

INDEPENDENT ETHICS PANEL

11 SEPTEMBER 2018

PRESENT: A Lockley (Chair)
L Christon, Member
M Ismail, Member
M Lewis, Member
A Macaskill, Member
DCC Roberts, SYP
Insp S Mellors, SYP
F Topliss, OPCC
A Fletcher, SYP
S Parkin, OPCC
[REDACTED] OPCC

GUESTS Ch Insp S Walne
Det Ch Insp D Mahmood

APOLOGIES: Supt S Hemsley and Det Supt D Barraclough

1 WELCOME AND APOLOGIES

The Chair welcomed everyone to the meeting. Introductions were made.

2 DECLARATIONS OF INTEREST

There were no declarations of interest.

3 MINUTES OF MEETING HELD ON 12 JUNE 2018

The minutes of the last meeting were accepted as an accurate record.

4 MATTERS ARISING

The Panel gave consideration to matters arising from the previous meeting and the specific actions:-

Reference 117 Issues have been addressed by the Force internal process –
DISCHARGE.

M Ismail provided feedback on his conversation with Supt Sarah Poolman, Force Lead on Hate Crime. This had been arranged following the last meeting of the Panel and had focussed on the Force's handling of community concern around 'Punish a Muslim Day'.

He reported that following a Community Leaders Meeting, which the Chief Constable and an Assistant Chief Constable (ACC) attended, a message from the ACC had been broadcast, providing reassurance to the Muslim community. This had led to improved relationships and the opportunity to rebuild confidence.

M Ismail also mentioned a perceived rise in drug related robbery occurring in Darnall, Sheffield, causing fear and frustration amongst the elderly. DCC Roberts said he would liaise with the Neighbourhood Inspector.

It was agreed:

DCC Roberts to liaise with the Neighbourhood Inspector regarding the perceived rise in robbery occurring in Darnall, Sheffield and feedback to Mohammed Ismail.

5 WORK PROGRAMME

A Lockley informed the panel that a Hate Crime report is being brought forward to the November meeting (i.e earlier than planned) because the Force needs to respond to HMICFRS comments on Hate Crime and wants the Panel's input first.

A short discussion followed regarding Assurance Panels reporting into the Public Accountability Board (PAB).

6 CHAIR'S REPORT

The Chair suggested that all members hold a discussion following the meeting regarding the Office of the Police and Crime Commissioner (OPCC) review of Assurance Panels.

7 EQUALITY & DIVERSITY

7a WORKFORCE REPRESENTATION

S Mellors, Force Equality Lead, provided an update on Workforce Representation. The purpose of the report was to provide a comprehensive update on Quarter 1 of 2018-19, based on SYP's Employment Monitoring.

S Mellors highlighted the key points. The organisation reduced in size in 2017-18 by 36 people, as the number of leavers outweighed the number being recruited. There has been good success with female recruitment; SYP has a higher number of female officers compared with the most similar forces. With BME recruitment at varying levels, BME officers now represent 4.6% of the total, which is below the national average of 5%. 62.8% of police staff are female and at each level/grade above 50% are female.

The number of specials has reduced by a third, compared with the same period last year. Currently there are 162. This is partly explained by some specials gaining police officer posts. The Force is actively recruiting for the first time in two years.

There are currently 214 Volunteers. That category includes Cadets (aged 16-18), and those involved with the puppy breeding scheme and puppy walking. There are also other volunteers at The Lifewise Centre.

The religion and belief data by workforce section is compiled from a 49.9% response rate. This shows the largest changes in this last quarter are increases in numbers of people who self identify as Islamic, of no religion and Christian.

The sexual orientation data is compiled from a 25.6% response rate. This rate has grown as people are becoming more confident in revealing their sexual orientation.

With three out of thirty individuals recruited in Q1 of 2018-19 being of BME background, it was thought that the Positive Action Outreach Worker has proved to have a positive impact in this area.

The data on leavers for Q1 of 2018-19 show that, compared with the figures for 2017-18, (at 3.8%) a smaller proportion of leavers were BME and (at 18.9%) female officers.

The Panel asked for details about why people are leaving. S Mellors explained that departures are often simply recorded as 'left for other employment'. Furthermore, not all leavers engage with the leaving interview process. However, he reminded the Panel that a previous report had suggested three anecdotal factors. First, some candidates applied for promotion, were unsuccessful in SYP but successful elsewhere. During 2017, the voluntary severance scheme also affected female and BME officers. Thirdly, officers who lived away from SY, took the opportunity to move back towards their home force.

In relation to the first of these factors, S Mellors gave examples of a Temporary Superintendent and Chief Inspector who had successfully been promoted into a new rank in other forces. He confirmed that the same applies to both BME and non-BME officers, but in SYP only one out of 69 officers between Chief Constable and Chief Inspector ranks is BME. M Ismail expressed concern around why officers from BME backgrounds are not promoted here but are able to achieve promotion with another force.

The lack of BME officers in the senior ranks is of concern, but the Panel was not confident in drawing conclusions at this stage. The Panel was told that there is a mentoring process, which may assist with applications for promotion.

The Panel was grateful for the thorough report from S Mellors. It was assured by the Force's report on employment monitoring and was satisfied that the process is being effectively managed; however members would welcome more effective data collection around the reasons for leaving. The Panel will also need to review the measures in place to support BME candidates for promotion to the higher ranks.

It was agreed:

The next Equality & Diversity Workforce Representation report to include any available information about the reasons why people are leaving the organisation.

Information on the measures in place to support BME candidates for promotion to the higher ranks is brought to a future meeting.

7b PROMOTION BOARDS – CONSTABLE TO SERGEANT

S Mellors, Equality Lead provided an update on the Equality & Diversity aspects of Promotion Boards.

He informed the panel that during January 2018 the number of police officers eligible to apply for selection to sergeant was 301, but only 76 applied for promotion.

The application rate is remarkably low. He suggested possible explanations, including the new Competency and Values framework about which candidates are being tested. This may be acting as a discourager as applicants are uncertain how to get through the steps and are perhaps waiting for the process to become embedded and be better understood.

Overall, the figures showed a decrease in the number of successful candidates with protected characteristics, as well as part-timers, compared with the previous year, although it must be said that the numbers are small.

A Macaskill said that during panel members' interviews with police officers, remarks had been made that there was a 'lack of rationality' in the processes. There are Temporary Sergeants who do a good job but have to go through the whole application process again for permanent promotion. S Mellors confirmed that the application form step has been removed as a result of feedback received and it has been replaced with a request to the District Command Team asking if they support the candidate's application. The Panel welcomed this.

Another point made in interviews had been that promotions were given to the ones that wanted it, rather than the right candidates, i.e resulting from ambition to get up the ladder rather than ability to do the job. Also previous failures to succeed have discouraged people from applying again. Some interviewees had said they wouldn't want promotion as what they do is more meaningful. They didn't want to do the desk side of the job and are happy in their role as a police officer. M Lewis conveyed that there was a great deal of praise for Sergeants.

The Panel was assured that monitoring is being effectively managed; however members agreed that more needs to be done to encourage candidates with protected characteristics, particularly to interview successfully.

It was agreed:

Information is provided to a future meeting on what is being done to encourage candidates with protected characteristics to interview successfully.

8 COMPLAINTS UPDATE

DCI D Mahmood provided an update on behalf of Professional Standards Department (PSD) on Complaints and Discipline.

D Mahmood explained that complaints are received from the public while discipline covers conduct matters ranging from gross misconduct such as corruption and

abusing authority to lower level misconduct such as inappropriate behaviour towards a team member. Gross misconduct can lead to dismissal.

The data shows that the number of complaints from the public cases recorded in the year to 30 June 2018 has almost returned to 2013/14 levels, with a significant drop in complaints being received between April 2017 and March 2018 in comparison to the previous three years.

Reported conduct allegations have increased in the last year, by contrast. DCI Mahmood suggested that the reasons could include increased confidence in reporting, a more open and transparent atmosphere, the confidential reporting line, training and development and support from the Senior Command Team. Another factor could be the #metoo movement. A Macaskill highlighted that the embedding of the Code of Ethics may also have had an impact.

A Lockley asked if the statistics relating to outcomes of conduct matters could be included in future reports. D Mahmood stated that PSD does publish material on the website and outcomes can be obtained.

A discussion followed regarding the significant rise in conduct allegations. D Mahmood stated that where appropriate, referrals into an anger management course have been successful.

In answer to a question from M Ismail, D Mahmood explained that the handling of conduct matters is governed by legislation and Home Office Guidance, with PSD acting under delegated authority and making severity assessments. All decisions are based on the Organisational Justice Model (OJM) to ensure consistency in decision making.

A change in legislation in December 2017 allows officers and staff to retire or resign whilst under investigation. A process is followed and an individual under investigation for gross misconduct is placed on an 'advisory list' kept by the College of Policing.

The Panel was grateful for D Mahmood's presentation. It noted that on almost all measures, SYP is, at the moment, performing better than, or in line with, most similar forces, for complaints handling. The exception is the average number of days taken to finalise local investigations, where the time taken in Q1 of 2018/19 was significantly greater.

It was agreed:

Statistics relating to outcomes of conduct allegations to be included within the next presentation.

9 SPIT GUARDS - REVIEW AND PROPOSED EXTENSION OF ISSUE

9a APPLICATION OF SPIT GUARDS SINCE 1 JANUARY 2018

Chief Inspector S Walne, introduced a paper provided by T Bullivant, Head of Officer Safety, to update the Panel regarding the use of spit guards since they were

introduced in January 2018. The purpose of the report is to provide the Panel with an understanding of the use of spit guards since they were introduced into the Force.

The introduction was restricted to staff working in custody suites and prisoner transport. S Walne explained that the statistics show that between 1 January 2018 and 27 June 2018 there were 219 incidents of officers being spat at. Spit guards were deployed on 24 occasions, breaking down to 15 in custody suites and 9 during prisoner transport. No formal complaints from the public have been received.

A Macaskill asked for publicity to include details about the numbers of incidents so the public can see the need for use.

M Ismail asked what criteria is applied to use depending on age and how are health problems assessed. S Walne clarified that age and mental health problems are not a barrier to use, but officers have been given training. The use of a spit guard facilitates less intrusive engagement, allowing police officers to communicate with a detainee without being spat at. There have been previous issues raised about people with claustrophobia, but officers have to make the judgement and react to individuals' behaviour.

So far, 121 custody staff and 1326 police officers have been trained in the use of spit guards. A Lockley queried if training had been given on sensory difficulties with people with autism. S Walne referred to officers being trained around an individual's reactions, but not specifically on autism.

9b SPIT GUARDS – EXTENSION OF AUTHORISED USE TO ALL OPERATIONAL STAFF

S Walne informed the Panel that a proposal is being put forward to the Senior Command Team (SCT) to extend the issue of spit guards to all operational staff who have received accredited personal safety training. The aim is to reduce risk to detainees, the public and police staff.

If the proposal is accepted, the Force Policy and Procedure would need to be formally amended to incorporate the change.

A discussion followed regarding implications around the wider use of spit guards. S Walne explained that any new issues which arise lead to refreshing the training of spit guards and the use of spit guards in relation to those who have taken it.

The Panel agreed to support the extension of use of spit guards whilst recognising their use is not risk free and that a balanced decision has to be made by the officer concerned. Members are also reassured to know that every time a spit guard is used the Use of Force form has to be completed and that there have been no adverse outcomes in any of the cases in which it has been used and no reputational risk to the Force.

The Panel is also reassured that officers are constantly reviewing the use of spit guards whilst engaging with the detainee.

The Panel invited S Walne to check that the sensory difficulties associated with autism are covered in the training.

It was agreed:

That the Panel's views be passed to the SCT

That an update report be brought to the Panel on an annual basis.

That F Topliss liaise with SYP Corporate Communications regarding publicity about the extension of the use of spit guards.

That S Walne establishes whether sensory difficulties associated with autism are covered in training.

10 SUPPORTING A POSITIVE CULTURE PROJECT UPDATE

K Wright joined the meeting to provide the Panel with an update on the Supporting a Positive Culture Project. He provided an overview on progress to date and the next steps in moving the project forward.

A number of focus groups and interviews have taken place during the past 12-18 months with police officers and staff, the results have been collated and it is not proposed to conduct any more interviews.. Similar views have been expressed across the various groups and case studies have been identified along with a number of positive measures. Relevant information from staff surveys had informed the work.

A meeting of the project group was being set up for 26 October and K Wright agreed to pull together a summary report to allow an informed discussion at the meeting to discuss evidence gathered, emerging themes, conclusions that could be drawn and potential recommendations.

M Lewis suggested it would be important to get across the key findings rather than get lost in the anecdotes. He also suggested that attention was given to the fact that half of the Force are police staff.

An opportunity would be sought to brief the Chief Constable and Police and Crime Commissioner, before a more formal report was completed.

It was agreed:

K Wright to prepare a draft report, proposals backed up by evidence for the meeting to be held on the 26 October, for an informed discussion.

S Parkin and A Fletcher to arrange a date towards the end of November for a special meeting of the IEP with the Chief Constable and Police and Crime Commissioner to discuss the emerging conclusions and recommendations in detail, separate from the IEP meeting already fixed for November 13.

11 REPORT ON FURTHER INTERVIEWS

Report noted.

12 CODE OF ETHICS UPDATE BY EXCEPTION

Report noted

13 IEP EXCEPTION REPORT

The following items are for inclusion in the next Exception Report to be presented to PAB on the 27 September:-

- Spit Guard
- Complaints & Discipline
- Equality & Diversity
 - Workforce Representation
 - Promotion Boards

14 ANY OTHER BUSINESS

In relation to fracking, M Lewis suggested there may be a role for the IEP around monitoring tensions in communities. F Topliss confirmed that the Trust & Confidence Steering Group is the appropriate mechanism for community relations.

DCC Roberts gave a verbal update regarding activity on the Force's social media accounts following a recent incident and how it translated into media.

DCC Roberts also gave examples of two case studies:-

1. An example of appropriate use of force during and the detention of an individual with mental health issues who was spitting and violent, where a spit guard had been deployed.
2. 'Dash cam' footage of officers deploying Tasers.

15 DATE AND TIME OF NEXT MEETING - 13 NOVEMBER 2018 AT 10AM

The next meeting of the Independent Ethics Panel will be held on 13 November 2018 at 10am, at the offices of the Police and Crime Commissioner, Carbrook Hall Road, Sheffield, S9 2EH.

CHAIR