



**MINUTES OF THE JOINT INDEPENDENT AUDIT and ETHICS COMMITTEE
(POLICE AND CRIME COMMISSIONER FOR WEST YORKSHIRE
AND WEST YORKSHIRE POLICE)
HELD ON 4 OCTOBER 2019**

ETHICS SESSION

MEMBERS PRESENT

Trevor Lake (Chair)
Julie Talbot
Julie Winham

OFFICERS PRESENT

Simon Bottomley, C/Supt, WYP
Erica Doran, Head of Policy and Delivery, OPCC
Russ Foster, D/CC, WYP
Anita Patel, Sgt, WYP
Julie Reid, Governance Manager, OPCC
Neil Rickwood, Head of Audit & Risk, Shared Services
Jayne Sykes, Interim Chief Executive, OPCC

1. WELCOME & APOLOGIES

Trevor Lake welcomed all to the meeting and introduced Erica Doran, Head of Policy and Delivery. No apologies had been received.

2. DECLARATION OF INTEREST

None declared.

3. RECORD OF ATTENDANCE

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

4. MINUTES

The minutes of the meeting held on 19 July 2019 were agreed as an accurate record subject to the date of the document being amended to **19 July 2019**.

5. MATTERS ARISING

(a) Positive Action in Recruitment (item 19.1)

Russ Foster presented members with an update on the latest recruitment campaign and the positive action measures used to attract black and minority ethnic (BAME) candidates. Members were advised that the campaign had successfully increased applications from candidates with a BAME and 'White Other' background from 14.9% in March 2018 to 23.9% in August 2019. Trevor Lake thanked the Deputy Chief Constable for a comprehensive report.

Julie Talbot asked if the increase was also reflected in the numbers appointed and was advised that some HR processes are still ongoing, however, the uplift in officer numbers over the next 12 months offers more opportunities. Members requested a further update on the recruitment, including an update on the research undertaken by Leeds University on BAME progression in the Force.

ACTION: Russ Foster to provide members with a further update on positive action in recruitment, including an update on the research undertaken by Leeds University on BAME progression, to the April 2020 meeting.

Jayne Sykes advised members of work which is being done nationally by the APCC, NPCC and College of Policing to examine attrition levels for BAME applicants which will also involve working with a female BAME ex-senior police officer.

Russ Foster informed members that the Chief Constable had engaged the College of Policing to review the West Yorkshire diversity and equality strategy. Trevor Lake noted that, ethically, the Force should also review other under-represented groups, particularly with the move to the Policing Education Qualification Framework (PEQF) and the increased academic challenge and focus that this brings for new recruits.

(b) Lawful Monitoring (item 19.2)

Simon Bottomley presented members with a report on the Access and Monitoring Force Systems Policy which has been reviewed following a criminal trial which examined the monitoring of communications. The policy is clear that there can be no expectation of privacy on Force issue equipment.

Julie Winham noted the apparent contradiction with the Using the Internet and Social Media Policy which allows Force IT devices to be used for personal reasons in certain circumstances. Simon Bottomley reported that social media apps are blocked on Force systems so staff have to use personal devices. Monitoring of Force devices can only be carried out with for a lawful purpose and must be approved by the D/CC. Force access to personal devices can only be done with authority under the Regulation of Investigatory Powers Act (RIPA).

Julie Winham queried the roll-out of the IT monitoring system and was informed that it is being added to new devices as they are being issued.

Trevor Lake asked if the monitoring software was applied to all email addresses and was advised that certain email accounts (relating to counter-terrorism work and partnership work) are not included.

(c) Governance arrangements for drones (item 19.3)

Russ Foster presented members with a report on the ethical governance arrangements for drones in the absence of national policy.

Members accepted the report and noted the governance arrangements.

(d) Equality, Diversity and Inclusion Strategy (Item 19.4)

Russ Foster informed members that he had commissioned an Equality, Diversity and Inclusion policy to be prepared to supplement the Equality, Diversity and Inclusion Strategy. Members requested a progress update once the policy had been consulted upon.

ACTION: Russ Foster to provide members with a progress update on the development of an Equality, Diversity and Inclusion Policy, following the consultation stage.

(e) Vetting Policy (Item 19.5)

Simon Bottomley provided members with further information about how staff and officers are informed of what constitutes a material change in circumstances under the Vetting Policy, advising that the Vetting Policy is linked directly to the Authorised Professional Practice (APP) document on vetting which is issued by the College of Policing.

Julie Talbot asked about the level of completed vetting in West Yorkshire and was informed that all staff and officers have been vetted following a programme of retrospective vetting.

Jayne Sykes sought assurance that all changes in circumstances are reported to the Vetting Unit and Simon Bottomley stated that the policy requires all changes to be reported and PSD would dip-sample a number of records to audit the process.

(f) Performance Development Review (PDR) Completion Rates (Item 19.6)

Russ Foster presented members with a report identifying PDR completion rates in the Force advising that the Force has moved to a system of conducting reviews on the anniversary of appointment rather than a specific date each year. The system used to record PDRs is unable to report on anniversary date, however, which makes reporting actual completion rates difficult. The Force have estimated that 55% of staff and officers have a current PDR.

Trevor Lake raised significant concerns that the People Department is unable to accurately identify PDR completion rates and that the estimated rate of completion is only 55%. Members sought further information about the Force's plans to address this.

ACTION: Russ Foster to review PDR completion rates across the Force and report back to the next Committee.

6. CHAIR'S UPDATE

None.

7. INVESTIGATORY POWERS COMMISSIONER'S REPORTS

Russ Foster reported to members on the recent inspection by the Investigatory Powers Commissioner which found there was good governance and compliance with all legislation and codes of practice in terms of covert policing.

Members noted the positive inspection outcome.

8. POLICE PURSUITS

Russ Foster presented members with a report on the ethical considerations relating to police pursuits.

Trevor Lake noted that the Watchguard system provides added assurance and pursuits continue to be scrutinised by senior officers.

Julie Talbot asked about the numbers of pursuits which take place and was advised that they occur on a daily basis.

Julie Talbot referred to the pursuits policy and asked what constituted *authorisation to use* blue lights. It was confirmed that authorisation arose from the officer having undergone the necessary training.

9. UNIFORM STANDARDS

Simon Bottomley provided members with an update on the Uniform Standards Policy explaining that the policy had been amended recently, after extensive consultation, so that discrete tattoos on the hands and neck no longer need to be covered whilst on duty. The policy has an appeal route to the head of Professional Standards Department.

10. PROPORTIONALITY OF AUTOMATIC NUMBER PLATE RECOGNITION (ANPR)

Russ Foster presented members with an update on the ethical use of ANPR systems in West Yorkshire.

Trevor Lake noted the scrutiny of ANPR by Independent Advisory Groups (IAGs) in West Yorkshire and sought a further brief report on the structure and operation of IAGs across the Force.

ACTION: Russ Foster to provide a briefing to members on the structure and operation of IAGs across the Force.

Trevor Lake asked whether motorway cameras and roadside cameras were linked to the ANPR system and was advised that the motorway cameras are but roadside speed cameras are operated separately by the Casualty Reduction Bureau.

11. PROPORTIONALITY OF THE EXTENDED STOP AND SEARCH POWERS

Russ Foster presented members with a report on the use of stop and search powers under S60 of the Criminal Justice and Public Order Act 1994 and confirmed that West Yorkshire have adopted the Home Office Best Use of Stop and Search guidance which requires authorisation by an ACC.

Members were informed that the Force's response to violent and serious crime (Operation Jemlock) has resulted in an increase in stop and search. Members' attention was drawn to the figures showing the proportion of stop and searches carried out on BAME individuals which, when compared to the proportion of BAME residents in the relevant ward area, were not disproportionate.

Julie Winham asked if the Deputy Chief Constable was aware of any stop and searches conducted without authority and was advised that, unless they were recorded on a handheld device, this would not be known.

Jayne Sykes advised members that the Violence Reduction Unit and Operation Jemlock will be co-located which will allow the law enforcement process to be informed by a community focus.

Trevor Lake noted the work with district scrutiny panels which ensure that a robust system of scrutiny is in place.

12. APPOINTMENT POLICIES FOR CHIEF OFFICERS

Jayne Sykes presented members with a report on the ethical considerations associated with appointment of chief officers, outlining the work which is underway at a national level to address the fall in numbers of applicants for these positions and the recent appointment processes in West Yorkshire which were supported by specialists from the Senior Leadership Hub in the College of Policing.

13. USE OF POLICE SOCIAL MEDIA

Simon Bottomley presented members with a report outlining the police use of social media.

Julie Winham asked if non-police related activity had an impact on the efficiency of the Force IT system and was advised that District Commanders are given regular management information reports about the use of social media by officers so they can give appropriate advice or take further action if required.

Julie Winham sought further information about the monitoring capability of social media use in the business and private spheres and was advised that the system was hosted on a separate server with a number of protections built in (eg, not recording passwords).

14. ETHICAL ISSUES ARISING FROM THE GOOD GOVERNANCE GROUP

Jayne Sykes provided members with an update on the ethical issues arising from the Good Governance Group, drawing members' attention to recent critical media reporting of the use of Experian in the NHS and the data protection implications arising from this. Russ Foster confirmed that a data protection impact assessment had been carried out in relation to the proposal to use Experian to detect Niche data errors and a data processing contract has been agreed with Experian who are required to delete data after 30 days.

15. INTERNAL ETHICS COMMITTEE

Members welcomed the minutes of the Internal Ethics Committee in West Yorkshire Police.

Jayne Sykes advised members that Erica Doran, Head of Policy and Delivery in the OPCC, had been tasked with conducting a review of the Joint Ethics Committee on behalf of the Chief Constable and the PCC. Erica Doran confirmed that she was liaising with the People Directorate as part of this review to ensure that account is taken of the operation of the internal Ethics Committee.

Julie Winham requested a copy of the terms of reference for the Internal Ethics Committee, once agreed.

ACTION: Simon Bottomley to provide members with a copy of the terms of reference for the Internal Ethics Committee once these have been agreed.

16. PUBLIC COMPLAINTS, GRIEVANCES, DISCIPLINARY, FRAUD AND MISCONDUCT MATTERS

Simon Bottomley presented members with an update report on Professional Standards Department (PSD) and confirmed that PSD will be launching an information awareness campaign about the Code of Ethics through the intranet.

Julie Winham noted that lower level conduct matters are being returned to District for action and asked if it was sufficiently clear to staff in District who are dealing with these. Simon Bottomley confirmed that referral to District follows assessment by PSD Reviewing Officers who assess the level of conduct and this is in line with the requirements of the new complaint regulations which are expected to be introduced early in 2020. The new 'performance requiring improvement' which these regulations will introduce will be implemented via the PEN (performance note) and PDR systems.

Trevor Lake thanked Simon Bottomley for a good report but noted that a fall of 35% was reported in use of the Anonymous Messenger system. Simon Bottomley confirmed that a recent fall in reporting had been observed and PSD were presently promoting use of the system.

17. REVIEW OF TERMS OF REFERENCE

Trevor Lake presented members with draft revised terms of reference which had been drawn up by the members and would be put to the Chief Constable and the Police and

Crime Commissioner for agreement. Members will consider a revised workplan at the next meeting.

ACTION: Trevor Lake to report to members with a draft workplan for the Ethics Committee.

18. ANY OTHER BUSINESS

None.

Date of the next meeting: 10 January 2020, 13:00, Ploughland House.