

**MINUTES OF THE JOINT INDEPENDENT AUDIT AND ETHICS COMMITTEE
(WEST YORKSHIRE COMBINED AUTHORITY AND WEST YORKSHIRE POLICE)
HELD ON 18 MARCH 2022**

**ETHICS SESSION
Video Conference**

MEMBERS PRESENT

Trevor Lake (Chair)
Julie Talbot
Julie Winham

OFFICERS PRESENT

Caroline Allen WYP (Item 24.10)
Carol Beanland, WYCA (Notes)
Amanda Booth (for item 28)
Rebecca Brookes, Regulatory Lawyer, WYCA
Det Ch Supt Nicola Bryar, Head of PSD, WYP
Gareth Crossley, WYP (for item 30)
D/CC Russ Foster, WYP
Supt Sareth Humpage, WYP (for item 24.7)
Julia Jones, WYP (for item 24.9)
Allison Kemp, WYP (part)
Alisa Newman (part)
Nicola Pringle, WYP (for item 24.1)
Julie Reid, Interim Head of Policing and Crime, WYCA
Neil Rickwood, Head of Audit & Risk, WYP
Mark Topham, WYP (for item 29)
Lisa Turner, WYCA (observer)
Victoria Wilson, WYP (for item 24.2)

1. WELCOME & APOLOGIES

Trevor Lake welcomed all to the meeting and noted apologies from Caroline Allen, Rebecca Brookes representing.

2. DECLARATION OF INTEREST

None disclosed.

3. RECORD OF ATTENDANCE

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

4. MINUTES

The minutes of the meeting held on 7 January 2022 were agreed as a correct record.

5. MATTERS ARISING

Item 24.1 Confirmation of The Arrangements For Establishing The Independent Domestic Abuse Scrutiny Panel

Nicola Pringle informed members that the Independent Domestic Abuse Scrutiny Panel will become part of the Violence Against Women and Girls (VAWG) Scrutiny Panel, and will include stalking. Trevor Lake asked where the new panel will report into. It was advised that the new panel will report into the Protecting Vulnerable People (PVP) Board, and will include external partners from the Crown Prosecution Service, Independent Sexual Violence Advocates, Independent Domestic Violence Advocates, Health and Education sectors. The Terms of Reference will be agreed and will be discussed with interested partners.

Action: Julie Reid - Include update from new VAWG Scrutiny Panel as an agenda item in 6 months.

Item 24.2 The Impact of Biometric Data Sharing in The Identification of Human Trafficking

Russ Foster reported that West Yorkshire Police will be taking fingerprints and photographs of unaccompanied migrant children, for the national process known as 'Op Innerste'. These will be sent to Immigration Enforcement National Command and Control Unit. This will help ensure that children are safeguarded and ensures that biometric records exist, should the child go missing. There are no plans to roll this scheme out to adults. Trevor Lake asked how this would work. Victoria Wilson said that fingerprints and photos were a requirement of the Immigration and Asylum Act 1999 and that the photos and fingerprints were taken in a sensitive way (outside of the custody environment), with the welfare of children at the heart.

Item 24.3 Staff Survey Action Plan

Russ Foster presented an overview of the updated staff survey action plan and highlighted that 89 staff had been involved in a force wide workshop. A breakdown of the number of staff involved in engagement by division and service was provided. Trevor Lake said that it was commendable that 159 staff had been engaged within Kirklees.

Julie Winham asked about the physiotherapy service, which is outlined on the action plan. Russ Foster said that physiotherapy and counselling were limited to 6 sessions, with the aim to expediate a return to work. Counselling sessions can be extended, and the Federation also supports, alongside the NHS. Julie Talbot congratulated the Force on the

number of completed actions, with only 2 actions outstanding on the force staff survey action plan.

Russ Foster discussed the need to try to manage the workforce across West Yorkshire police and the Regional and Organised Crime Unit, with the new officers away studying at university. There is also an increase to workloads.

Trevor Lake highlighted the ethical dilemma of managing the needs of the organisation against the centrally facilitated and financed structure of new officers whilst recognising the challenging demand that the PEQF (Police Education and Qualifications Framework) is causing for the Force. The impact on senior and experienced officers who are covering roles and the number of students dropping out could further exacerbate the retention situation.

Russ Foster said that a national survey is currently been undertaken in Force.

Action: Russ Foster – to report on feedback on WYP from the national staff survey for discussion in October 2022 meeting.

Action: Julie Reid – share risk reports with Ethics Committee members (new JIAC and JIEC format).

Item 24.4 Number of Officers Who Have Received Training on The Livestreaming Body Worn Video System

Russ Foster reported that the livestreaming technical issue on body worn cameras is still to be resolved. Hence, live streaming is still not being operationally deployed. Training will be undertaken by Firearms Commanders, TAC Advisors, FSUP and Control Room Supervisors, District Hub and Patrol Inspectors and is expected to take an hour. Supervisory officers, including firearm commander and pursuit supervisors, will be able to see the situation as it unfolds.

Action: Russ Foster - to provide an update on Live Streaming for July 2022 meeting.

Item 24.5 Police Pursuits Policy - Equality Impact Assessment

Russ Foster updated that this is work still being progressed and will be reported at the July 222 meeting.

Action: Russ Foster – to report on the Police Pursuits Equality Impact Assessment in July 2022.

24.6 Uniform Standards Policy

Nicola Bryar reported that the dress and personal appearance policy has recently been agreed at JNCC. The policy has been updated in relation to use of hair dyes and includes an additional reference on maternity uniforms. A section is included in relation to trans and non-binary colleagues, plus, non-Eurocentric hairstyles. Julie Winham's previous question on agile working had led to this being included within the policy.

Action: Nicola Bryar - to check the review date in the new uniform standards policy document administration details section and provide a final version of the policy, for information.

24.7 Members to Receive Confirmation of How Training On The Victims Code Is Recorded

Sareth Humpage updated that the College of Policing Victim Code iLearn has been mandated for all officers and supervisors, regardless of their role within the organisation. This will also include PCSOs, Special Constables, plus any police staff who are involved in any part of the victims' journey. Whilst a recent report highlighted a lower than anticipated compliance with the updated version of the Code, there is confidence of an uptake in completion. A monthly report is provided to supervisors to show who has / has not completed the training and will be reported at the LCJB Victim and Witness Group. Additionally, a comprehensive training package is being developed, with supporting bitesize symposium and materials to ensure understanding of the force approach to victim needs assessment and victim contact and will be delivered face-to-face on District training days from 28 March 2022.

Action: Sareth Humpage - to give update on Victims' Code completed staff training at the meeting in 12 months.

24.8 Information on Recorded Complaints Relating to The Victims' Code

Nicola Brayer reported that PSD were asked at the end of October 2021 to identify complaints under the Victims' Code as a reason for complaint, but it is not a mandatory field on the Centurion recording system and doesn't fit in with the IOPC mandatory fields, which meant that staff were not identifying breaches of Victims' Code. These were being recorded under a general level of service. A tag has now been added to the system for any breaches of the Victims' Code from 1 November 2021, and staff are now aware of the need to record this going forward.

From 1 November 2021 to date there were 50 complaints linked to a breach of the Victims' Code, with two making specific reference to the code the other cases relating to the victim not being kept up to date by the officer in the case.

Item 24.9 Policy Review Periods

Russ Foster gave an overview of the policy review periods, which are based on discussions between the Policy Officer and subject matter experts, and signed off by the policy owner. The review period is two, three, four or five years depending on the risk and likelihood of change. Policy reviews can be instigated before a review date if the context changes, for example, due to new guidance, updated or new Authorised Professional Practice, changes in Legislation or organisational change.

Julie Winham sought clarification that the reviews of each policy area also include a review of the Equality and HR assessment. Julia Jones confirmed that there is a link through with a number of checklists. When a policy is reviewed, Equality and Human rights are considered, along with data protection and crime data integrity.

Julie Talbot sought confirmation that catch-all changes in legislation and guidance is being picked up. Julia Jones responded that the policy function sits in the wider strategy team, which also includes the Force Registry, who get information from the National Police Chiefs' Council. There is environmental scanning looking at changes impacting on policing, and this is all fed back to the policy officer. There is a new database that flags up out of date policies. Under 10% of the policies are out of date, which is down from nearly 50% previously.

Item 24.10 Access to Personal Files

Russ Foster presented the report, outlining that the management of personal files sits with the People Services function in the People Directorate, who are responsible for the storage and maintenance of both electronic and paper personal files. There has been a move to change the Management of and Access to Personal Files Policy to a guidance document instead, on the advice of the Force Policy Unit. The guidance is available to view on the intranet. Staff enquire to People Services, who will make arrangements for an individual to access their file. If an individual wishes to obtain copies of the contents of their personal file, People Services will direct them to the guidance explaining how to make a request through Information Management. Checks are currently underway to see if a DPIA is needed.

Trevor Lake sought clarification on how Combined Authority staff can access their file. Caroline Allen explained that information is stored on the People Services intranet together with contact details. Julie Winham checked what arrangements are in place to review the guidance regularly to which Caroline Allen responded that it was working in practice but staff couldn't come into building in the pandemic, so information was presented over Teams. Some elements of the files need redacting, for example, references. After some historical files were unable to be located, a review of the process is taking place to ensure that there is assurance that this doesn't happen in the future. There hasn't been any complaints about this process. Trevor Lake checked that access to personal files being a guidance document rather than a policy was appropriate. Caroline Allen said it was.

ITEM 25 CHAIR'S UPDATE

Trevor Lake noted that this meeting is the last JIAEC meeting in this format, but he would be attending the July Ethics Committee meeting with Julie Winham. There is likely to be a new structure in place for the October meeting. Russ Foster stated the need to keep the Ethics Committee separate and independent to the WYCA Ethics meeting. Julie Reid is currently looking at this. Trevor Lake formally thanked Julie Talbot for all her commitment and work on the committee over the last 3 years.

ITEM 26 COVID 19 UPDATE

(a) West Yorkshire Police

Russ Foster highlighted the recent change in legislation, with people no longer required to self-isolate. A living with COVID-19 plan has been disseminated across the organisation.

ITEM 27 PROFESSIONAL STANDARDS DEPARTMENT REPORT

Nicola Bryar presented the report to members highlighting that the highest strategic threat was still abuse of authority for a sexual purpose and the top strategic threats by volume being inappropriate associations, disclosure of information and theft and fraud.

Members were updated that the total complaint allegations have increased in January 2022 compared to the previous month (because of Christmas leave). Complaint allegations have decreased by 15% over the last 12 months and complaint cases have increased slightly by 0.5%. The top 3 complaints (64% of total complaints) remain delivery of duties and service, individual behaviours and use of force. There has been a delay in receiving the IOPC complaints statistics. Disproportionality data for disciplinary outcomes and conducts was highlighted, showing that there is some disproportionality, this will be monitored quarterly and looked at, through an independent scrutiny panel.

Julie Talbot questioned about the levels of staff in PSD. Nicola Bryar said that it is usual for there to be a turnover of staff in the complaints team and recruitment has recently taken place. Trevor Lake queried the support in place for suspended officers, to which Nicola Bryar said that when an officer is served notice they are offered a welfare officer to support them to the conclusion of the case and beyond, whilst employed by the organisation.

ITEM 28 PROPORTIONALITY OF GRIEVANCES AND PERFORMANCE PROCEDURES

Russ Foster discussed the report, which is presented annually, and summarised the total number of police officer performance cases and grievances submitted to determine if there are any areas of disproportionality. The report concluded that there is no significant disproportionality evidenced from minority ethnic groups when comparison is made against the overall workforce mix amongst those individuals who are subject to performance procedures, but further scrutiny will take place to determine whether there is any evidence of disproportionality in relation to 'white other' specific minority groups for example, Eastern European. There has been a significant reduction in the number of grievances from 2020/21 to 2021/22 but further analysis will determine if there are any trends in relation to grievance types, particularly potential discrimination. Any discrimination grievance is severity assessed by the Professional Standards Department, and the staff member raising the grievance is given a named contact in the Diversity, Equality and Inclusion (DEI) Team. Requests are still made for internal mediation but there are less trained mediators available. There is an aim to train additional mediators during 2022 through ACAS.

Julie Winham queried how the number of female officers grievances relate to the population of West Yorkshire to which Amanda Booth replied that the grievance figures align to both the West Yorkshire police staff and the West Yorkshire population. Julie Winham sought clarification on how student officers' performance is monitored if these are not recorded in the Unsatisfactory Performance and Attendance Procedures (UPP) system. Amanda Booth clarified that student officers' performance is managed under a separate probation process and recorded separately.

Julie Talbot questioned the number of UPP cases relating to females being higher than the number of female officers. Amanda Booth clarified that is due to the number of female officers working fewer hours and part time. Student officers are now required to do certain elements full time. Whilst a slight increase, this is not a significant increase in proportionality. There is work taking place looking at maternity leave, lack of contact on maternity leave and a phased return from maternity leave.

ITEM 29 PROPORTIONALITY OF RECRUITMENT AND TRAINING AND DEVELOPMENT

Mark Topham gave an overview and highlighted that the Force has taken positive steps forward in recruitment, which is starting to be reflected in the data. The national comparator is also positive. Further work is needed and being undertaken with regards to ethnicity and gender and a look to expand protected characteristics. The Force has invested in the positive action team and is working to improve retention of officers and student officers.

Action: Mark Topham – represent up-to-date proportionality of recruitment and training development paper at July 2022 meeting.

ITEM 30 PROPORTIONALITY OF STOP AND SEARCH

Russ Foster said that WYP were awarded outstanding in the recent HMICFRS report for stop and search, with 100% of the reasonable grounds documented in the stop and search of ethnic minorities. Gareth Crossley presented the Stop and Search annual data, outlining that stop and search numbers have fallen during the last 12 months. The data shows that stop search remains legitimate in relation to crime. The ratio to searchable crime has also fallen slightly.

Julie Talbot asked about the recent Government recommendation to increase scrutiny of police on stop and search. Gareth Crossley replied that WYP currently have 5 panels across the 5 districts, providing excellent scrutiny. Analysis of stop searches doesn't show any bias and noted that more scrutiny would reassure the public.

ITEM 31 PUBLIC CASEWORK, COMPLAINTS AND CONDUCT MATTERS

Julie Reid gave an overview of the complaints and casework handled by the Policing and Crime Team in 2021-22. From February 2020, the Police and Crime Commissioners (PCCs) became responsible for carrying out reviews of most of the police complaints. The purpose of the complaint review is to determine the review is reasonable and proportionate, and not to reinvestigate the complaint. The Policing and Crime Act 2017 no longer requires complaints about the Chief Constable to be recorded where the complaint is really about another individual. Policing and Crime staff have had complaints made against them after carrying out reviews. Julie Winham asked about the objectivity of the complaints made against P&C staff. Julie Reid said that P&C Team staff are not captured by the statutory regulations as they are not police staff, and complaints are dealt with internally through HR processes with a review by the Head of Service. Trevor Lake expressed the need to check the welfare of casework staff.

ITEM 32 REVIEW OF THE JOINT INDEPENDENT AUDIT AND ETHICS COMMITTEE

Julie Reid updated the position with regards to the separation of the Joint Independent Audit and Ethics Committee. The Mayor and Chief Constable have agreed to holding a final JIEC meeting in July 2022 in this format, with a new Ethics Committee format for the October meeting.

ITEM 33 ETHICAL ISSUES ARISING FROM THE GOOD GOVERNANCE GROUP

Julie Reid said that the last Good Governance Group was held in February 2022 and highlighted the increasing demand on police attendance at inquests, which can last many weeks. The NPAS service is also placing additional demands on Force Legal Services attendance at inquests, which will continue for a number of years after the transfer of NPAS. Russ Foster noted that 2 legal services trainees were being retained for 12 months to help assist in these areas.

The Good Governance Group will continue in the current format until the wider governance review takes place with all the Policing and Crime meetings. The new Audit Committee Chair will be invited to attend the meeting.

Action: Julie Reid - The Ethic Committee members will need to be briefed if any ethical issues arise in the Audit Committee in the new format of the committees.

ITEM 34 NOTES OF THE INTERNAL ETHICS COMMITTEE

Trevor Lake said that meeting looked well attended from a wide range of backgrounds with a range of items discussed, including positive action.

Julie Talbot asked about the change for leave of duty for police officers. Russ Foster replied that, previously, where officers had rest days reallocated because of a requirement to work the weekend rest days were reallocated to a week day. A request from the Police Federation has led to the officers now being able to take the rearranged rest day on an agreed day, within a 12-month period.

ITEM 35 ANY OTHER BUSINESS

None raised.

Date of the next meeting: 25 August 2022, by video conference.