

**Minutes of a meeting of the
Professional Committee
of the College of Policing
held by MS Teams
on 29 April 2021**

Present

**Attendance
2021/22**

Bernie O'Reilly	Chair	1/5
Helen Ball	Metropolitan Police Service	1/5
David Bamber	Police Federation of England and Wales	1/5
Emma Bond	Police Service of Northern Ireland	1/5
Gemma Fox	Police Federation of England and Wales	1/5
Matthew Horne	National Crime Agency	1/5
Val Harris	Metropolitan Police Trade Union	1/5
Pam Kelly	National Police Chiefs' Council	1/5
Daniel Murphy	Police Superintendents' Association	1/5
John Partington	Police Federation of England and Wales	1/5
David Pedrick-Friend	Association of Special Constabulary Officers	1/5
Debi Potter	Police Staff Council Trade Union	1/5
Kier Pritchard	National Police Chiefs' Council	1/5
Andrew Tremayne	Association of Police and Crime Commissioner	1/5
Emma Williams	Academic Member	1/5
James Vaughan	National Police Chiefs' Council	1/5
Lisa Winward	Chief Police Officers Staff Association	1/5

Executive in attendance

Jo Noakes	Director of Workforce Development
Iain Raphael	Director of Operational Standards
Rachel Tuffin	Director of Knowledge and Innovation

Staff in attendance

Richard Bennett	Uniformed Policing Faculty Lead
Ray Clare	Head of Education and Professional Development
Anna Douglas	Staff Officer to Bernie O'Reilly & Jo Noakes
Kate Fromant	Head of Corporate Governance
Thomas Grove	Regulations Senior Advisor
David Tucker	Crime & Criminal Justice Faculty Lead
Martin Tunstall	Executive Policy Advisor

Jayshree Vekria

Governance Manager

James Walker

Staff Officer to Rachel Tuffin and Iain Raphael

Observers

Nick Herbert

Chair, College of Policing Board

Jo Strong

Police Federation of England and Wales

Louisa Rolfe

Metropolitan Police Service

Part one – Preliminary items

01-PC-APR21

Welcome and administration

- 1.1. The Chair welcomed everyone to the meeting, noting that it had been duly convened and a quorum was present.
- 1.2. Apologies for absence were received from Martin Hewitt, Matt Horne, Stephen Mold and Jo Noakes.
- 1.3. All participants consented to the discussions being recorded for minuting purposes. The recording would be disposed of once the draft minutes were complete.
- 1.4. A declaration of interest was made by Helen Ball who stated that as well as occupying a seat at the Professional Committee for the Metropolitan Police Service, she was also a Member of Board of Directors of Police Now.
- 1.5. No items were raised for discussion under Any Other Business.
- 1.6. Nick Herbert the Chair of the College Board introduced himself and thanked committee members for allowing him to attend the meeting in an observer capacity.

02-PC-APR21

Approval of Minutes of previous meeting

- 2.1. The minutes from both the 23 June and 8 December 2020 meeting were reviewed and agreed.
- 2.2. The Police Federation were in agreement with the amendments made to the revised June 2020 PC minutes. They added that presently the Police Federation was unable to support the terms of reference due to the on-going discussions related to consultation.
- 2.3. The Chair added that a meeting between the College and the Police Federation had been scheduled in May to discuss the consultation process further.

Decision: The Committee resolved to:
Approve the minutes of the meeting held on 23 June and 8 December 2020.

03-PC-APR21

Action Points

- 3.1. PC reviewed the action points and noted that all items were closed.

Part two – Items for decision or discussion

04-PC-APR21 **Digital Extraction Guidance**

- 4.1. PC was asked to Recommend to the Board approval of the Digital Extraction Authorised Professional Practice view to it being published on 27th May 2021.
- 4.2. It was explained that the history of this APP concerns the powers of the police to acquire digital evidence from victims and witnesses particularly in rape and serious sexual offence investigations (RASSO), which had been a cause of concern. Victims' groups, including the Victim Commissioner, had questioned police powers to acquire victim and witness digital material as well as having concerns about the amount of data acquired, its relevance to an investigation and how it would be handled after acquisition.
- 4.3. The Information Commissioner's Office considered the matter and produced a report in June 2020, which recommended that government produce a code of practice. In the interim, the College developed the APP to inform forces on their existing powers to acquire this material and the requirements in relation to its processing.
- 4.4. The APP sets out that processing of digital material is based on 'strict necessity', as set out in the Data Protection Act 2018. New permission is required each time the material is processed for an additional purpose, such as further searches to identify new evidence.
- 4.5. The APP had been through extensive consultation, including specific feedback from the Victims' Commissioner, ICO, CPS, digital forensics experts, police practitioners, charities and members of the public. It forms a major part of the suite of documents that have been developed under the National Disclosure Improvement Plan Board.
- 4.6. The APP would require changes and practices for Police forces with implementation playing a key factor. Work had been undertaken with the Joint Operation Implementation Board to ensure the practices and guidance is implemented most effectively and consistently across policing.
- 4.7. The Police Federation were unable to confirm support for the draft APP as they had not been included in the consultation process as previously requested through the College Regulatory Consultative group. The Police Federation stated that they felt it was key that they needed to be given the opportunity to review and comment on the draft APP, and the potential impact on members before the Police Federation could support the recommendation.
- 4.8. The College explained that although it is not a formal consultation as required for legislation, it was still a significant matter. It had been subject to public consultation on the college website for a twelve week period and the College apologised to the Police Federation if it had not been sent directly to them.

- 4.9 The Chair suggested that PolFed review the draft APP prior to the Board on 26 May to ensure that any feedback was incorporated. If PolFed had any concerns thereafter, its submission to Board could be deferred.
- 4.10. The draft APP was supported by the NPCC who questioned what consideration had been given to the needs of training prior to implementation. The NPCC also suggested the requirement of a wider impact assessment that would consider communication, leadership development and impact. It was explained that in relation to training the College would be preparing a briefing pack to be delivered across forces. The College added that an equality impact assessment had been undertaken, which focused primarily on children, women and girls. The recent changes made to the Victims Code would assist in helping take things forward and improve the impact on victims as the process would be clearer and more transparent.
- 4.11. The Metropolitan Police service supported the draft APP but felt that the defense strategy required further strengthening. The College agreed to re-visit the draft APP to review its context and strength where applicable.
- 4.12. The academic member suggested for connections to be made with Avon and Somerset Police who were pioneering a transformative programme called Project Bluestone, which focused on police professionals' work alongside prominent academics to transform the police response to rape and sexual offences.
- 4.13. The College confirmed that a joint working arrangement was in place through the Criminal Justice work delivered by Nick Ephgrave. In addition the draft APP had been developed in close collaboration with the Joint Operation Improvement Board to ensure that criminal justice cases are taken forward coherently and effectively.
- 4.14. The Police Superintendents Association felt that the use of terminology on the responsibility for inspectors, specialists, staff and Chief Officers on pages 31 and 32 of the draft APP needed to be re-considered. In particular the Police Superintendents' Association suggested that chief officer responsibility be changed to state "will" from "should" in line with the other specified roles. It was added that if no change was made the Superintendents Association would require the chief officer role to be defined. The College was in agreement that the language needed to be consistent and would review the language selected for the role in question.
- 4.15. The College provided reassurance on connection of the draft APP with wider policing projects. The College added that it upheld a seat on the Joint Operation Implementation Board and, additionally, the work on disclosure and the Criminal Justice plan had been considered.

ACTION: DT

Confirm if the Digital extraction consultation was sent directly to the Police Federation.

ACTION: College

Use the time between the Professional Committee and the College Board taking place on 26 May 2021 to consult with the Police Federation to ensure they had had an opportunity to review and comment on the draft APP prior to it being presented to the College Board for final sign off.

Decision: The PC resolved to:

Recommend to the Board for approval the draft Digital Extraction Authorised Professional Practice, principle subject to receiving further comments from the Police Federation

05-PC-ARP21

National Transfer Guidance

- 5.1. PC was requested to agree to a review and revision of the College of Policing's Police Constable Transfer Guidance. PC was informed that the current version of the Police Constable Transfer Guidance was published in 2018. The published guidance is in need of review/update, in particular to take account of further development of the new Policing Education Qualifications Framework (PEQF) initial entry routes into policing for the constable rank, as well as other (administrative) developments since publication.
- 5.2. The NPCC raised concerns related to the timings stipulated in the guidance for when a Police constable is able to transfer upon joining the service. The NPCC added forces are currently recruiting at pace due to the uplift programme with challenges such as managing workforce, skills and establishment. By providing constables with the opportunity to transfer after twelve months may mean that forces could constantly be processing transfers and could pose an issue for smaller forces. The NPCC acknowledged that a transfer in the initial training period may need to be considered under exceptional circumstances but felt that a level of commitment was needed.
- 5.3. The Police Superintendents' Association suggested that the guidance scope be extended to cover pensions. This may require input from the Home Office which would be able to advise on the different transfer agreements when transferring between a Home Office force and a non-Home Office force.
- 5.4. The NPCC thought the guidance could benefit from the inclusion of incentivisation as, at present. Individual forces have the ability to make their own choices on, for example, relocation packages. It was felt a consistent approach across the service was needed.
- 5.5. The College noted all the feedback provided and pointed out that by updating the Policing's Police Constable Transfer Guidance the College was not trying to establish up a transfer promotion campaign. The College would review NPCC's comments in relation to timing and the length of the probationary period for when a transfer could occur.

- 5.6. In addition the College agreed it would liaise with the National Reward team to take further guidance on inclusion on pension information within the guidance.
- 5.7. The College proposed that the draft guidance be brought back to the October Professional Committee meeting for further discussion, giving the College the opportunity to work through the points raised.
- 5.8. The Police federation supported the review and felt that it would help to increase the portability of policing experience and qualifications and offered to provide support where required.

Decision:

The PC resolved to:

Agree that a review and revision of the College of Policing's Police Constable Transfer Guidance be undertaken.

06-PC-APR21

Domestic Abuse Risk Assessment (DARA)

- 6.1. PC was invited to consider the evidence-based domestic abuse risk assessment tool (DARA) to replace the domestic abuse, stalking, harassment and honour based violence assessment tool (DASH), which had been developed by the College.
- 6.2. It was explained that DASH had been the main domestic abuse risk assessment tool used by forces in England and Wales. Research studies had cast doubt on its effectiveness as a risk assessment tool (particularly for first responders) and for its effectiveness in supporting identification of coercive and controlling behaviour.
- 6.3. The College, working in partnership with academics, practitioners, charities and DA survivors created a new, shorter DA risk assessment tool, which had been evaluated and tested in a number of forces and should be considered for roll out across policing.
- 6.4. PC was informed that roll out had been slow as forces awaited a clear indication about the new tool and because force IT systems were sometimes difficult to update to accommodate new forms. Forces were reticent to invest in changes to IT systems without certainty that those changes would be in place for the long term.
- 6.5. The NPCC questioned if the dual running between the DASH and DARA could cause any conflict or gaps between the two tools OR confusion for the operator or the person conducting the risk assessment and if, such an issue was to occur, how the risk would be mitigated?
- 6.6. The College added that the potential impacts of the dual running of both tools was considered as part of the evaluation. Data integrity was assessed by various independent experts that indicated better consistency between the responder and the experts.
- 6.7. The NPCC supported the rollout of DARA and acknowledged the importance of the involvement of partners in the consultation and development process at a national level but

felt that it was important for the national agencies to cascade the same messages and direction to local agencies. The NPCC offered its support in the implementation process and questioned if the implementation process would be conducted at a regional level and whether regional support or a lead/pilot force had been considered?

- 6.8. The College added that a force readiness assessment was being considered and discussions with existing pilot forces to understand what has worked well was being undertaken.
- 6.9. The academic member felt that it would prove useful for new constables joining the service to be briefed on the use of both DARA and DASH on their programme of learning, which would be cascaded through academic providers.
- 6.10. The Police Federation supported the model and asked to be involved in the development and implementation of the proposal.
- 6.11. The Police Superintendents Association raised concerns on the proposed timings of DARA in light of recent high profile cases. They advised that by incorporating the message within the national media strategy would help address the point raised and would minimise any repercussions for the future.
- 6.12. The Metropolitan Police service supported the change, they had noted the potential IT issues that forces could face with the introduction of DARA. They felt that it was important for it to be recognised within the implementation plan and for it to both accommodate and accept that some forces may be slower in the transition process than others. They also suggested that forces who required additional transition time needed to be reminded that the existing DASH was still a competent and effective risk assessment tool to be used.

Decision:

The PC resolved to:

Accept the evidence base and promote DARA as the preferred risk assessment tool to be used for domestic abuse

07-PC-APR21

Professional Committee - Business Pipeline Document

- 7.1. PC was updated on the College business pipeline and informed that the document provided a summary of the College proposals for regulatory change, which were either in process or in the pipeline.

Decision: PC resolved to:

Note the update on the College Business Pipeline.

08-PC-APR21

Items for noting: College Business Update/Chief Constables' Council update

- 8.1. PC noted updates provided for both the College business update and the Chief Constables' Council.

- 8.2 The Chair highlighted the purpose of the College business update and provided the PC with an overview of the College's role and achievements. Particular emphasis was made to the work undertaken across the service following the brutal murder of George Floyd, which had led to global discussions and rage related to both racism and racism towards the black community. The service identified that it had a key role to play and following extensive discussions PC was informed that a programme board, namely the Police Race Inclusion Action Plan Board had been set up. The key purpose of the programme Board was to set the vision, monitor progress, mitigate risk and act as the central gatekeeper for ensuring all forces are aligned in governance and accountability.
- 8.3. The Chair added that he felt the College as the independent professional body for policing responsible for setting the standards had a key delivery role to play in shaping the action plan.
- 8.4. The Metropolitan Police service who also sit on the Police Race Inclusion Action Plan Board praised the College for the work undertaken to support the race and inclusion agenda. They added that the College's leadership was focused in the right area and was supported by the Metropolitan Police service.
- 8.5. The Association of Police and Crime Commissioners felt that it was useful to be reminded of the College's role and that of the College Board and the PC in tackling racial disparity and disproportionality. They added that the College had a key role to play in relation to regulations, standards, promotions, progression and leadership.
- 8.6. The NPCC highlighted the importance of synergy in communication between forces and noted that community engagement needed to be considered via external agencies who provide services to the public such as coaching and practice skills to help join the police service.
- 8.7. The Chair updated PC on the Hate crime operational guidance, noting it had been challenged under Judicial Review, which found the operational guidance to be lawful but on one occasion was found to applied unlawfully. It had now been taken to the court of appeal for a number of reasons. The outcome of the appeal would determine if the guidance required revisions and, if so, would be discussed at a future PC forum.

Decision:

The PC resolved to:

Note the update provided for the College Business Update/Chief Constables' Council.

Part three – Conclusion of business

09-PCAPR21 **Any Other Business**

- 9.1. The Police Superintendents Association requested to view a copy of the paper titled Police Service Duty of Candour, which was tabled but not discussed at the January 2021 Chief Constables' Council meeting.
- 9.2. The Police Superintendents Association raised concerns related to the W80 case with regards decision making and the test around the use of force. It was felt that the test had changed and officers had not been informed. It was also felt that there was some confusion between the NPCC, Home Office and the College as to whose responsibility it was to inform forces of the change.

ACTION: IR

Discuss with the Police Superintendents Association the margins of the Police Service Duty of Candour and the paper that was tabled at the January 2021 Chief Constables' Council meeting.

ACTION: IR

Discuss with the Police Superintendents Association whose responsibility it is to communicate the use to forces in the context of the W80 case.

Signed by the Chair as a true record of the meeting

Bernie O'Reilly

Date: 12 May 2021