



**MINUTES OF THE JOINT INDEPENDENT AUDIT and ETHICS COMMITTEE
(POLICE AND CRIME COMMISSIONER FOR WEST YORKSHIRE
AND WEST YORKSHIRE POLICE)
HELD ON 19 MARCH 2021**

ETHICS SESSION

Video Conference

MEMBERS PRESENT

Trevor Lake (Chair)
Julie Talbot
Julie Winham

OFFICERS PRESENT

Simon Bottomley, C/Superintendent, WYP
Sue Crawford, Information Specialist, WYP (up to item 7)
Gareth Crossley, C/Inspector, WYP (up to item 7)
Russ Foster, D/Chief Constable, WYP
Sareth Humpage, Superintendent, WYP (up to item 7)
Allison Kemp, OPCC Liaison Officer, WYP
Janine Nelson, Chief of Staff, OPCC
Julie Reid, Governance Manager, OPCC (Notes)
John Robins, Chief Constable, WYP (up to item 7)
Neil Rickwood, Head of Audit & Risk, WYP
Ryan Scothern, Performance Analyst, WYP (up to item 7)

1. WELCOME & APOLOGIES

Trevor Lake welcomed all to the meeting. No apologies were given.

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. Trevor Lake noted full attendance by the Independent Members of the Committee.

4. MINUTES

The minutes of the meeting held on 8 January 2021 were agreed as a correct record.

5. CHIEF CONSTABLE'S REPORT

The Chief Constable reported to Committee and reflected on the Force's Operational Policing Strategy which focusses on reducing crime, protecting the vulnerable and reassuring the public. Members were informed that, irrespective of COVID-19, crime has reduced across West Yorkshire with notable improvements in road safety and community safety. The Chief Constable noted that there are still some areas for improvement and the Force is working closely with the National Crime Agency to address child sexual exploitation and financial exploitation but West Yorkshire is the only police force outside of the Metropolitan Police area to be awarded an outstanding grade from HMICFRS for crime recording.

Members were informed that the Force had applied principles of discretion and common sense to policing during the COVID-19 pandemic and the Chief Constable praised the work of West Yorkshire Officers and staff during what has been a challenging period, particularly given the rapid and repeated change in regulations issued in response to the pandemic.

The Chief Constable reflected on challenges to the legitimacy of policing over the previous twelve months, including Black Lives Matters protests following the death of George Floyd in America, lockdown protests and more recently, protests about violence against women and girls following the death of Sarah Everard. The public, rightly, want reassurance that the police will deal with hatred properly, that they will be kept safe and that protests will be dealt with fairly and the Code of Ethics and National Decision Making Model have been the basis of ethical policing. Increasingly, ethical values are at the forefront of policing in the UK.

Trevor Lake thanked the Chief Constable and noted the value of the Independent Ethics Committee which can provide independent challenge and assurance. The Committee had observed very effective joint working in terms of the forthcoming devolution in West Yorkshire, particularly in light of pressures on resourcing. Trevor Lake welcomed the Force's focus on diversity and inclusion and the overall message of assurance for members of the Committee.

6. MATTERS ARISING

Item 24.1 Force Response to ICO Report on mobile phone data extraction

Sareth Humpage presented a report on the Force response to an Information Commissioner's Office (ICO) report on mobile phone data extraction. The ICO made 13 recommendations but had yet to publish Codes of Practice for police forces. The Force recognises public concern and, in West Yorkshire, additional authority levels are required for surveillance activity. The Force's consent notices explain carefully why the data is examined and the lawful purpose. Members were advised that legislation is expected to be introduced in relation to extraction from all digital devices (not just mobile phones).

Julie Talbot queried whether Force processes and polices are subject to independent review and was advised that the Data Protection Impact Assessment records stakeholder consultation. Russ Foster also reminded members that of the disclosure obligations on police during the judicial process.

Julie Winham sought assurance about the timeframe for implementation of the ICO recommendations and was advised that, once the Codes of Practice are issued, an implementation plan will be finalised. The Force's intention is to go beyond the recommendations to protect personal information

Item 24.2 NDAS update

Members received an update report on the National Data Analytics Solution on which the Force have worked in partnership with West Midlands Police and Accenture since 2016. West Yorkshire will commence a controlled pilot 'go-live' operation to develop programme relating to modern slavery. This will see an analytical product searching data held by West Yorkshire Police to identify modern slavery events before sharing data with the NDAS project team.

Trevor Lake sought clarification about whether facial recognition would form part of the work and it was confirmed that the project in West Yorkshire is limited to using analytics on written data already held on West Yorkshire systems to identify modern slavery crime.

Trevor Lake observed that operational policing matters are not the remit of the Joint Independent Ethics Committee and recommended to the Chief Constable that the project is reported to the Force's Internal Ethics Committee for consideration regarding any possible ethical dilemmas.

Julie Talbot noted that the update report presented to Committee was very helpful and sought clarification as to progress on the project. Russ Foster confirmed that data from West Yorkshire systems is being processed by staff in West Yorkshire with a view to sharing trend analyses with West Midlands Police for the NDAS project.

Members agreed to further consider of the information provided and to confirm whether a substantive report or a verbal update is required at the next Committee meeting.

ACTION – Trevor Lake to confirm whether a substantive report or a verbal update on the NDAS modern slavery project is required at the July Committee.

Item 24.3 Staff Surveys

Sue Crawford presented an update on the 2019 National Wellbeing and Inclusion Survey and the 2020 Staff Survey. Members were informed that, following publication of the 2019 survey results, the Force has engaged with approximately 1,000 individuals in focus groups and workshops and District action plans are now being drawn up. The overall Force action plan will be prepared following this.

Julie Talbot noted the similarity of the staff survey results with those of previous years which contrasts with recent media reporting of officers' reports of anxiety and stress. Members were advised that the Police Federation have also published information about

a member pay and morale survey which had reported different results to the Force survey, which most probably related to the questions asked.

Members were informed that emotional energy scores had improved slightly between staff surveys, reflecting a Force priority. Although the full report of the Staff Survey from September 2020 has still to be issued a lot of detail has been given by Durham University in presentations which has allowed work to begin. District local action plans are expected to be finalised by the end of March.

Members were advised that the Force action plan is due for completion in early May and will be reported to the July Committee meeting.

ACTION: Sue Crawford to report to the July Committee on the Force action plan arising from the 2020 staff survey.

Item 24.5 Policy Documents

Members received confirmation that the links to policy documents on the Force intranet page have been checked.

Item 24.6 Body Worn Video Policy

Members received a copy of, and noted, the Body Worn Video Policy.

Item 24.7 Internal Ethics Committee Annual Report

Members received a copy of, and noted, the Internal Ethics Committee Annual Report.

Trevor Lake welcomed the trend for the Internal Ethics Committee to consider a number of operational policing areas.

Julie Talbot noted the positive feedback received from HMICFRS and queried how the work of the Committee is incorporated into policy review. Simon Bottomley advised that it is up to policy leads whether individual policy areas are referred to the Internal Ethics Committee.

Item 24.8 ICO Report on Data Broking

Members received a copy of, and noted, the ICO report on Data Broking.

Item 24.9 Secondment Policy

Russ Foster reported on secondment policy in the Force advising members that the Police Officer Postings Policy applies to officers. There is no discrete secondment policy for police staff at the moment and consideration is being given to including provisions for secondment in either the Recruitment Policy or in the staff terms and conditions. Decisions about requests for secondment are taken after reviewing competing operational demands.

Item 24.10 Disproportionality of Stop and Search

Gareth Crossley presented a report on Stop and Search disproportionality advising members that such reporting is driven by both the public interest and HMICFRS requirements and is available on police.uk and via the Home Office website. Members were advised that young men are stopped and searched disproportionately but use of stop and search is low, 20,000 stops against 250,000 crimes, with just 11 complaints received in the last 12 months. The use of stop and search in West Yorkshire is significantly less disproportionate than national averages and in comparison with the Metropolitan Police in particular (who account for almost 50% of national data).

Julie Winham sought assurance regarding the source of data and was advised that stop and search records are reviewed to ensure that stops are properly attributed to police operations, for instance, Operation Jemlock - the Force-wide operation to target serious violence and knife crime. Members were advised that data analysis suggests Operation Jemlock activity is twice as likely to be disproportionate for individuals from an ethnic minority when analysed against West Yorkshire census data but at ward level the data is entirely proportional.

Julie Talbot sought clarification of the term 'searchable crime' and was advised that this internal measure is used to compare stop and search data against only searchable crime rather than all crime. The crime severity score is a Home Office statistic which is used to assess the impact of crime on neighbourhoods and a strong link is evident between volume stop and search use and high crime severity wards.

Trevor Lake queried how the use of stop and search is reviewed and was advised that there are District-based Stop and Search Scrutiny Panels with lay members, internal scrutiny boards and reporting to the PCC. COVID-19 has presented some challenges, but on-line public meetings have been arranged. Public scrutiny groups are presented with redacted reports and body worn video footage.

Trevor Lake noted the increasing use of stop and search and was advised that the find rates remain consistent and HMICFRS has recorded exceptionally strong reporting of the grounds for conducting stop and search.

Trevor Lake noted the very detailed management information which is available and members' assurance that a robust process was in place. Members agree to receive a further report in one years' time.

ACTION – Julie Reid to add include stop and search disproportionality to the forward agenda for March 2022.

Item 24.11 Ethical Themes from Internal Audits

Neil Rickwood presented a report of ethical themes from Internal Audit reviews relating to temporary and acting-up duties, the Working Time Directive, police complaints, vetting, diversity and recruitment, employee on-boarding and exit processes, investigations and victim service assessments.

Members welcomed the report and asked for the Working Time Directive to be included on the annual workplan for the Committee.

ACTION – Julie Reid to include Working Time Directive to the Committee annual workplan.

7. CHAIR'S UPDATE

Trevor Lake informed the meeting that he had been invited to continue to chair the Committee to 31/03/2022 which he had agreed on condition that the terms of the other members are also extended accordingly.

8. ETHICS COMMITTEE FOLLOWING DEVOLUTION

Janine Nelson reported on the arrangements for the Independent Ethics Committee following devolution which have been agreed by Chief Constable and PCC. It has been agreed to continue the Committee in its present form and undertake a review after devolution. It has also been agreed to recruit to the fourth vacant member position. The Committee terms of reference have been amended slightly to reflect the introduction of Mayor and a reporting line to the Combined Authority's Governance and Audit Committee.

Julie Winham noted the need to update the role profile for members and it was confirmed that this would be reviewed.

Trevor Lake queried vetting for the Mayor and Deputy Mayor for Policing and Crime and was advised that this had been flagged as part of the transition workstreams. The Combined Authority are encouraging Mayoral candidates to identify their Deputy Mayors for Policing and Crime in advance of the election.

9. COVID-19 UPDATE

(a) West Yorkshire Police

Russ Foster provided a COVID-19 update noting that vigils had been held nationally which required the police to balance attendance at a vigil with the risk to public health. The West Yorkshire Gold strategy remains in place, however flagrant breaches require the Police to consider enforcement action. No unlicensed music events had been reported in West Yorkshire and local vigils had passed without incident in March.

The Force had recorded 3.6% sickness abstraction and infection rates remain high in West Yorkshire but declining with a 20.8% reduction in demand relating to COVID-19 against the previous week. 286 fixed penalty notices had been issued in the last week - 3,144 fixed penalty notices have been issued since 4 January with 34% being given to individuals with an ethnic minority background.

Trevor Lake noted the enforcement disproportionality and also the fact that individuals from an ethnic minority background are also disproportionately affected by COVID-19 and queried the risk assessment for staff returning to work. Russ Foster confirmed that ethnic minority officers and staff were prioritised for residual vaccines and a comprehensive health and wellbeing strategy was in place for staff returning to work.

Russ Foster informed the Committee that the Home Office encourages forces to take enforcement action. As an increase in infection rates is evident in South Asian communities there is a risk of disproportionality which requires community engagement and reassurance. The Force is also working with the N8 Universities to look at COVID-19 disproportionality. Trevor Lake noted the work done in West Yorkshire to explain and encourage.

(b) OPCC

Janine Nelson provided a COVID-19 update for the OPCC confirming that staff continue to work on an agile basis with a plan to implement a phased return with a blend of office/agile work for staff from 1 July. The OPCC will be working closely with Health and Safety Teams in the Force and the Combined Authority to ensure that the building is made as safe as possible and risk is minimised. Some staff will be vulnerable and agile working arrangements will continue where required. The regular full staff meetings, one-to-ones and welfare calls are continuing in order to provide support for staff.

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

Simon Bottomley presented a report to Committee confirming that the highest strategic threat remains abuse of authority with the highest threat by volume being inappropriate associations, disclosure of information and theft and fraud. Members were informed that further development initiatives on the Code of Ethics is planned for all front-line officers in next few weeks.

Members were informed that yearly totals for complaint allegations had increased significantly as the new complaint legislation requires all matters of dissatisfaction to be recorded as a complaint. In West Yorkshire in the previous 12 months 49.5% of complaints have been dealt with outside of Schedule 3 of the Police Reform Act, which helps to efficiently resolve the complaint to the satisfaction of the person raising it, usually within 1 – 10 days. The new complaints legislation requires any investigation taking over 12 months to complete to be reported to the IOPC and the PCC, the majority being due to sub-judice issues.

Conduct allegations have also increased over the previous 12 months with a noticeable increase in the number of COVID-19 conduct cases. The introduction of 'practice requiring improvement' has been embraced by West Yorkshire and 32% of lower level conduct cases have been dealt with in this way in the reporting period.

Julie Talbot queried the increase in cases relating to sexual assault and abuse of position. It was confirmed that there were approximately seven cases with a high level of public interest.

Julie Winham sought assurance as to wider learning points from these cases and was advised that a lot of work has been done via the NPCC to profile and predict those at risk of abusing their positions in order to implement more one-to-one supervision. In all cases there is internal reflection on whether the case could have been prevented.

11. INVESTIGATORY POWERS COMMISSION

Russ Foster presented a report to Committee on the inspection by the Investigatory Powers Commission in October 2020 and January 2021 which examined the Force compliance with the acquisition of communications data, the use of covert surveillance, property interference and the management of covert human intelligence sources. The inspection, which is carried out annually, reported a very positive response and identified good practice. There were two recommendations, nine areas of good practice and five observations.

12. DISPROPORTIONALITY

(a) Discipline Investigations and Outcomes

Simon Bottomley presented a report on disproportionality in discipline investigations and outcomes reporting that, nationally, an ethnic minority officer is 1.39 times more likely to be investigated and 1.26 times more likely to be subject to a case-to-answer determination than a white officer. In West Yorkshire ethnic minority officers make up 6.3% of the total workforce and, in the reporting period, were linked to 7.25% of assessed conduct cases and 13% of the referrals to the IOPC (3 referrals from a total of 23). Of the conduct cases finalised as a case-to-answer 11 related to ethnic minority officers (25% of the total). Members were informed that the Cain Report recognises innovative work in West Yorkshire to deal with disproportionality, including good representation in middle management in PSD (where 10% of officers and staff are from an ethnic minority), the strong working relationship between PSD and the Association of Muslim Police which has seen West Yorkshire become the first police force to train PSD staff and officers on faith bias and the continuing operation of the PSD Scrutiny Board.

Trevor Lake noted the encouraging report from West Yorkshire Police.

(b) Grievance and Performance Procedures

Russ Foster presented a report on grievance and performance procedures reporting that no disproportionality is evidenced in relation to performance procedures. A significant increase in grievances has been recorded following a Force drive to encourage the use of grievance to resolve low level conflict with a slight increase in the grievances received from officers and staff of Asian ethnicity (5.8% of total grievances compared with workforce statistics for Asian ethnicity of 4.4%).

13. PROPORTIONALITY OF RECRUITMENT, TRAINING AND DEVELOPMENT

Russ Foster presented a report on recruitment, training and development which noted that, of the new police officers appointed between January 2020 and January 2021, 11.09% had disclosed an ethnic minority background whilst 18.2% of the population in West Yorkshire is from an ethnic minority background. 36.9% of appointees were female whilst 50.09% of the West Yorkshire population is female. The report details the steps taken by the Force to use positive action initiatives to support individuals to enable them to apply to join the Police or to apply for promotion.

Trevor Lake applauded the Force for taking action to address disproportionality.

Julie Winham queried whether the Force set quotas and was advised that quotas are not set but the Force has an aspiration to have a workforce representative of the communities in West Yorkshire by 2025.

Julie Talbot asked how West Yorkshire Police compares with other Forces and was advised that the ethnic minority gap nationally is approximately 6% and is 7.6% in West Yorkshire.

14. ETHICAL ISSUES ARISING FROM THE GOOD GOVERNANCE GROUP

Janine Nelson reported to Committee on ethical issues arising from the Good Governance Group including an update on a long-running case involving the death of a child in Huddersfield in 2016 in which the IOPC made a 'direction to hearing'. The minor disciplinary sanction levied against one officer was subsequently overturned in a Police Appeals Tribunal. A number of inquests are planned for 2022 relating to deaths in 2017, the ethical issues relating to the time that such cases take to be considered and the subsequent impact on families and on police officers and witnesses.

15. INTERNAL ETHICS COMMITTEE

Members received and noted the findings of the Internal Ethics Committee.

Julie Talbot noted that one case which was considered by the Committee related to a police officer's home and vehicle being attacked, Simon Bottomley confirmed that this was a rare occurrence.

16. ANY OTHER BUSINESS

Julie Talbot queried whether an assurance framework for the Committee is in place. It was confirmed that this currently arises from the WYP/OPCC assurance framework and the Committee annual workplan. Members agreed that a specific assurance framework for the Ethics Committee should be drafted.

ACTION – Julie Reid to prepare a draft assurance framework for the Ethics Committee.

Trevor Lake noted that this was the last the Joint Independent Ethics Committee before Devolution and expressed his thanks to members and others involved in the Committee for their commitment and hard work.

Date of the next meeting: 23 July 2021, by video conference