Committee minutes

Meeting 6 for the Review of Guidance for Professional Behaviour

Date	**14 June 2022**
Time	**13:00 – 16:00**
Location	**Microsoft Teams**
Chair	**Richard Bennett**

Organisations present
Association of Special Constabulary Officers (ASCO)
Independent Office for Police Conduct (IOPC)
Her Majesty's Inspectorate of Constabulary and Fire & Rescue Services (HMICFRS)
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 development team introduced themselves. The aims for the meeting were outlined:

- to consider how to structure and theme the guidance for professional behaviour

- to review the feedback on the work packages drafted so far

- to identify the next work packages to be developed

Recap from last meeting

The College development team provided an update of the principles review committee. At the committee meeting in April, the committee members developed a draft introductory narrative to the ethical policing principles and drafted the principles. The draft narrative and principles were presented to the guidance committee members. The College development team outlined some of the considerations made by the principles review committee while drafting the principles. This included the need to have fewer principles and to avoid conflation between the standards of professional behaviour and the Code of Ethics. The College development team will develop the wording of the principles and check that they reflect the evidence base. The College development team advised that the policing principles will be subject to public consultation and that the guidance committee members will be given the opportunity to provide feedback.

The committee members were invited to provide some initial feedback on the draft introductory narrative and principles. The following points were raised:

- it can be challenging to write by committee

- some elements can be difficult to communicate – for example, 'being candid about mistakes' – as it is important to note the balance between misconduct and mistakes

- the committee members appreciated that these are early drafts and welcomed the opportunity to provide feedback for the final drafts

The committee asked whether there will be an element of the review that sets out the relationship between the standards of professional behaviour and the Code of Ethics. The College development team advised that the Code of Practice will stand on its own for chief officers. The principles and behaviour guidance will include a paragraph explaining that if

behaviour does not meet expectations, then it may be used as evidence to see whether they have breached the standards of professional behaviour.

The College development team summarised the decisions that were made at the last behaviour guidance meeting. These were:

- that specific examples were not necessary

- to move away from the standards of professional behaviour headings

- to adopt a positive tone and stance for content

- to be set out as a series of 'we' statements, to be inclusive

- for the College development team to theme the issues identified

The committee members were asked to provide feedback on these decisions and suggested the following.

- Examples can help with decision making and bring guidance to life. However, examples cannot cover all situations.

- The benefits of examples are clear. However, developing good examples is challenging and can take a significant amount of time, which is not always reflected in their return.

- Not using examples and moving away from the Standards of Professional Behaviour headings could be too significant of a change.

- There would be advantages to moving away from the Standards of Professional Behaviour headings, as it would show greater distinction and help to clarify the role of the principles and guidance.

- There needs to be a clear line between the Code of Ethics and the Standards of Professional Behaviour.

- The use of 'we' is inclusive and positive, and gives a sense of the police family. The guidance and principles will apply individually and collectively.

- The use of 'we' vs 'we will' would need to be consistent across the document, which may make some sections more difficult to write.

- The text should be positively framed, with the focus on trying to create a level of service to provide to the public.

The committee members were thanked for their feedback. The College development team will consider the points raised.

Theming and content of the guidance

The College development team circulated an example of how to approach the language, theming and content of the guidance. The College development team will make amendments based on the committee members' feedback.

The College development team asked the committee members whether the introductions to the principles and guidance should be worded the same or differently. The committee members suggested that it depends on whether the aim is for the documents to be viewed as one document or as three different documents. If they are to be viewed as one, then the introductions should be the same. But if the documents are to be considered as three separate documents, the language used in the introductions could be different. The College development team advised that they are different documents with different content, but they share the same overall aim. The College development team will reflect on the committee members' feedback.

Smaller group discussion

Prior to the meeting, the College development team shared the content of the current Code of Ethics with the committee members, for the four issues identified at the previous meeting. Attendees were divided into two groups and presented with the feedback on the content for the following four work packages:

1. wellbeing and welfare support

2. misogyny and sexism

3. use of social media

4. diversity and inclusion

The committee members were asked to discuss the work packages and provide feedback.

Wellbeing and welfare support

Committee members suggested the following.

- Mental health is on a scale.

- The text should include physical health as well as mental health.

- There is a difference between wellbeing and welfare.

- The text could reference Oscar Kilo, which is a good resource for support and improving the mental and physical wellbeing of the workforce.

- Medical information is sensitive personal data and people should not feel forced to disclose that. The text could state that disclosure is required when it will affect an individual's ability to do their duties – for example, early disclosure is critical for some high-risk roles.

- The guidance should reflect that it is not always possible for people to be candid due to various reasons, such as rank, relationships with supervisors and managers, and the potential impact on an individual's career.

- The guidance should be about creating a supportive and open environment, giving people the confidence to talk to peers or managers, and signposting for advice, more than the need for early disclosure. Managers and leaders have a responsibility to display these values and create this environment, but everyone has a role.

- The text should be changed to include a reference to 'unmanageable debt'. Support for this needs to be emphasised in light of the current cost of living crisis.

- Including 'financial difficulties' may be too specific. The text could consider all issues that officers and staff need welfare support for, such as relationship issues and bereavement.

- The text should include provision of welfare support for officers and staff who are under investigation for misconduct, as well as for officers and staff who report misconduct.

- The text should reference the role of leadership and provide additional information for supervisors.

- The Code of Practice could state that chief officers should ensure that support mechanisms and confidential processes are in place in their force.

Misogyny and sexism

Committee members suggested the following.

- The text should include a positive duty to challenge both misogyny and sexism.

- Misogyny and sexism are clearly issues and should be included. However, the text should be widened out to include other discriminatory behaviours, such as racism,

homophobia and disability abuse. There is concern with focusing on misogyny and sexism, as other discriminatory behaviours may not be viewed as a priority.

- The text could be changed to 'supporting others' or 'respect' to encompass all discriminatory behaviours.

- The text needs to be future-proofed and broad enough to capture changes in focus.

- The text should be about being inclusive.

- People may not always feel able to challenge behaviour or feel supported to do so. The text should include listening to, and supporting, officers and staff who have challenged and reported discriminatory behaviours.

- Leaders should act as role models and be responsible for creating an environment where challenging this behaviour is accepted.

- An example should be provided for an 'apparent conflict of interest'.

Use of social media

Committee members suggested the following.

- Using examples could be helpful for this section.

- The guidance should align with the work being done by the NPCC working group for social media.

- There are some grey areas with the use of social media, which makes it challenging.

- Social media content needs to be carefully considered, as it reaches a wide audience and can be shared quickly.

- Positive use of social media should not be discouraged, as it can work well and be a useful form of engagement.

- There should be parity across all ranks.

- The guidance should apply to offline behaviour, as well as online behaviour.

- People should be mindful and aware of how membership of certain groups could be perceived. Someone may be following a group to understand and challenge.

Diversity and inclusion

Committee members suggested the following.

- It should be about proactively promoting equality and taking positive action to engage with minority groups.

- 'Diversity and inclusion' and 'misogyny and sexism' could be captured under one theme, such as 'respect', 'supporting others' or 'creating an inclusive environment for all'.

The College development team will incorporate this feedback into the latest drafts and share them with the committee members.

Prioritising next issues

The College development team recapped the outstanding key behavioural issues that the guidance for professional behaviour should address. There was discussion regarding which issues had already been covered in the current drafts, which issues could be grouped together and which issues would be addressed next.

During the discussion of the outstanding behavioural issues, the committee members raised the following points.

- Whistleblowing could potentially be included in the 'upstanding and challenging inappropriate behaviour' work package that has already been drafted. Whistleblowing could be referenced in the Code of Practice, as well as in the guidance.

- The aim of legitimate use of powers is to provide a good service to the public. Officers and staff need to understand the relationship between the two. For example, there may be a better way to support an individual rather than arrest.

- Forces have individual policies for business interests and notifiable interests. The counter corruption APP is being reviewed, and business interests and notifiable interests will be covered within that. Chief officers should have discretion with professional standards departments, to ensure that people are able to volunteer in accordance with the rules.

- Impartiality (politically charged statements) can be a grey area, as whether something is politically charged or not depends on perceptions. Police Scotland has an ethical dilemma that is going to panel about protests and whether staff can attend or not. The outcome of this will be fed back to the committee members.

- Abuse of authority (not for sexual purpose) needs to be addressed in the guidance. An example of this is officers using warrant cards to queue jump.

The College development team also suggested the following points, in relation to the outstanding behavioural issues.

- Confidentiality is covered in the draft guidance, which has already been developed.

- Legal highs could be included in 'expectations of officers' or 'wellbeing and welfare'.

- 'Performance culture' is addressed in the draft Code of Practice.

- All issues relating to leaders and leadership could be collated in to one section. This could include 'traits of leadership', 'expectations of leaders', 'role modelling standards' and 'being ambassadors'.

- 'Right of public to be treated respectfully' could be covered in 'respect' or 'fairness'.

It was agreed that the next set of work packages to be drafted were:

- legitimate use of powers

- expectations and role of leaders, supervisors and managers

- abuse of authority (not for sexual purpose)

An additional point raised during the discussion was regarding the use of the word 'perception' in the draft guidance. There was concern that this term could cause contention and the College development team were asked to reflect on that.

Close

The College development team will begin developing the draft guidance for professional behaviour for the three topics identified and for the Code of Practice, and then will ask the committee members for feedback. The College development team will also update the draft guidance and Code of Practice developed so far, to reflect the feedback from the committee members.

The committee members were asked whether this process for developing the guidance and Code of Practice was useful and was working well. The committee members confirmed that it was.
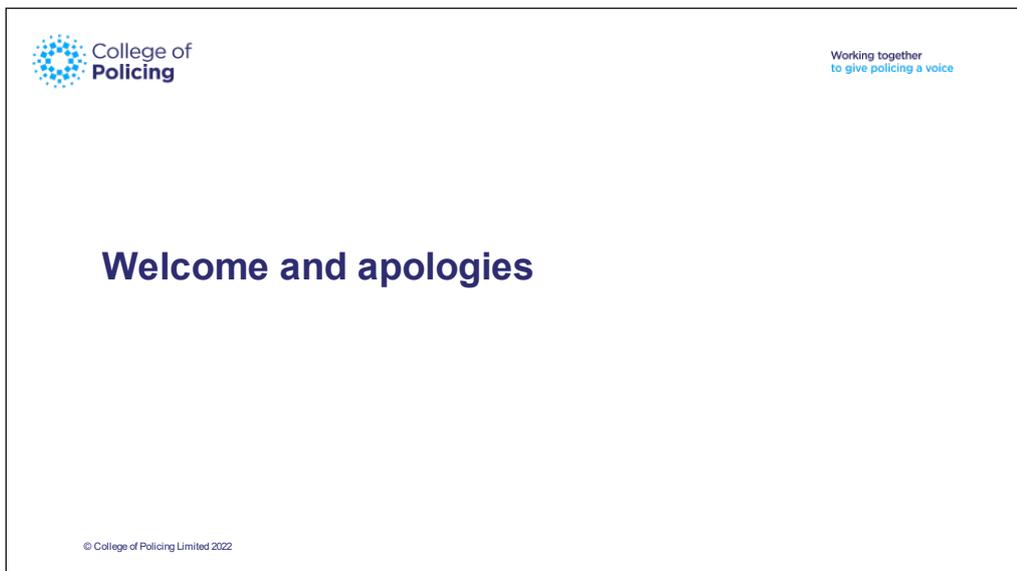
The dates for the next meetings were shared.

The committee members were thanked for their attendance and contributions.

Appendix 1: Presentation

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Working together
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Discussions at last meeting

- To move away from SPB headings

- For college to theme issues identified

- To adopt a positive tone and stance for content

- That specific examples were not necessary

- To be set out as a series of "we" statements – to be inclusive

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How to structure and theme the revised behaviour guidance?

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Feedback on content of work packages

7) Wellbeing and welfare support
8) Diversity and inclusion
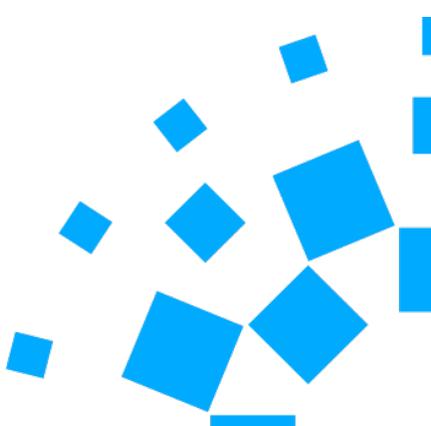9) Misogyny and sexism
10) Use of social media

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Wellbeing and welfare

1. Fitness for duty
2. Discreditable conduct
3. Encourage support seeking
4. Use of language

1. Make reference to seeking support for any mental health issues (e.g. TRIM or other specialist help). Recognise need to make early disclosure to managers regarding ongoing mental health/ trauma so appropriate advice and support may be supplied. Could include an expectation of a manager to support any member of staff who makes such a disclosure.
2. This should consider the financial difficulties that officers may encounter, but from a preventative aspect, before it reaches the debt recovery or adverse financial judgments. This is recognised as one of the risk areas within corruption
3. Supporting staff and officers shouldn't just be about when they are at work or working so this section needs extending as it is well known home life can impact heavily on work ethics
4. Avoid language that is stigmatises any condition, illness, person or groups

Misogyny and sexism

5. Positive duty to challenge

Social Media

6. Terminology
7. Personal safety

6. Needs to be mindful of terminology, ensuring it reflects the current social media landscape, is easily understood by all e.g. 'platform of web -based or mobile communications, social networking sites, and all other types of social media' and is as future proof as possible. to include/ encompass newer trends such as tic toc etc. or dating sites.
7. Social media can leave individuals open to personal threat, harm and risk when they identify as a police officer/ employee.
- *Refrain from discussing work related topics that undermines policing or reveals operational activity*
- *Avoid disclosing information or images about your work or personal life that could jeopardise your safety or the safety of others*
- *Refrain from joining or following social networking 'groups' which could be considered inappropriate.*
- *Whilst on duty be mindful of location services to prevent someone tracking your movement or gather data resulting in 'geo -tagging'*
- *Be aware that private messages in groups or online can be shared publicly*

Diversity and inclusion

8. Demonstrably challenge/ actively promote
9. Examples of support orgs/ agencies
10. Explain protected characteristics
11. Link to race and inclusion plan

8. Actively promote equality of opportunity in every stage of recruitment processes and to the employment experience which includes access to training, promotion and other employee benefits.
9. Demonstrably challenge instances of racism at all levels whether personal, cultural and institutional
10. A dd something around challenging and reporting discriminatory behaviour, and specifically about not using social media to share discriminatory or offensive material.

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Working together to give policing a voice

Group discussion

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Recap of key issues identified

Working together to give policing a voice

1. Confidentiality
2. Whistleblowing
3. Legitimate use of powers
4. Business interests/ notifiable interests
5. Inappropriate associations
6. Legal highs
7. Performance culture
8. Impartiality (politically charged statements)
9. Abuse of authority
10. Traits of leadership
11. Expectations of leaders
12. Role modelling standards
13. Right of public to be treated respectfully
14. Being ambassadors
15. Culture – how society moves, what was ok then isn't now

Already developed
- Candour / owning up and opportunity to learn
- Sub-optimal behaviour/ reflective practice
- Upstanding + challenging inappropriate behaviour
- Expectations of officers (higher than public)
- Abuse of position for a sexual purpose
- On/off duty expectations
- Diversity and inclusion/ discrimination
- Misogyny and sexism
- Social media use
- Setting standards of support/ welfare

~~Digital ethics~~

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Dates for next meetings

- **Meeting 7:** July 13th 2022 – virtual event (13:00-16:00)
- **Meeting 8:** August 10th 2022 – virtual event (13:00-16:00)
- **Meeting 9:** September 13th – TBC

Ethics.review@college.police.uk

Thank you