

**Minutes of the meeting of the
Board of Directors of the College of Policing
held by Skype
on 17 March 2021 at 10:00**

Present

		Attendance 2020/21
Nick Herbert	Chair	2/2
David Bamber		7/7
Bernie O'Reilly	Interim CEO	2/2
Paul Griffiths		7/7
Clare Minchington		7/7
Stephen Mold		7/7
Alexis Poole		1/1
Dr Robina Shah		5/5
Jackie Smith		7/7
Ian Wylie		7/7

Executive in attendance

Nick Bayley	Director of Enabling Services
Jo Noakes	Director of Workforce Development
Iain Raphael	Director of Operational Standards
Rachel Tuffin	Director of Knowledge and Innovation

Staff in attendance

Anna Douglas (Observing)	Staff Officer, Workforce Development Directorate
Kate Fromant	Head of Corporate Governance
Camille Giffard	Governance Manager
Martin Tunstall	Executive Policy Advisor
James Walker (Observing)	Staff Officer, Operational Standards and Knowledge and Innovation Directorate

Apologies
Part one – Preliminary items
01-COP-MAR21 Welcome and administration

- 1.1. The Chair welcomed everyone to the meeting, in particular Alexis Poole, newly appointed non-executive director in a seat reserved for a member of police staff, and Martin Tunstall, Executive Policy Advisor. Anna Douglas (Staff

Officer to Jo Noakes) and James Walker (Staff Officer to Iain Raphael and Rachel Tuffin) were observing. The Chair noted that the meeting had been duly convened and a quorum was present.

- 1.2. There were no apologies for absence.
- 1.3. Clare Minchington, Jackie Smith and Ian Wylie declared interests in relation to item 7, concerning their reappointment. Robina Shah declared her interest in relation to item 7, concerning her reappointment. Jackie further declared her interest in relation to item 7, concerning her proposed designation as director with responsibility for whistleblowing. Dave Bamber and Paul Griffiths declared interests in relation to item 2 and the action pertaining to the Central Services Allowance (CSA). Jackie declared a new interest arising from her appointment as Chair of a further NHS trust.
- 1.4. No items were raised for discussion under Any Other Business.

02-COP-MAR21 **Minutes of the meeting on 27 January 2021**

- 2.1. No comments were received prior to or raised in the meeting. The minutes were approved without amendment.

Decision: The Board resolved to:

- i. **Approve** the minutes of the meeting on 27 January 2021 without amendment.

03-COP-MAR21 **Matters arising and actions from the meeting on 27 January 2021**

- 3.1. Actions 1 and 2, concerning Central Services Allowance for secondees and the College carbon footprint respectively, were RAG rated red. Nick Bayley advised in relation to action 1 that dialogue with associations was ongoing. Action 2 would be dealt with under the new Estates' Strategy being brought to the May board meeting.
- 3.2. Action 3, concerning a possible digital advisor to the Board, was rated amber as it had been paused for consideration alongside the fundamental review.
- 3.3. One green-rated action was suggested complete, with the remainder not yet due.
- 3.4. Clarification was requested in relation to action 7 as some consideration had already been given by board members to the Future Operating Environment (FOE). Rachel Tuffin confirmed that a further workshop on broader issues around the operating environment would be beneficial, to consider how trends and issues identified in FOE could contribute to the direction of the fundamental review.
- 3.5. Action 4, which was suggested complete, could be closed.

ACTION: CG

Close the action suggested complete.

Decision: The Board resolved to:

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

04-COP-MAR21

Chair's Report

- 4.1. The Chair indicated that he would provide updates on CEO recruitment and the fundamental review, followed by a discussion on events following the death of Sarah Everard.

Status of CEO recruitment

- 4.2. The Chair advised that, following meetings with officials and the Home Secretary, it had been agreed the College should manage the recruitment process. This was poised for launch but continued to await approval of the salary by HM Treasury. The Home Secretary was supportive of the current proposal, which was comparable to HMI and chief constable salaries, and it was hoped her intervention would resolve the matter, though it was unknown to what timescale. A value for money clause had been included in the scope of the fundamental review to address concerns. Board members acknowledged that, although operating without a permanent CEO remained frustrating and unhelpful to the College, all avenues had been pursued for the time being and resolution would require a degree of patience.
- 4.3. The Chair thanked Bernie for continuing to step up in the role of interim CEO.

Fundamental Review

- 4.4. Martin Tunstall updated board members on plans for launching the review. Consultation had taken place with board members, directors and the Home Office to finalise the Terms of Reference and scope of the review, and prepare a public-facing call for evidence. It had been intended to launch that week but as policing was, rightly, focused on the Sarah Everard events, the public launch would take place the following week. It would be accompanied by high profile quotes and key stakeholders would be advised the day before the launch. Internally, staff were being notified that day as part of regular Transforming our College communications.
- 4.5. Board members requested clarification of what was excluded from the review, as the scope appeared very broad. They were advised that the review would consider whatever was appropriate for the College within its remit in the wider landscape. It would not revisit the Plan on a Page in terms of deciding on the core functions of the College, but would focus on the 'how' and the College's engagement role in the policing landscape. The idea of paid membership would also not be reconsidered. Board members asked that it be made explicit that paid membership was not within scope.
- 4.6. Further points discussed included:
- The language around diversity equality and inclusion (DEI) should be stronger and refer to strengthening the College's approach to DEI, not just in policing but in its wider engagement.
 - It was clarified that the College's status as an ALB of the Home Office was not being questioned.
 - It was suggested that FAQs be prepared to support the launch.

- The first stage findings of the Police and Crime Commissioner review (PCC review) had been issued, with recommendations relating to the College's role in best practice. This was specifically referred to in the call for evidence.

Events following the death of Sarah Everard

- 4.7. Events following the death of Sarah Everard had given rise to huge public debate on violence against women, their safety and policing of protests. The Chair observed that, as the professional body for policing, the College must consider its role in the matter.
- 4.8. Bernie O'Reilly advised that a deliberate decision had been taken not to intervene in the initial debate, to avoid taking on an uninformed armchair commentator role. A review of the protest and its policing was taking place, and Bernie had spoken with HMICFRS' Sir Tom Winsor to offer College support. He had also spoken with the police commander involved. There were sub judice issues due to the live criminal investigation.
- 4.9. Vetting would inevitably become a focus, the Code of Practice being held by the College. This would likely be reviewed but, as a very binary process, would not necessarily give the greatest benefits.
- 4.10. Other pertinent College activities included:
- Co-leading, alongside HMICFRS and IOPC, on a super complaint by the Centre for Women's Justice on dealing with domestic abuse perpetrators who are police officers.
 - Holding and managing the Barred List
 - The Code of Ethics
 - COVID-19 regulations, the College being instrumental in explaining variations in the law
 - Vulnerability work.
- 4.11. In October 2020, the Home Secretary commissioned HMICFRS to inspect how effectively the police manage protests, bearing in mind the balance to be struck between the ability to protest and enforcement. Following a summer of public disruption, it had been felt policing was not enforcing quickly enough. This report was released shortly before the events of the weekend in question, when the police were required to enforce COVID-19 regulations in the difficult context around the Sarah Everard vigil. The HMICFRS review of events, the outcome of which would inform the College's role, was progressing at pace. All public order commanders were trained by the College. Other commanders spoken to were nervous of achieving the appropriate balance. The College needed to provide reassurance in a careful and thoughtful manner.
- 4.12. At its meeting the following week, Chief Constables' Council would consider whether misogyny should be made a standalone hate crime, bearing in mind that most hate crimes were aggravated versions of standard offences. Misogyny

had been considered some five years previously and Law Commission recommendations were still awaited, but there was a need for immediate action. Recording alone would not be sufficient to encourage women and girls to feel policing was taking them seriously and a more tangible benefit was required.

- 4.13. Board members were supportive of the initial low-key approach but emphasised that the College, as the professional body for policing, should now take a more significant role.
- 4.14. Points raised included:
- How the College could take the initiative in similar future situations without being caught in the crossfire.
 - Reaching out to commanders to understand the issues on the ground was the right approach.
 - As well as being reactive, by setting standards and issuing APP in response to situations, the College should also proactively support prevention activities by returning a street-craft element to the curriculum. If 52% did not feel safe, then the police service was failing in its primary function of protecting, and the College should be driving a culture shift towards being more proactive than reactive.
 - It was confirmed that there had been no media approaches, but that a Q&A response was being prepared for that eventuality.
 - Future Operating Environment trends, described as happening in the future, appeared to be happening now. The College should influence that by applying the What Works approach to making women feel safer.
 - The subject of misogyny as a crime should be approached with some caution. It was appropriate for the Police Service to comment on the practicality of enforcement and any gaps in the law, but the creation of new crimes was a matter for Parliament.
- 4.15. The Chair observed that, bearing in mind that NPCC had called a meeting to discuss the events in the context of violence against women, it was now timely for the College to adopt a more visible approach. The College's stance in the future could be considered in the context of the review. Board members agreed it was time for the College to make its presence felt.

Decision: The Board resolved to:

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

05-COP-MAR21

Interim Chief Executive's Report

- 5.1. Bernie O'Reilly reported that correspondence had been received from the Police Federation of England and Wales in relation to a potential Judicial Review arising from the ongoing situation in relation to CSA for secondees. Negotiations were ongoing and it was hoped a resolution could be found. No specific details were referred to, to avoid any conflict for individual board members.

5.2. The first part of the PCC review considered the importance of operational independence between PCCs and forces. The recommendations included the following implications for the College:

- To work with the HO, APCC and NPCC to build on the Accountability Guidance already in place, including in relation to performance management of Chief Constables.
- The College's role in the senior recruitment process would be considered in light of the 2019 HMICFRS Leading Lights report, in particular in relation to the issues raised in relation to fixed term appointments.
- The College would work with APCC to build on the policing Knowledge Hub to develop What Works for PCCs.

The College already did a significant amount of work on senior appointments and senior recruitment panels but its role in the appointment of Chief Constables by PCCs was currently less clear. Rachel Tuffin's team would work with stakeholder colleagues to progress the What Works recommendation.

5.3. National Policing Board, the week before last, had provided an opportunity to showcase College work, particularly in relation to the Uplift programme. The first year had been a success in terms of numbers of officers, but less so in relation to diversity. There had been good progress towards gender diversity, but not so in relation to ethnic diversity due to a shortage of applicants from minority ethnic groups. Of 20,000 applicants to the assessment centre, 2,188 were from ethnic minority groups. Of those, just 259 were Black, with 91 of Black Caribbean origin. The latter group performed well at the assessment centre stage, with a pass rate higher than the whole group ethnic minority pass rate, but they were not applying. There had been intense focus on the assessment centre process but the disparity remained. This was shifting the focus to attraction and retention, and ensuring forces were committed to positive action. The College had worked with the MPS on its review of the issues, which was due to be reported on in October 2021. Consideration had been given to whether entry routes may be problematic, but the evidence did not suggest any adverse impact in that respect. The issues would continue to be analysed. It was asked if there was data on whether individuals were reapplying and how many times they were unsuccessful. The figures were not to hand, but the data was being tracked and would be available at a later date.

5.4. The College worked with forces in the Engage phase of HMICFRS monitoring, facilitating peer reviews around specific areas like workforce planning, and to support improvement in performance. These currently included Cleveland and GMP.

Robina Shah left the meeting

- 5.5. The Police, Crime and Sentencing Bill, once passed, would have a significant impact on policing, with changes to training, and amended processes, and would benefit from a lead or single point of contact (SPOC). Bernie advised that it had been fed into on a cross-directorate basis at appropriate moments. He would act as SPOC in the first instance.

Decision: The Board resolved to:

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

Part two – Items for decision

06-COP-MAR21 **Board Development**

- 6.1. The Chair of the Nominations and Remuneration Committee reminded board members that there had been two strands of board effectiveness review in the autumn, which had culminated in a development day in November to consider the findings. The first strand had involved external observation by Anne Owen and Mary Calam and resulted in a report based on cabinet guidance for reviewing departmental committee structures. There were ten key findings which were reviewed by one group at the development day, identifying six priorities. The second strand was a self-completed review of individual NED competencies using Institute of Directors' board competencies, with 74 individual competencies over three areas. The second development day group looked at the lowest aggregated scoring, none of them of a level to cause concern overall, and came up with six priorities.
- 6.2. Overall the reviews had found the Board was functioning well, with recommendations for further improvement, particularly in relation to audit. Clare Minchington had agreed to conduct a risk session with board members to address this latter point. Both groups had identified diversity as one of their priorities.
- 6.3. The Chair indicated that some of the recommendations could be followed up as part of the fundamental review.
- 6.4. It was agreed to re-institute the joint development day for the Board and the Executive.

Decision: The Board resolved to:

- i. **Note:**
- the outcomes of the Board development session in November 2020.
 - the forthcoming risk oversight workshop in April 2021.
- ii. **Approve** the re-institution of the joint development day for the Board and the Executive.

07-COP-MAR21 **Governance Update**

- 7.1. The Chair of the Nominations and Remuneration Committee (NRC) reported on a number of governance matters. The first required him to withdraw briefly due to a conflict.
Ian Wylie, Clare Minchington and Jackie Smith left the meeting

- 7.2. The College Chair advised that the terms of office of Ian Wylie, Clare Minchington and Jackie Smith were due for renewal in June 2021. It was proposed to extend their terms initially for six months to allow consideration of board governance in the context of the fundamental review. The proposal had been discussed with them in advance and all three were content. This would enable all current members to support recruitment of the CEO and oversee the review. The proposal was approved.
- Ian Wylie, Clare Minchington and Jackie Smith rejoined the meeting*
- 7.3. The NRC Chair recommended that the vacancy for a fourth independent NED be held until the fundamental review was complete. He noted that there would be a need to be mindful of quoracy requirements and there was some risk attached to all appointment terms running concurrently but these could be managed. This was agreed.
- 7.4. There were three applicants for the Chief Constable seat on the Board. Interviews would take place on 8 April 2021. The panel would be chaired by the College Chair, with two senior officer members of the Board, the DEI Advisor to the Board and a senior college staff network representative.
- 7.5. Robina Shah, DEI Advisor to the Board, had been appointed for one year and was coming to the end of her term. It was recommended that she be reappointed for two years to bring her in line with the standard three year term, subject to satisfactory appraisal. As a co-optee to the Board, this did not require Home Office approval. This was approved.
- 7.6. Emma Williams, Academic Advisor to Professional Committee, had similarly been appointed for one year and it was recommended she be reappointed for two years, subject to satisfactory appraisal. This was approved.
- 7.7. Formal ratification was sought and granted for Stephen Mold's withdrawal from ARC in autumn 2020.
- Jackie Smith left the meeting*
- 7.8. It was recommended that Jackie Smith be appointed as board whistleblowing lead until the end of 2021 to align with her six-month extension. This role had been identified as a gap in governance arrangements. Jackie had extensive experience in her previous roles in healthcare and professional background as a solicitor. This was approved.
- Jackie Smith rejoined the meeting*
- 7.9. The Board had previously remitted consideration of the Independent Ethics Panel (IEP) Chair appointment back to NRC. It now recommended going ahead with the appointment. The ethics panel was needed, notwithstanding that the College's exact role in ethics would be considered in the context of the fundamental review. The Home Office had agreed to the role being placed on the Public Appointments website. Seven panel members were currently retained and it was important to move ahead to avoid having to re-start recruitment entirely.

- 7.10. Board members discussed whether compensation for the IEP Chair role should be reviewed prior to advertising. Comparisons with other ethics panels suggested that the role would represent a significantly greater commitment than a committee chair, more akin to an advisor role. The NRC Chair agreed to consider this but indicated that the Board should make the final decision. The College Chair requested that agreement be sought out of committee by way of written resolution so recruitment could proceed without further delay. The NRC Chair and Martin Tunstall were asked to consider the issues further and report back.
- 7.11. The College Advisory Forum was closely linked to the College's role as the professional body for policing and NRC recommended that it be paused until after the fundamental review. This was agreed.

ACTIONS: IW

IEP salary proposals to be developed with a view to approval by written resolution.

Issues to be considered further with Martin Tunstall and reported back

Decision: The Board resolved to:

i. **Approve** the:

- Re-appointment of Clare Minchington, Jackie Smith and Ian Wylie as independent non-executive directors
- Deferral of the recruitment to the independent NED vacancy
- Re-appointment of Dr Robina Shah, Advisor on Diversity, Equality and Inclusion
- Re-appointment of Dr Emma Williams, Academic to Professional Committee
- Withdrawal of Stephen Mold from Audit and Risk Committee
- Appointment of Jackie Smith as the independent non-executive director with overall responsibility for whistleblowing arrangements in the College

ii. **Note** the:

- Board's quorum requirements
- Update regarding the appointment of a Director in a seat for a Chief Constable
- Update on the recruitment of a Chair of the Independent Ethics Panel
- Update on the establishment of the College Advisory Forum.

Part three – Items for discussion

08-COP-MAR21 **Update on Inclusion & Race programme and the College role**

Robina Shah rejoined the meeting

- 8.1. Rachel Tuffin updated board members on the College's role in the Inclusion and Race Police Plan of Action adopted at Chief Constables' Council in January 2021. A key focus would be evaluating the impact of what the police did in the next three

years, as to date there had not been a great deal of evaluation outside the Uplift programme.

Joint role with NPCC

- 8.2. The programme board was jointly chaired by the College CEO and Dave Thompson, NPCC SRO. It had been made clear that the plan represented a starting point, a short-term plan that recognised structural institutional issues. They would work closely with an Independent Scrutiny and Oversight Board (ISOB) to set a longer term direction and develop a more comprehensive approach.

Achievements to date

- 8.3. In the context of Uplift, peer support and collaboration was being provided to 14 forces in total. This involved going through plans in detail, focusing on recruitment and attraction, and sharing good examples from other forces, including on data usage and positive action. Online events were used to reach out to wider groups without additional spend. In April 2021, this would include events for women from minority ethnic backgrounds and the first online Aspire programme for those from all under-represented groups but with a current focus on race. Evaluation of good ideas was key, with a critical need for action and evaluation. The problems had been described as far back as 2000 and did not need further description.

Evidence based approach

- 8.4. To set the context, stop and search figures dating back 20 years had shown people from black backgrounds were 6 % more likely to be stopped and searched. Current figures showed this figure had increased to 9%, so it was not improving. This was mirrored in victim satisfaction figures for people from black backgrounds.
- 8.5. Recent market research by the Home Office showed that the reasons for not applying were the same as in 2000 – fear of racism and that it would not be a good career, worries about family and friends’ perceptions of them joining. Although representation from minority ethnic groups had increased from 1% in 1990 to 7.6% currently, for people from black backgrounds it had moved from 0.9% to just 1.2%. The connection between recruitment and attraction was key, and linked to improving people’s feelings about the impact of policing on them and their communities, and how they were supported as victims. An outcomes framework was being developed for the programme, which would reflect the link between delivery of policing services and the effect on representation. This would be part of the College’s contribution along with driving the evidence based agenda and support for individual work-streams.
- 8.6. Jo Noakes advised that, as a key partner in the Uplift programme, the College was supporting a focus on attraction in years two and three. There was a need for long term force recruitment strategies. Force positive action teams tended to

have a high turnover. Forces had more influence on attraction than the College, but it would continue to highlight its importance.

8.7. Board members discussed the following queries and issues:

- Bearing in mind the lack of progress over 30 years, what could be done to make a difference?
Rachel advised that a persistent focus from leadership teams was needed to avoid distraction from the programme. Progress required hard work and a lot of focus over time. There had to be extensive ongoing engagement with the community. There was better minority ethnic representation via routes that provided an opportunity to try before committing to becoming a police officer, such as PCSOs, police staff, specials and Police Now. A core issue was a lack of evaluation of impact, not allowing identification of good examples or the evaluation of outcomes. Concentrated efforts resulted in statistical improvements.
- Jointly owning the journey with NPCC meant the risk was shared in terms of reputation and managing expectations around outcomes. It was key to clearly define what the College could do and was able to do, within its resources and in the overall landscape. This would involve identifying the points only the College could do that the service really needed, and others where it could add value. Variations in application processes made a national response difficult.
Bernie observed that this could be structured into what could be mandated, what could be advised and what could be supported. It would be a test of influence within the policing landscape around forces' recruitment activity and commitment to positive action. He noted that forces with the most success employed positive action.
- Key Performance Indicators (KPIs) had to be clear on delivery outcomes to ensure they were not leading to more statements but to changes in lived experience.
Rachel advised that an outcome framework had been set, but KPIs were still in development. She agreed it was critical for them to demonstrate a difference was being made.
- There was an opportunity linked to race around the leadership centre and the progression/retention interlink. Jo indicated that a review of promotion and progression was taking place, which was key to diverse groups already in the service. The College would support further aspirations for the service through the Leadership Centre and its other work to support under-represented groups.
- It was asked if the College's role around its positive action strategy could be increased. Rachel advised that the Uplift team were seeking legal advice around positive action.

The College was exploring whether it should obtain its own legal advice on the matter.

- Consideration should be given to how the Chair of ISOB would be appointed to ensure genuine independence. It was also noted that the roles and responsibilities descriptor for the post did not currently include a holding to account function and should do so.
- Consideration could be given through the fundamental review to how the College could work with HMICFRS to improve the policing system on this.
- It was asked whether the peer review work was reporting on how the collaboration was making a difference to lived experience and professionalism. Rachel advised that evaluation was currently primarily of impact on forces' actions.
- It was queried whether funding could be secured and activities re-prioritised to shift the resources needed. It would be a good proof of concept for the new operating model under the ToC programme, to consider whether it would have speeded up or slowed down the process. Rachel indicated that it would have enabled an earlier stock-take of what the College's contribution would be. Funds were available for the Leadership Centre and from the Uplift. The Code of Ethics refresh would require the same resource as the Personal Safety Training update. Conflicts were being taken to the internal resourcing meeting, and would be escalated if not resolved.
- Detective routes into policing were showing promising attraction, with a marked increase in women joining the programme, including ethnic minority females in significantly higher numbers than any previous routes.
- It was noted that, in terms of College staff, there was a lot of work going on internally and figures showed the gap closing but there was still a gap. The Board currently had no ethnic minority members. Board members were mindful that the College must be able to show it was following its own advice if setting good practice for forces.

Decision: The Board resolved to:

- i. **Note and discuss** the current plans for the programme, with a view to offering feedback to inform the programme focus over the next three years.

09-COP-MAR21

Hate Crime Litigation

- 9.1. Iain Raphael informed board members of three cases challenging the College's hate crime operational guidance, centring on policing's role and the College's position on freedom of speech. He had reviewed the guidance and found it to be on a solid footing, based on 20-30 years of policy development, legislation, the Stephen Lawrence Inquiry, crime recording national standards and the Code of Practice on Management of Police Information. Its central purpose

was maintaining public safety but it was being applied in an increasingly complex environment with significant media commentary, mixed directions for policing and some seeking to exploit gaps in the law. This presented risks for the College, which was being presented as stifling free speech. It had the potential to damage the College's public and stakeholder position, alongside a sizeable financial risk, though cost-capping applications were being sought to mitigate risk.

- 9.2. **Miller v College of Policing** – Miller was reported for tweeting/retweeting messages considered transphobic. He challenged the operational guidance around recording of non-hate crime incidents, as well as Humberside police's response, saying they infringed on freedom of expression. At the High Court, Humberside's response was found unlawful but the guidance lawful and in line with legislation. The Court of Appeal judgment was awaited following a hearing the previous week. The College position was that, while the guidance was correct, it would be adapted to respond to any findings.
- 9.3. **Pre-Action (Judicial Review) – Phillimore (2020)** – Phillimore was challenging Wiltshire police, linked with College guidance, over their refusal to remove a record of a hate crime incident. She was a barrister with a keen interest in women-based sex rights and the ideological approach to gender reassignment. This also concerned comments on Twitter reported as a hate crime incident by a third party.
- 9.4. **Pre-Action (Judicial Review) – Miss B (2020)** – This challenge was to the Hate Crime APP on an anticipatory basis, in relation to interference with articles 8 (private life) and 10 (freedom of expression). A 14 year old, who wanted to be able to debate in school around transgender issues, was fearful that a hate crime could be reported and infringe her rights.
- 9.5. The last two had not yet been authorised for court hearing, but it was anticipated they would proceed.
- 9.6. Iain indicated that he chaired a Gold group on this to balance the needs of the public, stakeholders and individuals, to minimise reputational impact and seek to act in the public interest. Legal services had been engaged in all three cases. The claims were represented by the same firm with links to FairCop and related pressure groups, supported by Just Giving pages attracting a lot of public interest. The tension was between the policing purpose of keeping people safe by protecting them from hate crime, and the limits of freedom of expression.
- 9.7. Iain confirmed that the guidance could be amended in accordance with any legal ruling and adaptable responses had been prepared, whichever the outcome.
- 9.8. Board members unanimously agreed that, although it carried some risks for the College, this was a healthy debate to have

in a democracy and it was right for it to be tested in the courts. There were arguments on both sides and policing took place on the border, often with limited or inconsistent direction at a political level. With the College poised to develop its role in policing ethics, challenges of this nature would be inevitable.

- 9.9. The Chair observed that the recent emphasis by the Home Secretary on free speech as the cornerstone of democracy reflected underlying concerns about the way hate crime was being policed, going beyond the issue of recording, to training and guidance in relation to policing sensitive matters. The College should work with the NPCC to proactively strengthen support and guidance for forces and to allay some of the political concern around intrusion into the private realm, alongside the risk of pressure groups and some media pushing the police into an inappropriate space. The College's key role was to ensure training and guidance supported officers to police this difficult area, with politicians responsible for deciding where to draw the line.
- 9.10. Iain advised that he was convening a meeting with the NPCC hate crime lead, DCC Mark Hamilton, to discuss the issues, and balance the dilemma between having a thinking officer equipped with broad skills to deal with nuanced incidents, and being overly prescriptive.
- 9.11. The Board Advisor on DEI remarked that there had been an escalation in hate crime events in terms of lived experience, which should be a focus for the College's preventative position, training and development being key.
- 9.12. Bernie O' Reilly observed that the operational guidance had come about because of attacks on people because of who they were, and that it was about vulnerability and protecting people. Clearer direction was needed and, although the College's hate crime guidance had initially been found lawful, the College should be open-minded and flexible in its approach to any change in finding.

Decision: The Board resolved to:

- i. **Note** three linked litigation cases relating to Hate Crime standards and recognise the reputational risk they present.

10-COP-MAR21

Digital Strategy Implementation Plan

- 10.1. Nick Bayley advised that, since approval of the digital strategy in January 2021, the team had been working on an implementation plan to support the updated operating model with best value technology to underpin policing and the College's internal work, particularly in relation to people-based issues. The implementation plan being developed would outline costs and benefits, bearing in mind the importance of affordability.
- 10.2. There were 29 projects within the strategy and its priorities broadly divided into four key areas. Benefits were currently being mapped against costs for each individual project.

- 10.3. Recent focus had been on the people structure, skills and capabilities. The College digital and information services teams had been brought under a single management structure in 2019 without integrating their ways of working, resulting in silo working, misalignment and duplication. The high level operating model just developed with Deloitte sought to address these issues. The detailed design phase was about to commence and would move into the implementation phase in late April 2021.

Decision: The Board resolved to:

- i. **Note** the update on the Digital Strategy Implementation Plan.

11-COP-MAR21

COVID-19 – Six Months Staff Reflections & Feedback Thematic Report

- 11.1. Nick Bayley advised that the report focused on three areas: A staff feedback update, recovery planning and opportunities for change.

Staff feedback update

- 11.2. Six themes had been identified from the staff surveys completed since March 2020: leadership; communications; ways of working; collaboration; mental health/wellbeing and IT.
- 11.3. Learning from communications, mental health and wellbeing was applied during the third lockdown, with senior leadership recognition of the difficult operating environment, regular leadership engagement sessions, a 6-week focused mental health programme in response to staff feedback, and College-wide protected time slots to break up intensive working. As an example of an opportunity taken to support staff, Parenting Network comments about the distractions caused by home schooling led to the distribution of spare IT equipment to assist.

Iain Raphael left the meeting

Recovery planning

- 11.4. The recovery and exit strategy had been reviewed to ensure alignment with the government roadmap. This currently required working from home to continue for the first three stages but was unclear regarding social distance requirements at work from 21 June 2021. It was unknown when normal delivery would start again but the safe working day and meeting protocols were compliant with the roadmap. It was intended for routine staff access to all sites to commence increasing in the summer, with a range of activities and arrangements needed before widening access fully. Those currently on site continued to operate in a COVID-secure manner. Organisational flexibility would be maintained to react to any third wave or new peaks. The introduction of lateral flow testing at College sites was being explored.
- 11.5. It was noted that lateral flow test results could be inaccurate and risk assessments would be required to ensure the

College continued to retain the capacity it needed to function once staff could meet in person.

Opportunities for change

- 11.6. COVID-19 had been the catalyst to reassess how the College operated.
- **Work** – new external-facing delivery channels were being exploited, with options for delivery including digital solutions, blended learning approaches, and expanding into new sites and venues to deal with any capacity issues arising from the extended lockdown period.
 - **Workforce** – there would be an increase in staff wanting to work from home post-COVID, providing opportunities to recruit from a wider geographical area.
 - **Workplace** – a number of digital and technological solutions had been adopted in a short time due to the forced move to more agile working. This would inform future use of estates and working practices, moving to hybrid working solutions, more staff routinely working from home combined with site attendance for more collaborative experiences when required. This would be reflected in the Estates' Strategy.
- 11.7. It was asked if there were plans for a conventional large scale staff survey as this had not been done for some years and was important for benchmarking. The last such survey had used police forces as comparators and it was agreed that this was not appropriate as the College was not a force and other government ALBs or similar bodies would be more comparable. The survey findings should also be issued in a timelier manner. Nick advised that another COVID-19 survey would be conducted that month and a broader employee survey was planned. Employee engagement software had been purchased to enable more real time feedback.
- 11.8. Board members commended the Executive on the good level of support offered to staff since March 2020. They cautioned that the recovery phase would also be challenging, with warnings from the health sector that mental health and work-life balance issues would continue into the recovery phase, with not all people welcoming the re-emergence and some experiencing features similar to PTSD. Consideration should be given to support for staff in this post-traumatic phase. Bernie O'Reilly welcomed a board member's offer to share good practice from the health sector. A lot of work was ongoing there to support the recovery phase for both frontline and back office staff facing profound and numerous mental health issues.
- 11.9. The Chair, echoed by all board members, requested that board members' thanks to staff for their forbearance and work done during the COVID-19 period be formally recorded, particularly in light of the College's excellent performance.

ACTION: NB

Board appreciation for staff to be formally relayed from the meeting.

Decision: The Board resolved to:

- i. **Note** the themes and emerging opportunities arising from our response to COVID-19.

12-COP-MAR21

College Finance

- 12.1. The Board received an update on the College's financial position. *[As the details discussed are commercially sensitive, they have been removed from this version.]*

Decision: The Board resolved to:

- i. **Note** the report on the summary financial position of the College.

13-COP-MAR21

Performance and Risk Report

- 13.1. Nick Bayley reported that there were ten strategic risks, the same as previously, 29 internal audit actions, an increase of five with 16 new actions from newly completed audits. GIAA had completed audits on tendering and product licensing, both of which were given moderate opinions. The internal audit programme was approved by the Audit and Risk Committee (ARC).
- 13.2. In terms of priority initiatives, eight were rated amber, which was unchanged, and there were two new priority initiatives. Two were red, the Microsoft 365 and SEARCH projects. Recovery plans were in place for both and ratings would improve.
- 13.3. The Chair of ARC remarked that the tendering audit would have received a substantial opinion, but for some shortcomings in documentation.
- 13.4. Clarification was sought concerning the reference to the Associates' Hardship Scheme as a financial impact of COVID-19. Nick advised that it was a discretionary payment which mirrored the government furlough scheme. It applied to associates who normally received more than 50% of their income from the College. It was actively managed by the COVID-19 Gold, Silver and Bronze groups, with payment reviews every six weeks. It was reducing as training delivery and corresponding opportunities to take up paid work increased. It would remain open until government furlough ended.

Decision: The Board resolved to:

- i. **Note** the performance updates
- ii. **Note** the strategic risk update
- iii. **Note** the internal audit updates
- iv. **Note** the COVID-19 dashboard update

Part four – Conclusion of business

14-COP-MAR21

Any Other Business

- 14.1. There was no other business.

15-COP-MAR21

Review of the meeting

- 15.1. It was noted that the meeting had run to time and discussed important contemporary issues. The topics were well covered by the Executive and there had been good engagement from non-executive board members. Board members were pleased with the increased allocation of time for more substantial items. The only negative point was the ongoing use of Skype, which it was felt infringed on effective functioning. It was also noted that it represented a significant challenge in the context of ARC, as both the internal and external auditors were obliged to dial in on the phone due to incompatibilities with their systems, which resulted in a lower level of engagement.
- 15.2. The Chair noted that the next meeting would take place on 21 April to consider the Budget and Business Plan, followed by the next main Board meeting on 26 May. He thanked the Executive for continuing to manage additional responsibilities while Bernie O'Reilly remained interim CEO.

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: 26 May 2021