

**Minutes of the meeting of the
Board of Directors of the College of Policing
held at The Kia Oval
on 20 July 2022 at 10:30**

Present

		Attendance 2022/23
Nick Herbert	Chair	2/2
Neil Basu	Non-Executive Director	2/2
David Bamber	Non-Executive Director	1/2
Lyn Carpenter	Non-Executive Director	2/2
Jaspal Dhillon	Non-Executive Director	2/2
Andy Marsh	Chief Executive Officer	2/2
Suzanne McCarthy	Non-Executive Director	1/2
Stephen Mold	Non-Executive Director	2/2
Alexis Poole	Non-Executive Director	2/2
Rosemary Scully	Non-Executive Director	2/2

Executive in attendance

Nick Bayley	Director of Enabling Services
Jo Noakes	Director of Leadership & Workforce Development Portfolio
Bernie O'Reilly	Deputy Chief Executive Officer
Iain Raphael	Director of Public Safety & Risk Portfolio
Rachel Tuffin	Director of Professional Communities & Diversity Portfolio

Staff in attendance

Ally Brooks	Head of Business Services
Oliver Cattermole	Head of Corporate Development
Camille Giffard	Governance Manager
Thomas Grove	Acting Staff Officer
Martin Tunstall	Executive Policy Adviser
Jayshree Vekria	Governance Manager

Apologies

Nick Bayley	Director of Enabling Services
Kate Fromant	Head of Corporate Governance

Part one – Preliminary items

01-COP-JUL22 **Welcome and administration**

- 1.1. The Chair welcomed everyone to the meeting, noting that the meeting had been duly convened and a quorum was present. Due to disruption on the railways caused by unusually high temperatures, the meeting was being run on a hybrid basis. Jaspal Dhillon (JD), Rachel Tuffin (RT) and Ally Brookes (AB) were attending remotely. AB was deputising for Nick Bayley (NB).
- 1.2. The Chair thanked the team for organising the hybrid facilities at the last minute and noted that the current inability to hold board meetings on college premises with full access to hybrid facilities was unsatisfactory.
- 1.3. Apologies for absence were received from NB and Kate Fromant (KF).
- 1.4. There were no pre-advised declarations of interest. Neil Basu advised that he had been asked to be a Strategic Adviser for the College in leadership and international programmes. It was not an executive position and would only become relevant if leadership or international programmes was to come before the Board, in which event he would make a declaration and withdraw from the discussion.
- 1.5. No items were raised for discussion under Any Other Business.

02-COP-JUL22 **Approvals**

Minutes of the meeting on 25 May 2022

- 2.1. Paragraph 7.7 referred to the term 'ongoing' being replaced by 'being delivered'. This should be amended to convey that work was too frequently referred to as ongoing without any indication of parameters, in particular delivery dates.
- 2.2. The minutes of the meeting on 25 May were approved subject to this amendment.

Decision: The Board resolved to:

- i. **Approve** the minutes of 25 May 2022 with the above amendment.

Decisions Under Urgency Procedures

- 2.3. Two decisions had been taken under urgency procedures.
 - WR0006 Approval of 2022/23 Business Plan

- WR0007 NLEDS - Code of Practice

Decision: The Board resolved to:

- ii. **Note** WR0006 Approval of 2022/23 Business Plan
- iii. **Note** WR0007 NLEDS - Code of Practice

03-COP-JUL22

Action points from the meeting on 25 May 2022

- 3.1. The Chair noted that actions 1 and 2 were now due in October due to difficulties with setting a single date for meeting with the new Non-Executive Directors (NEDs). Both actions had been subsumed into the development plan for new directors which would go to NRC. The remaining actions could be closed.
- 3.2. In relation to action 1, JD asked that diversity be considered at a future meeting. He advised that he had attended a meeting of the DEAN network at Ryton and was keen to show continued commitment from the Board.
- 3.3. Suzanne McCarthy (SMC) asked that the actions be separated out, so that induction and development were distinct actions.

ACTION: CG

Diversity to be included as a main agenda item at a future meeting of the College Board.

ACTION: CG

Actions 1 and 2 to be separated out, so that induction and development were distinct actions.

Decision: The Board resolved to:

- i. **Note** the 'Action Points' template.

04-COP-JUL22

Chair's Report

- 4.1. The Chair noted that:
 - over a third of policing was now in special measures through HMICFRS Engage status. This would be discussed further in the CEO update but the challenges facing policing also meant challenges for the College.
 - Mark Rowley had been appointed Commissioner of the Metropolitan Police Service (Met) and was expected to start in early September. The College would be offering support.
 - he had attended the annual ALB conference along with JD, KF and Bernie O'Reilly (BoR). Jaspal attended a session on cyber which he found useful. BoR advised that there was strong feeling about the likely headcount

reductions as there was no clarity on methodology and how it would take place across ALBs.

- he had attended a launch at Ryton for the Leadership College for Government and taken the opportunity to tour the site and meet with some of the trainers. SMC also attended the event and suggested that board meetings be held at other college sites.
- The issue of non-crime hate incidents had become high-profile again due to commitments made by some candidates during the Conservative leadership contest.

Decision: The Board resolved to:

- i. **Note** the Chair's update.

05-COP-JUL22

Chief Executive's Report

5.1. Andy Marsh (AM) updated board members on the following:

- The Police Performance Oversight Group (PPOG) met to consider forces at Engage status and was attended by force chiefs and Police and Crime Commissioner or equivalent. It was agreed that a system approach was more effective, in which the College saw itself as taking an active part with knowledge and evidence base. Common themes in engaged forces were leadership, demand management, identifying vulnerability, control room, Offences Brought to Justice outcomes, and supervision. AM, BoR and RT were involved, with five or six interventions in each force. Andy Cooke had asked each stakeholder what they were doing to support forces and the College was able to respond.
- He had been invited to sit on the Met management board under the temporary commissioner.
- An issue of concern at Chiefs' Council was the performance at the recent Senior Police National Assessment Centre (SPNAC). The pass rate was 38%, well below the numbers needed, with only eight ethnic minority candidates passing. The College had already commissioned a review which was due to report in the next two months. Chiefs wanted to see a game changing approach, external assurance of appointments and standards for chief officers. It was anticipated the course would change before the next scheduled SPNAC.
- He had taken a finance paper to Chiefs' Council explaining the College's approach and Treasury limitations. The development of a far-reaching international strategy was intended to enable the College to be more ambitious while minimising the cost to policing.

- He had given keynote speeches at Cumberland Lodge and the Cambridge Conference.
- He met twice with Louise Casey to discuss standards and oversight in the Met.
- He attended National Policing Board at which the Home Secretary emphasised the importance of getting the basics right, public expectations and delivery. She also made positive comments about the College's work on rape and serious sexual offences.

Discussion

5.2. The main part of the discussion focused on the issue of supporting forces at Engage status. Comments were as follows:

- Naming forces tended to undermine their ability to resolve issues as their energy was spent on defending themselves. Resource should be put in at an earlier stage. AM advised that steps were being taken with chiefs to intervene early to keep forces out of failure. He agreed that the system spent more money on holding to account than resolving issues.
- HMICFRS should go to forces earlier and encourage them to take up College support before going to the media.
- In local government pre-testing took place against the agreed framework in advance of inspections to avoid surprises and peer challenge was welcomed. College support could include a product for staying out of Engage.
- The root causes of failure were leadership and supervision.
- Interventions were bespoke, to suit specific force issues.
- RT advised that one way to encourage earlier information sharing was to support several forces at the same time prior to naming. Patterns emerging were poor demand reduction or analysis and problem solving. HMICFRS intelligence was being used to build the prevention programme.
- There was some doubt that College intervention would be welcome at an earlier stage, given the tendencies of leadership to deny the presence of issues.
- The best uplift in performance came when senior leaders said they wanted to engage. How could this be encouraged? AM remarked that the College offer had to be genuinely useful. It was also remarked that culture change was part of leadership learning at the College. The College should be more proactive with best practice.
- Buddies could be matched up with chiefs.
- Forces could not be forced to engage.

- 5.3. BoR advised that three of the six forces had new chiefs, and the College was involved in their recruitment processes. A recruiting PCC asked what the College could bring to the table. It would need to capture policing's imagination to see what value the College could bring.
- 5.4. AM remarked that the College tended to work in policing's most difficult areas and often took the blame for unpopular initiatives or political imperatives, such as the new educational framework and non-crime hate incidents.

ACTION: CG

Circulate AM's Chiefs' Council finance paper and Cumberland Lodge briefing booklet to board members.

Decision: The Board resolved to:

- i. **Note** the Chief Executive's update.

06-COP-JUL22

Current issues in policing

- 6.1. Iain Raphael (IR) updated board members on a number of operational areas which the College either leads or co-leads.

Violence against Women and Girls Workstreams

- 6.2. IR observed that the College continued to co-lead on VAWG. Its work was attracting positive comment because of the depth of its investment in the area and resulting significant influence. Its work over the previous twelve months included the VAWG Toolkit, a performance framework for forces, a framework for misconduct cases, HMICFRS progress report, establishing the VAWG academic advisory group and overseeing research on best practice. APP on VAWG investigations was also being developed.

Hate Crime

- 6.3. IR advised that the College was due to publish interim guidance on non-crime hate incidents. It included three principal changes to the previous guidance:
- non-crime hate incidents should not be recorded where they are trivial, irrational, or if there is no basis to conclude that an incident was motivated by hostility
 - individuals who are commenting in a legitimate debate – should not be stigmatised because someone is offended
 - if a record is made, it must be done in the least intrusive way possible.

It did not require forces to expunge previous records but introduced safeguards for when they should be removed. The Home Office would produce a code in the autumn, working

with the College. There was time pressure to publish due to the lapse of time since the judgment was issued.

- 6.4. The Chair remarked that this was a sensitive matter due to the divergence between what the court had said should happen and what campaigners believed should happen. There were expectations within Parliament that records should be expunged and the College could find itself having to defend the absence of this in the guidance in spite of it being an accurate reflection of what the court and Home Office required.
- 6.5. Board members agreed that reminders were needed of the McPherson and Fiona Pilkington cases, among others, with which the recording of non-crime hate incidents originated due to the need to connect the dots where there were escalating incidents. The bureaucracy involved was a challenge, but the temptation to lift it fully should be resisted as dangerous.
- 6.6. Board members discussed the timing of release of the interim guidance, and concluded that there would be greater risk in delaying its launch as the court could issue a direction which would result in contempt of court if not complied with.
- 6.7. A careful communication strategy would be required to clearly reassure the service, stakeholders, parliamentarians and the public that the guidance was balanced, necessary and proportionate, while clearly reminding of its origins in keeping people safe.

Super-complaint

- 6.8. The College led on its first Super-complaint, submitted by the Centre for Women's Justice on the policing response to alleged perpetrators of domestic abuse. It issued recommendations for forces, PCCs, Home Office, Ministry of Justice, NPCC and the College. (See *06 -COP-JUL22- Current issues in policing* for details).
- 6.9. Board members commended the quality of the report and asked if it could be publicised further as it had not been picked up significantly by the media or cascaded through forces and the College should receive credit for it.
- 6.10. AM advised that the College would be prepared to lead on other complaints but noted it had received no funding to support this, unlike HMICFRS and IOPC. He had raised the recommendations at Chiefs' Council. He remarked that the outcome rate for police perpetrators of domestic abuse was the same as the general outcome rate.

- 6.11. It was suggested that hyperlinks could be included in the Current Issues in Policing paper so board members could choose to read around it if they wished.
- 6.12. It was also suggested that attrition could be analysed by distinguishing between those who exit by choice and those who leave with regrets. There was a proportion of attrition that could be viewed as appropriate exit, where they were not suitable for policing.
- 6.13. The Chair noted that other Super-complaints partners (HMICFRS and IOPC) had received an uplift in resourcing, which should be raised with the Home Office.

Armed policing – Jermaine Baker Inquiry

- 6.14. The Jermaine Baker inquiry was issued on 5 July in relation to a shooting in 2015. He was found to have been lawfully killed but recommendations were made as a result.

Operation Soteria

- 6.15. Operation Soteria was a Home Office funded project to increase the prosecution of rape and serious sexual assaults. The College interim product continued to be used, with new investigators using it to make up for a lack of specialist training. IR sat on the Soteria board overseen by the Home Office. The work would next be tested in three Crown Court areas.

Protest

- 6.16. The College continued to ensure guidance was up to date and to engage with public order commanders. When the Policing Crime Sentencing and Courts Act was issued, the College produced a guide for operational officers, including in command roles, explaining the changes.

ACTION: IR/MP

Careful communication strategy to accompany launch of non-crime hate incidents interim guidance.

ACTION: IR

To consider including appropriate hyperlinks in Current Issues in Policing paper to enable board members to read around the issue. (This should involve liaising with the Stakeholder Team to avoid duplication of the Stakeholder Information Bulletin.)

Decision: The Board resolved to:

- i. **Note** and **discuss** the operational updates on current issues in policing.

Part two – Items for decision and discussion

07-COP-JUL22

Estates Strategy

- 7.1. Ally Brookes (AB) provided a comprehensive update on the Estates Strategy. (See *07-COP-JUL22-Estates Strategy 2022-2027 and Annex*). He invited board members to approve the five-year Estates Strategy.
- 7.2. Board members raised queries around the following:
 - Timescales - five years seemed too short a period for an estates' strategy
 - The role of the Board in oversight and assurance that the strategy was delivering (performance monitoring)
 - Risk posed to the strategy by the rate of inflation.
 - Carbon zero commitments
 - Clarity of deliverables
- 7.3. AB clarified that the document circulated was an abridged version focusing on key points, key interventions, objectives and benefits. A fuller strategy was available on request.
- 7.4. In terms of carbon zero, an environment management plan was brought in 2021-22, was part of the BP deliverables and was currently being implemented and delivered. The College was working with NPCC and APCC on a wider policing environmental management plan.
- 7.5. Inflation was outside the College's control but some prioritisation was likely to be needed. Work had been done to reduce liabilities with improvements to underlying infrastructure, and opportunities were being gained through working with partners.
- 7.6. AB advised that there was a dedicated and coherent performance system around the estate. BoR confirmed that the Portfolio Delivery Board would have oversight of the estates strategy and that it would also go to ARC and Board.
- 7.7. AB acknowledged that 5 years may appear short term from an estates master planning perspective but that there was a longer-term ambition to deliver a more transformational solution. The five-year strategy provided the opportunity for a twin track approach. There was also a constraint because of the limited control over capital funding. If estate was disposed of, the proceeds returned to the Treasury. AM

observed that the twin track approach allowed pursuance of the long-term aim of a home for policing while maximising existing options to deliver on objectives. Improvements to Ryton and Harperley should continue. The question was whether the direction was the right one.

- 7.8. The Chair agreed that the twin track approach allowed strategic ambition within existing resources while awaiting an opportunity to pursue the policing home ambition. There was merit to combining the national centre for policing leadership and the overseas market strategy to pursue this ambition. The high-level principles, if agreed, would accommodate Plan A but also Plan B, realistic management of existing estate within budgetary constraints.
- 7.9. Board members agreed with the twin track approach. Plan B should be fit for purpose and help to pursue Plan A at a later stage. They were complimentary of Ryton's recent hosting of Commonwealth Games police support.

Decision: The Board resolved to:

- i. **Approve** the five-year Estates Strategy

08-COP-JUL22

Modern Slavery Statement

- 8.1. AM invited board members to approve the Modern Slavery statement. It was a statutory requirement to publish a statement on the College website by the end of September. It was primarily relevant to procurement but prompted directors to reflect more generally on how their organisation was run.
- 8.2. SMcC had provided feedback which would be incorporated into the final draft.

Decision: The Board resolved to:

- i. **Approve** the Modern Slavery Statement and its publication on the College's website and the government's modern slavery statement registry
- ii. **Note** progress with the Anti-Modern Slavery and Human Trafficking Policy

09-COP-JUL22

Board/Committee Membership

- 9.1. Rosemary Scully (RS), in her role as NRC Chair, set out new proposals for committee membership. NRC thought its membership should increase from three to five, proposing that Lyn Carpenter, Alexis Poole and Andy Marshall join the committee. It was proposed that Suzanne McCarthy be the board member attending Professional Committee. Efforts

were underway to recruit to the seat reserved for a Police Superintendent.

- 9.2. The Chair advised that the Home Secretary was keen to see the PSA and APCC seats filled by open competition, which had been conveyed to both organisations. The same consideration would apply to the Federation seat in due course.
- 9.3. The Chair noted that previous discussions had raised the need to monitor performance against the Business Plan more thoroughly without taking up excessive Board time. Further discussions with the independent Non-Executive Directors had led to the conclusion that a Finance and Performance Committee (FPC) should be created. The new committee would report its findings to the Board. If there was agreement in principle a more detailed proposal would be brought to the next board meeting.
- 9.4. It was asked whether the board member attending Professional Committee would have a formal seat, with voting rights, as the unions would be keen to understand this. AM advised that this would be a matter for the committee. Currently, decisions were made by consensus. If this changed, it would need to be decided if the College should have a single vote through the non-executive director, as it did not necessarily need voting rights.
- 9.5. Board members remarked that the Board should not abrogate responsibility for performance to the new FPC. There should be a Board agenda item at least annually as well as regular committee reports. There should also be clear delineation between ARC and FPC to avoid duplication of effort.
- 9.6. The Chair noted that the FPC should be chaired by one of the independent non-executive directors and the APCC board member should ideally be a member.
- 9.7. Board members gave their agreement in principle to the creation of the FPC and Oliver Cattermole indicated that his team would be best placed to work up the proposal as they were responsible for performance monitoring.
- 9.8. The committee membership proposals were agreed.

ACTION: OC/KF

Detailed proposal to be developed for a new Finance and Performance Committee

Decision: The Board resolved to:

- i. **Approve:**
 - an increase in the membership of NRC from three to five members and an extension of its remit to include more people-based issues
 - the appointment of Lyn Carpenter, Alexis Poole and Andy Marsh to NRC.
 - the appointment of Suzanne McCarthy to PC.
- ii. **Note** the launch of recruitment campaigns to appoint
 - A Board member in a seat reserved for Superintendent ranks
 - A Board member in a seat reserved for a Police and Crime Commissioner
 - A digital advisor to the Board.

10-COP-JUL22

Metis Revised Costs

- 10.1. BoR advised that SAP, the current Enterprise Resource Planning (ERP) system, had been out of support for several years, with the risks being managed. It was decided to align with the Home Office system following a cost benefit analysis and best practice. The discovery phase had ended and the costs had increased by 55% over two years. Board members were asked to note the increase and ask the ARC to conduct a deep dive on the risk at its September meeting. There may be an assurance role for ARC in its implementation.
- 10.2. The ARC Chair agreed a deep dive would be appropriate as requested.
- 10.3. AM remarked that ERP implementation was generally subject to overrunning costs. Metis was the Home Office preferred solution and past the point of no return but it was key to continue monitoring. The College would continue its efforts to secure more funding from the Home Office for this.
- 10.4. It was noted at the ALB conference that there could be more potential to exert pressure for back-office procurement as a group.

ACTION: CG

Metis Risk Deep Dive to be added to September ARC agenda.

Decision: The Board resolved to:

- i. **Note** progress with Metis onboarding
- ii. **Agree** that the Audit & Risk Committee undertake a 'deep dive' into the project, to provide further assurance to the board, and

take an ongoing role in oversight of the project through to completion.

11-COP-JUL22 **Full-Year Financial Forecast 2022-23**

- 11.1. BoR updated board members on the current forecast. *[As the details discussed are commercially sensitive, they have been removed from this version.]*
- 11.2. The Chair requested an update on the risk implications of the public sector pay arrangements 2022/23.

ACTION:

Update to be provided out of committee on the risk implications for the College of public sector pay arrangements 2022/23.

Decision: The Board resolved to:

- i. **Note** the full year financial position for FY2022/23.

12-COP-JUL22 **Quarter 1 Performance and Risk Report**

- 12.1. Oliver Cattermole (OC) advised that it was the first performance report against the new business plan. The data release timings had given very little time to analyse the data and the next step would be to establish the scheduling and sequencing, also incorporating the new FPC.
- 12.2. It was a new approach for the organisation and would be iterative, with the format still under development. There were some gaps in the data and it would in future be validated by the Executive before being brought to the Board. OC referred board members to *12 -COP-JUL22-Q1 Performance and Risk Report* to set out how the information would be presented and to update on the most recent key data. He invited the Board to note the development of the data and presentation format.
- 12.3. Board members welcomed the format and approach, which they found clear and easy to follow. The ARC Chair asked how it related to the risk register and how that could be integrated. These points would be considered outside the meeting as part of development of the FPC proposal.
- 12.4. Board members raised the following points for consideration as part of the iterative process:
 - How was the team quality assuring that the data was robust?
 - Were RAG ratings based on interpretation sufficiently objective?
 - Any delivery risks linked to the risk register should be linked with ARC or FPC.

- This helped to make the data real in terms of what the College was trying to deliver.
 - The FPC should work with the team on developing the right presentation.
- 12.5. The Chair welcomed the presentation, warned against over-elaborate diagrammatic and asked that once the format was settled on it should be used consistently.

Decision: The Board resolved to:

- i. **Approve** the format of the attached report in principle
- ii. **Note** the caveats set out in terms of the content and reliability of the report.

13-COP-JUL22

The Use of Decisions Under Urgency Procedures

- 13.1. Alexis Poole (AP) asked for this item to be added to the agenda following the decision on NLEDS. The information was circulated in two separate groups for technical reasons which meant not all email comments were circulated to the whole group. She suggested that a 15-minute virtual meeting could be useful in the case of novel or contentious items.
- 13.2. The Chair noted that urgency procedures should generally be avoidable with advance planning but were sometimes driven by events. Board members could be individually briefed, or a quick virtual meeting convened at the Chair's discretion.
- 13.3. A way should be found to ensure all board members were sighted on relevant email discussions.

ACTION: CG

Consider how to ensure all board members are fully sighted on email discussions around decisions under urgency procedures.

Decision: The Board resolved to:

- i. **Note** the discussion on Decisions Under Urgency Procedures.

Part three – Conclusion of business

14-COP-JUL22

Items for Noting

- 14.1. Items for Noting circulated consisted of:
Committee updates (Senior Management Team, Audit and Risk Committee, Nominations and Remuneration Committee and Professional Committee.)
- 14.2. The items were noted without issue.

Decision: The Board resolved to:

- i. **Note** the Items for Noting bundle.

15-COP-JUL22 Any Other Business

15.1 No other business was raised.

16-COP-JUL22 Review of the meeting

16.1. Board members provided feedback on meeting logistics.

Camille Giffard, Governance Manager

Signed by the Chair as a true record of the meeting

The Rt Hon. the Lord Herbert of South Downs CBE PC (Nick Herbert)

Date: 12 October 2022