members discussed the dynamic decision making which is required of officers and the importance of formal debriefing after 'near miss' incidents. Members requested a report on the process of debriefing and sharing lessons learned, particularly in relation to traffic policing and custody.

ACTION: John Robins to report on the debriefing and lessons learned process in relation to traffic policing and custody.

7. INTERNAL ETHICS COMMITTEE

Members considered the notes of the last Internal Ethics Committee of 7 February 2018 and discussion followed of the use of mobile biometrics data. Members requested a report on the scrutiny of mobile biometric testing in view of the potential public perception that the process may be applied disproportionately.

ACTION: John Robins to report to the October 2018 Ethics Committee on the scrutiny of the use of biometric testing.

Neil Rickwood advised the Committee that retention of biometric data would be included in the Internal Audit Plan.

ACTION: Neil Rickwood to include biometric data retention and governance in the Internal Audit workplan.

8. COMMISSIONING

Jayne Sykes reported on commissioning arrangements in the OPCC advising members of the role of the Internal Commissioning Group which is chaired by the Treasurer and includes legal representatives and the recent organisational review which has created a

RESTRICTED

Head of Commissioning role and specialist adviser posts for safeguarding, victims and witnesses and criminal justice.

Members were informed that the OPCC is moving away from awarding short-term grants in favour of longer-term commissioning contracts of up to three years in order to provide certainty and governance.

Members noted that EU regulations do not allow commissioning to take account of local economic regeneration and Jayne Sykes advised that consideration is being given to relating community safety issues to economic regeneration in the Police and Crime Plan which will mean that funding can be directed towards local regeneration initiatives.

Members requested a further report on the measures used to inform commissioning decisions.

ACTION: Sophie Abbott to report to the July 2018 Ethics Committee on the measures used to inform commissioning decisions.

9. OPCC STAFF MANAGEMENT ARRANGEMENTS

Jayne Sykes reported on staff management arrangements advising members that all OPCC staff are in the process of having performance development reviews (PDRs) which will feed into a training needs analysis. The OPCC training budget has been increased in this financial year and the Force's PEN (Performance Example Notebook) system is being used to note performance.

All OPCC staff use the CARM HR system, which provides real-time reporting and is used to manage and record attendance and absence and is useful for ensuring adherence to the working time directive.

Trevor Lake queried whether senior managers record their working time and was advised that all line manager have been trained in the use of the system.

Members noted the organisational structure for the OPCC and requested that the statutory officers are indicated on the chart.

ACTION: Julie Reid to amend the OPCC organisational structure to identify statutory officers.

10. INTERNAL AUDIT UPDATE

Neil Rickwood provided an overview of recent audit findings, noting that reasonable assurance was provided from the audits of body worn video, promotion processes and complaints and misconduct handling processes.

Members were informed that limited assurance had been provided from the discretionary leave and allowances audit which was the result of a failure to properly record refusals. Members requested a report on the Force response to this audit to be considered at the next meeting.

RESTRICTED

ACTION: Neil Rickwood to report on the Force response to the internal audit of discretionary leave and allowances to the July 2018 meeting.

11. NATIONAL DISCLOSURE CONCERNS

Julie Sykes presented a report on the Force's response to recent, national concerns regarding disclosure and outlined a CPS national review of approximately 600 rape cases which was completed in January 2018 and which found only three cases in West Yorkshire which had been discontinued, none of which were the result of disclosure issues.

Richard Baldwin questioned the position of West Yorkshire in terms of resources and systems issues and was advised that securing data is usually done externally to the investigation team and the greater challenge is in determining the reasonable lines of enquiry.

Members were assured by the report.

12. OUT OF COURT DISPOSALS (OOC)

Jayne Sykes presented members with an update on the use and scrutiny of Out of Court Disposals advising that the Scrutiny Panel was established to review the decisions of police officers to apply an out of court disposal. The last meeting of the Scrutiny Panel found that the majority of officer decisions were appropriate. Trevor Lake queried the report that 27.4% of cases reviewed by the Panel were thought to have an inappropriate disposal or be inconsistent with policy and Jayne Sykes informed him that this also includes instances where the Out of Court Disposal could not take place for reasons which were outside of the officer's control.

The report notes the limited availability of options for referrals for some services in West Yorkshire and members were notified that this is also an issue in some other police forces.

Members noted the report and requested a further report in January 2019 to review the outcomes for the period April 2018 to January 2019.

ACTION: Jayne Sykes to report on OOC outcomes for the period April 2018 – January 2019 in the January 2019 meeting.

13. PSD STRATEGIC THREAT ASSESSMENT

Julie Sykes outlined the PSD strategic threat update covering the period February 2018 to April 2018.

Members were advised that police officer suspensions are used as a last resort and presently seven police officers and three members of staff are suspended.

Members discussed the introduction of the Police Barred and Advisory List and were informed that dismissals for medical capability are also included on the advisory list for a period of 12 months.

Members noted the report.

RESTRICTED

14. COMMITTEE TERMS OF REFERENCE AND WORKPLAN

Trevor Lake updated the committee with a recent review of the terms of reference and workplan which he and Jayne Sykes had undertaken.

Members agreed to continue to have a joint Independent Audit and Ethics Committee and agreed the forward workplan with the following amendments:

To amend the reference to HMIC to HMICFRS
To revise the Spring agenda to a review of three use of force policies
To include a report on vetting policies in the Summer meeting
To remove the regular (all meetings) 'update on whistleblowing'

Members agreed to review the workplan for the autumn and winter meetings in the July 2018 meeting.

Members also requested an update in the PSD report on reports issued by the Independent Office for Police Conduct (IOPC).

ACTION: Julie Reid to amend the terms of reference and forward workplan for the Ethics Committee.

ACTION: Julie Sykes to report on IOPC reports in the regular PSD update report.

15. ANY OTHER BUSINESS

Ann Liston queried when the accounts workshop would be held. (NB, this is confirmed as 20 July 2018, during the regular Audit Committee meeting).

Richard Baldwin raised the ethical issues involved in paedophile hunters and the use of evidence which may have been produced by these groups. Members requested a report to a future meeting.

ACTION: John Robins to report on paedophile hunter groups in West Yorkshire.

Trevor Lake queried when a lessons learned report on the former Chief Constable conduct matter would be considered and was advised that this was planned for the July 2018 meeting.

ACTION: Jayne Sykes to report to the Ethics Committee in July 2018 on the lessons learned arising from the former Chief Constable conduct matter.

Date of the next meeting:

20 July 2018

RESTRICTED

RESTRICTED

JOINT INDEPENDENT AUDIT COMMITTEE
20 JULY 2018