

Committee minutes

Meeting 8 for the Review of Guidance for Professional Behaviour

Date	10 August 2022
Time	13:00 – 16:00
Location	Microsoft Teams
Chair	Richard Bennett

Organisations present
Chief Police Officers Staff Association (CPOSA)
Independent Office for Police Conduct (IOPC)
Home Office
National Police Chiefs' Council (NPCC)
Police Federation of England and Wales (PFEW)
Police Scotland
Police Superintendents' Association (PSA)
UNISON

Welcome

The committee were welcomed to the meeting. The committee members and the College's Development team introduced themselves. The aim for the meeting was outlined: to discuss the feedback provided by the committee members on the draft guidance for professional behaviour and the Code of Practice.

Updates

The College Development team advised that substantial feedback was provided by both committees on the three documents. The College Development team highlighted that further work is required on the Ethical Policing Principles to ensure they are concise, precise and clear in terms of helping decision making.

The committee members suggested that the documents focus on police officers and that changes are required to ensure they are inclusive of all police staff. The committee members requested the opportunity to review the sections that had yet to be drafted prior to the planned public consultation. The College Development team agreed to this.

Feedback received

The College Development team outlined the feedback received and identified three primary concerns:

- level of engagement with Police Advisory Board for England and Wales (PABEW)
- impact on statutory Home Office guidance
- impact of the Competency and Values Framework (CVF) review

Level of engagement with the PABEW

The College Development team advised that there is no formal role for the PABEW in the consultation. However, they will be given a bespoke briefing session on the Code of Ethics review before the documents become available for public consultation.

The PSA and the PFEW representatives requested a written response to the feedback they have provided.

Statutory Home Office guidance

The Home Office representative was unable to provide clarity on the impact of the legislative changes on the Code of Ethics framework, as a decision regarding the new Prime Minister and the Home Secretary is pending. The College Development team advised that the current review process will continue according to plan, with the intention of laying the Code of Practice before parliament in as timely a manner as possible following public consultation.

The Home Office representative provided reassurance that if there is a clear indication from the government that the status of the Code of Practice should be changed, the committee will be informed. They also advised that this will be profession-led rather than a government top-down decision. There was suggestion from the committee members to pause the current process until there is certainty around this.

The College Development team also clarified that the Guidance on Professional Behaviour and Ethical Policing Principles have no statutory provision. Similar to other guidance produced by the College, if they are not followed, this could be used to inform the relevant performance or conduct mechanisms. The committee members advised that there needs to be clarity regarding how this relates to performance and whether it gets recorded in an officer or staff member's professional development review (PDR) if they behave unethically.

Impact of the CVF review

The College Development team is being kept up to date on the review of the CVF and provided reassurance that the updated CVF does not contradict the Code of Ethics review. The committee members raised concerns with the CVF being published before the Code of Ethics review concludes. The College Development team will feed this back to the College executive team.

Discussion of the key issues

The College Development team presented areas of feedback that required further discussion with the committee members. During the discussion, the following points were raised.

Dishonesty or less than honest when sharing details

- The wording needs to be changed regarding dishonesty. It should focus on limiting information rather than being dishonest.
- It could include the sharing of appropriate information.
- It should acknowledge that covert officers have authorised professional deception.

Definition of candour

- The duty to cooperate in the Code of Practice should be the same as in the conduct regulations.
- Candour is about being proactively honest. The aim is to encourage the right behaviour, and to create a culture of support and openness with accountability and professional development.
- There are various definitions of candour. There should be a footnote explaining which definition is being followed (whether that is a dictionary definition, a legal definition or what is meant in the guidance).
- The College Development team will continue to draft definitions and check their understanding.

Repetition of existing documents, regulations and guidance

- Reference to regulations should be avoided. If there is reference to regulations, the staff equivalent should be included.
- The document should be streamlined and should demarcate other guidance as clearly as possible to avoid confusion.
- There should be a reference list of other guidance at the end, rather than links throughout the document. This will help with keeping the relevant links up to date.

How the guidance will be used

- It needs to be made clear that the guidance is not additional formal standards to assess behaviour against and that the guidance has no statutory provision.
- The guidance needs to be clear and succinct.

Use of force and powers

- The current wording regarding use of powers could imply that force must be used ethically, which is not covered in police regulations. There is a potential conflict in the use of the term 'ethical' in the wording used.
- It needs to be clear that the current legislation is not being amended.

Use of perception

- There was concern regarding the use of the term 'perceived', as it is subjective.
- The College Development team suggested that the use of 'reasonably perceived' may be more appropriate.
- Representatives of PSA will revisit the context in which the term 'perceived' was used.

Application of on-duty and off-duty, at work and not at work

- There needs to be consideration regarding at what point the guidance crosses the line with a right to a private life. It is about protecting officers and staff and the expectations of them.
- Appropriate terminology for staff depends on the context.
- There needs to be consideration regarding special constables.

What to call all the documents

- Should the title of the revised Code move away from the current Code of Ethics brand? The College Development team has suggested that it could be called the Code of Ethics Framework.
- The guidance document needs to have a title more closely linked to the Code of Practice, as currently it could be confused with the Standards of Professional Behaviour.

The following titles for the three documents were suggested:

- Guidance for Professional and Ethical Behaviour

- Ethical Policing Principles
- Code of Practice for Ethical Behaviour

Introductory document and narrative

- It should outline clearly the purpose of the document.
- It should focus on ethical behaviour rather than professional behaviour.

Close

The College Development team will make amendments to the draft Guidance for Professional and Ethical Behaviour and Code of Practice, and will share the updated versions with the committee members next week.

The College Development team advised that the mature versions of the documents will be shared with the NPCC regional council. The College Development team stated that the public consultation will run towards the end of the year and will last for a minimum of six weeks. The final publication of the Code of Ethics Framework is intended for early 2023.

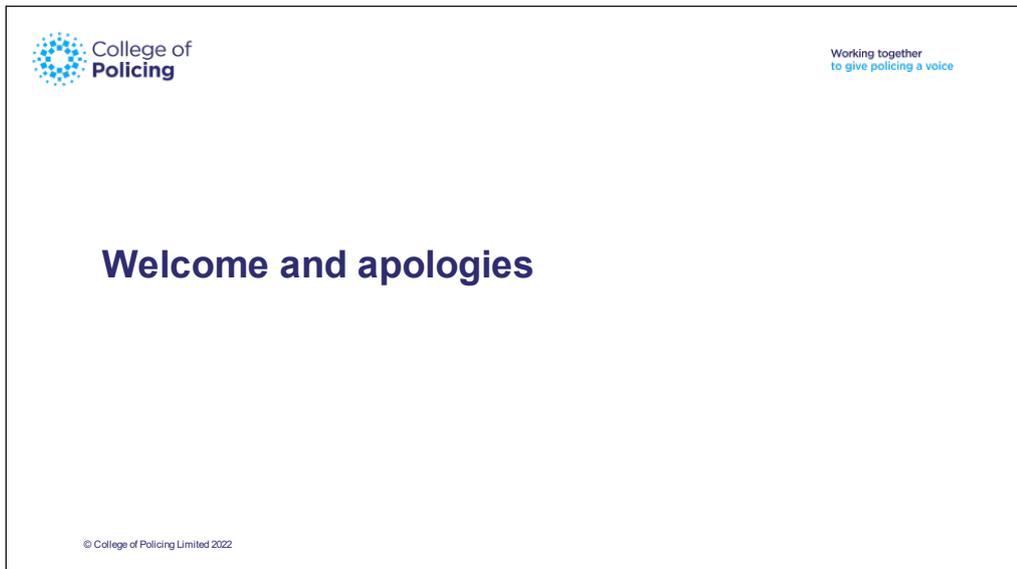
The date for the next meeting was shared.

The committee members were thanked for their attendance and contributions.

Appendix 1: Presentation



College of Policing logo in the top left corner. The slogan "Working together to give policing a voice" is in the top right corner. The main title "Code of Ethics Review" is centered in white text. The date "Professional Behaviour Committee Meeting 8 10th August 2022" and the copyright notice "© College of Policing Limited 2022" are in the bottom left. The slide features a dark blue background with a pattern of light blue squares of various sizes on the right side.



College of Policing logo in the top left corner. The slogan "Working together to give policing a voice" is in the top right corner. The main title "Welcome and apologies" is centered in dark blue text. The date "Professional Behaviour Committee Meeting 8 10th August 2022" and the copyright notice "© College of Policing Limited 2022" are in the bottom left. The slide has a plain white background.



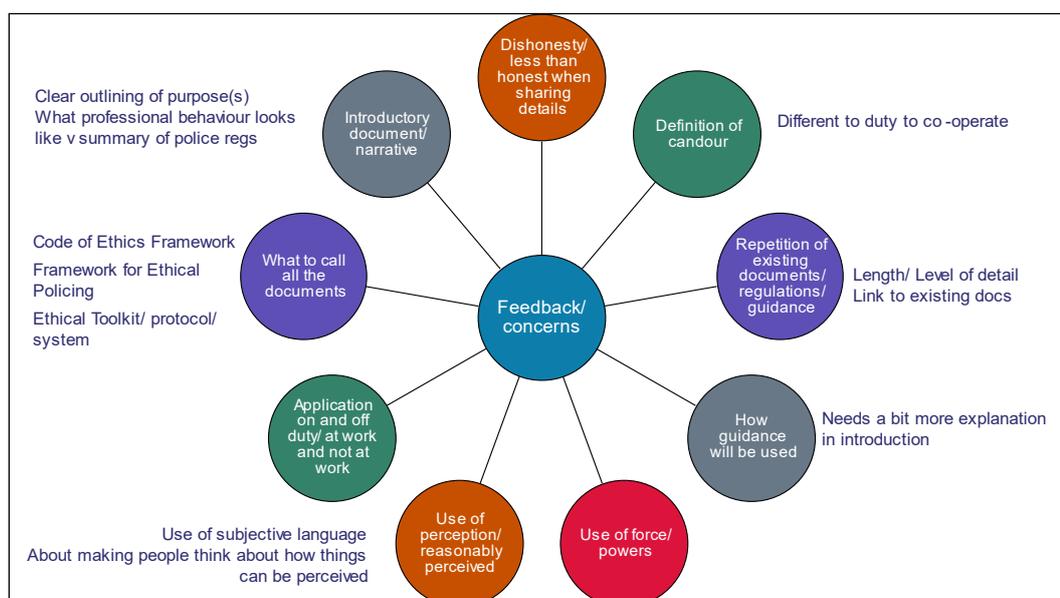
College of Policing logo in the top left corner. The slogan "Working together to give policing a voice" is in the top right corner. The main title "Updates on Code of Ethics work" is centered in dark blue text. The date "Professional Behaviour Committee Meeting 8 10th August 2022" and the copyright notice "© College of Policing Limited 2022" are in the bottom left. The slide features a white background with a pattern of light blue squares of various sizes on the right side.

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Outline of feedback received

Level of engagement
Impact of legislative changes
How guidance interacts with existing guidance
Update/ renewal of CVF

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Dates for next meeting

- **Meeting 9:** October 6th – virtual event (09:00 -13:00) (calendar invites pending)

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