

South Yorkshire Police and Crime Commissioner

Independent Ethics Panel

Report January 2015-March 2016

The background

'I need a group of people who are independent of both me and the police who can tackle some of these big ethical concerns and follow them through and give some wise counsel in a timely and appropriate fashion. Overall, however, the panel's objective is to give me assurance that measures are in place so that never again can South Yorkshire Police ('SYP') lose the trust of citizens'.

These were the words of Dr Alan Billings, South Yorkshire's Police and Crime Commissioner, when he explained to local authority leaders why he had established an independent ethics panel in January 2015. Perhaps more than any other force, SYP has faced a range of challenges which raise questions about ethical policing. Past events (Hillsborough, child sex exploitation in Rotherham, the policing of the 1984/5 miners strike) had tarnished public trust and confidence in policing. Much has been written about these events. We remind ourselves that a purpose of addressing the lessons of past failures is to ensure that they inform the way in which policing is carried out in today's environment.

It is not only the public which is affected by the impact of past events. Police officers and staff are well aware of the historic issues, yet they have to meet contemporary demands. The Force's own staff surveys show that morale has not been high in recent years.

Hillsborough

At the time we had our first meeting, the verdicts in the Hillsborough Inquests were not to be given for another 15 months (and they fall outside the period covered by this Report) but they overshadowed SYP like an approaching storm cloud during the whole of the period covered by this Report. The Panel decided early on not to consider the Hillsborough events of 1989, or anything which followed, until after the Inquests had concluded. We did not want to prejudice any legal proceedings. A number of weighty questions have been thrown up by the Inquests and what has followed, and the Panel intends to grapple with these in the coming year.

CSE

At the time the Panel first met, Professor Alexis Jay's report into the shocking extent of child sex exploitation ('CSE') in Rotherham had been published 5 months before. Its reverberations have continued through the first trial, which concluded in February 2016 with 6 convictions. More trials are in the pipeline, so the Panel has to be cautious about commenting.

Members gave support to the Inquiry by Professor John Drew into SYP's handling of information about CSE in earlier years, and its current performance in investigating and handling such cases, and were pleased to note his conclusion that current performance is now adequate with evidence of high quality work being undertaken. The Panel has been re-assured to see that the Force is open to making changes when lessons are learnt. The

Force should be rightly proud to have received praise from HMIC in its Vulnerability Inspection in December 2015. HMIC said that SYP has 'a very good understanding of CSE' and that 'prospects are good' due both to new ways of working and dedicated policing teams being established.

Protests in Rotherham

The shadow of CSE hangs over Rotherham still. This is not only because victims have not finished giving evidence to continuing police enquiries by both SYP and the National Crime Agency's Operation Stovewood. The far-reaching, and now well-understood, failures of both SYP and Rotherham MBC, have provided a hook on which groups of the far right have hung a series of protest marches and assemblies which have regularly included a strong anti-Muslim message, in addition to expressing criticism of the police and the Council. Some of these have excited opposing groups into counter-protests, and the Britain First march in Rotherham on 5 September 2015 led to disorder in the town centre, and fractures in relations between SYP and local Muslims.

The Panel has recommended a change in the law which would deter repetitive protests on the same theme, and wrote to the Home Office with a proposal that the powers to seek a prohibition of a march with the consent of the Home Secretary should be widened. Freedom to assemble and to protest is a basic right in both UK law and under the European Convention on Human Rights, but it is not unqualified. The letter of 12 November 2015 is reproduced in full below because of its importance. It is understood that the proposal is under consideration by the Home Office in the context of a review of public order powers.

Subsequently, two members of the Panel (Andrew Lockley and Imam Mohammad Ismail) carried out a review of events connected with the 5 September protests at the request of the PCC. The terms of that review were:

To consider the Force's engagement with communities in Rotherham before during and after 5 September 2015, and to suggest options to me for improving community engagement in the future, particularly with regard to protests.

The review found that while SYP is committed to community engagement with the citizens of Rotherham, there were steps taken before and on 5 September which senior officers might - with the benefit of hindsight – have done differently. In particular the Review reported a failure to appreciate the scale in the change of mood among local Muslims in the run-up to 5 September. It may be no accident that this happened following the Force's change of approach to neighbourhood policing. The Review recommended that an advisory panel on policing protests should be established. The PCC has subsequently set up such a panel, composed of members of this Panel and his advisory panel on minority communities. The chairs of these two panels are respectively the chair and vice-chair of the advisory panel on policing protests.

The Police Code of Ethics

A national Code of Ethics has been written for all police forces. It has been adopted by SYP and the OPCC. It is now accepted that good policing is not just efficient, intelligent and effective policing; it is also ethically responsible policing.

The embedding of the Code across the functions and activities of the force is well under

way. Police officers and staff have taken on championing roles. Training on the Code began last year and is now being extended as part of a new round of initiatives. The Panel is keeping this under scrutiny and members have been observing ethics training and offering recommendations to make the training even more effective.

Following the outcome of the inquest into the Hillsborough disaster, the Force has again been in the spotlight. It would probably come as a surprise to some people outside the Force that it takes ethics so seriously, but the active promotion of the Code is important evidence of the character of the Force in 2016. In the months to come, however, it will be important for the most senior officers to lead very visibly on this.

Complaints and Professional Standards

The Panel has a particular responsibility for monitoring SYP's handling of complaints. The Panel formally wrote to the previous Deputy Chief Constable, Andy Holt, suggesting a number of improvements to the Force complaints report, eg to analyse complaints by gender, ethnicity and disability. This is now being done, but the Panel has also asked for further work to be done to clarify lessons learnt from complaints trends, which was still awaited at the end of the year under review.

The Panel also looked at the Force's policies on outside business interests, and on membership of associations etc and recommended that no change was necessary to either policy.

The Future Work of the Panel

The Ethics Panel will continue to act as a 'critical friend' of the Force. There is plenty of good practice, as we have seen for ourselves. There are good stories to be told, and we hope that they will be publicised as confidence and morale are rebuilt. The Panel has noted some reluctance on the part of SYP to publicise 'good stories', and when challenged on this, senior officers have expressed a lack of confidence that positive news about SYP will be well-received. This is a counsel of despair.

The Panel will continue to have a long-term role in monitoring the impact of the Code of Ethics on behaviour and attitudes.

In addition, there are many aspects of modern society that present ethical dilemmas and choices. At the end of the period under review, a sub-group of the Panel led by Professor Ann Macaskill started work on the ethical issues which would be raised if SYP introduced body-worn videos to record officers' activities on duty, including their encounters with the public. There are no immediate plans to introduce such equipment in South Yorkshire, but it is important to identify concerns in advance and to engage with both the public and members of the Force to gauge reaction.

Other issues which are likely to interest the Panel in the near future include:

- What is the proper extent and use of surveillance?
- When might the use of tasers be justified?
- What is the proper role of the police in preventing radicalisation?
- New procedures are being adopted for police handling of the mentally ill and those with learning difficulties; are they successful?

The Panel will also monitor the compliance by SYP and OPCC with diversity principles, and ensure that these are effectively communicated to the public. Further work is required in this area, particularly to provide assurance to the PCC.

Meetings and Agendas

The Panel is supported by the OPCC and we record our thanks to its staff, particularly Erika Redfearn, Sally Parkin and June Renwick, who have taken on the additional burdens of making the Panel work smoothly when they have much else to do. Senior officers of SYP also attend the Panel to deal with particular issues, and they are always led by either the Chief Constable or his Deputy. We express our appreciation of the openness of SYP in their reports and in discussion.

The Panel has had five full meetings in the report period, but also works on particular projects in smaller groups. In the year April 2016 to March 2017, it expects to meet as a full Panel 5 times. The OPCC publishes the agendas and minutes of the meeting on its website. Correspondence and reports are also published on the website.

Conclusion

South Yorkshire is not the first area of the country to have an independent policing ethics panel, but it is one of the first. Given the historical context, that independent input is crucial, and vital for public confidence. During the period covered by this report, we have been building trust. We have been critical where that has been needed, for example on the police's failure to pick up the level of anxiety in Rotherham about the climate of hate incidents and crime.

However, it is also important that the force is told when it is making progress, as it has been in embedding the policing code of ethics. When praise is given by an independent body such as this Panel, it carries particular weight, and may boost morale.

Appendix 1: The Members of the Panel

The Panel was established by the PCC, with the full support of SYP, to provide independent and effective challenge about the integrity, standards and ethics of decision-making in policing. All members of the Panel reside in South Yorkshire.

The Chair of the Panel is **Andrew Lockley**, a Sheffield solicitor with a wide range of relevant experience in professional standards, policing issues and public policy. He is also a part-time tribunal judge, a chair of doctors' disciplinary panels, and a non-executive board member of the Legal Aid Agency.

The other panel members each contribute something additional by way of their background and expertise.

Linda Christon has had a career in public service with experience in housing and social care in senior roles in local government and in a regulator. She is now also a non-executive director of St Leger Housing.

Imam Mohammad Ismail is a theologian, and the Muslim chaplain at the University of Sheffield, also having expertise in safeguarding in education, and in preventing extremism.

Michael Lewis has been headteacher of a large and culturally diverse comprehensive school in Sheffield. He now serves on teachers' disciplinary panels at the National College of Teaching and Leadership, and is involved in independent custody visiting and restorative justice.

Ann Macaskill is Professor of Health Psychology at Sheffield Hallam University and Chair of its Research Ethics Committee. She has written on forgiveness, grudge holding and revenge, among many other interests.

Appendix 2: Terms of Reference

Independent Ethics Panel

Responsibilities

The Panel will be responsible for:

- Articulating and promoting the influence of professional ethics in all aspects of policing
- Supporting the Commissioner and Chief Constable to consider ethical dimensions of their work
- Anticipating ethical challenges facing the police service and the correct response
- Supporting those who wish to use the Panel as a forum for whistleblowing
- Promoting compliance with the Code of Ethics for police officers and the wider police family
- Promoting the influence of ethics in delivering excellent quality of service
- Influencing changes in policy
- Regular reporting on its work and findings
- Encouraging a culture of learning-lessons
- Assuring the Commissioner and Chief Constable that ethics, diversity and compliance standards and procedures are effective in South Yorkshire Police and the Office of Police and Crime Commissioner
- Ensuring South Yorkshire Police and Crime Commissioner and South Yorkshire Police's ethics, diversity and compliance standards and procedures are effectively communicated to the public
- Considering referrals from the Police and Crime Commissioner and/or the Chief Constable on matters that fall within the remit of the Panel

Meetings

The frequency and timing of meetings will ensure that the Panel is able to fulfil its responsibilities relating to the functions specified.

It is anticipated that the Panel will, under normal circumstances, meet four times per year.

Knowledge/Experience of members of the Panel

Applicants will be asked to demonstrate experience and knowledge in at least one or more of the following areas:

- Ethics background and practical application
- Applied ethics
- Legal expertise
- Business/commerce
- Media/Public Relations
- Knowledge of policing (but not a serving police officer/member of police staff)
- Lay person (public champion)
- Good understanding of the communities within South Yorkshire.

Members should have excellent communications skills, be willing to attend scheduled meetings and be willing to carry out additional work outside of planned meetings

Term of Office

2 years with an option to extend a further 2 years.

Appendix 3: Letter to the Home Office