



TACTICAL ETHICS COMMITTEE

Report for the Joint Audit and Ethics Committee

Virtual meeting held on Thursday 25th February 2021
Chair: Superintendent Stasia Osiowy

Introduction

The Tactical Ethics Committee (TEC) met this week in keeping with the quarterly meeting cycle. Seventeen members attended, with a mix of police officers and staff from different disciplines.

Three areas of business were brought to the TEC for discussion and subsequent action. Item 1 focused on the personal use of social media and the new draft guidance to staff. Item 2 focused on flexible working. Item 3 provided an update on TEC review. An overview of each of these are outlined below:

Item 1: Personal use of Social Media: Staff Guidance (Draft)

Background

The Constabulary's Press and Digital Manager, Andy Crook, presented the new draft guidance on the personal use of social media for police officers and police staff. This guidance was commissioned by the Vision and Values Working Group, chaired by ACC Pete Lawson, and shared with the TEC for consideration. Of note, this follows on from the TEC discussion on social media on the last meeting (Item 2, 1st December 2020). The TEC concluded that the Constabulary would benefit from guidance on the use of social media in a private setting to ensure:

- We maintain public trust
- We reduce the risk to the safety and wellbeing of police officers and staff
- We reduce the opportunity for criminals to exploit officers and staff, thus limiting the conditions that promote corruption

Consequently, guidance has now been produced in draft form. The purpose of the guidance is threefold. First, to offer guidance on how officers and police staff can use their personal social media accounts safely. Secondly, to help officers and staff use social media appropriately and finally to ensure the standards and expectations of the Constabulary are realised.

A copy of the draft guidance is embedded below:



Social Media Policy
(Draft)

TEC Objective

To consider if this new guidance is ethical and to what extent the guidance embeds the Code of Ethics.

TEC Discussion

The Committee had sight of the draft guidance prior to the meeting and moved straight into assessing the document. There was a consensus that the guidance reads well and was easy to understand. The Committee liked the fact that the guidance was not overly corporate, and the more informal syntax was a positive step in getting this important message across.

There was also a consensus that it covers a wide spectrum of circumstances and can be used as an aid memoir when officers and police staff have questions about their personal use of social media.

A Committee member then raised a question about using personal accounts for a policing purpose. An example was given of an officer updating their private twitter account with what they had done throughout a working day. Andy Crook stated that the Constabulary advocates the use of corporate accounts to document work information as it allows us to get key messages to a wider audience. Mr Crook said that he would be introducing training to go alongside the guidance and will update the document to reflect this point. The purpose of the training will be to support officers and police staff, who already have accounts, in how to use them safely and effectively. There was acknowledgement that the Constabulary had moved away from mandating that you should not publish where you work and that lots of officers and police staff were proud of where they worked and the work they do for the communities of Lancashire. Finally, it is intended that this guidance will be made into a booklet and issued to new starters and the wider Constabulary. It will also be available on SharePoint and Samsung mobile devices.

An ethical and legal issue was then raised by a member of the Committee who asked if the guidance could be updated to reflect disclosure implications. Most notably around how officers could be in breach of our on-going duty to disclose by posting about incidents on social media.

An example was given around an officer who had posted their disappointment around a witness who was not willing to give a statement. Whilst no personal data was shared this could form part of material that could assist the defence and undermine the prosecution. Ethically, the Committee agreed that this was wrong and asked for the guidance to be updated to reflect this. Quite simply, if there is a live investigation, then this should never feature on any personal social media platform.

Conversely, an issue was also raised by a member of the Committee who stated that two officers on their team had been harassed by criminals. Criminals had found their social media accounts and copied pictures of the officers' children. They had then proceeded to harass the officers using the photographs as part of the modus operandi. The Committee recommended that the guidance be updated to provide support to officers and police staff on how to stay safe online. Mr Crook stated that he would signpost officers within the guidance to support pages on how to ensure the right level of privacy settings are activated.

In conclusion, the Committee viewed the guidance with resounding positivity. The guidance creates a synergy with the Code of Ethics including accountability of our actions, honesty in our behaviour, integrity in doing the right thing and respect for others. All of these are essential to our model of policing and this guidance provides principles and clarity for our officers and police staff. The final request is for Mr Crook to make the four guiding principles of accountability, honesty, integrity, and respect stand out in the guidance so that the connection to the Code of Ethics is clear.

Outcome

The TEC support the new guidance on the personal use of social media. The Committee made four recommendations to improve the guidance, notably providing additional clarity on the use of personal accounts that identify occupation and role; never to discuss live investigation on personal accounts; how to protect yourself online; and to surface the Code of Ethics within the guidance to make the links clear between expectations and the ethical principles.

Item 2: Flexible Working

Background

A working group has been commissioned to review our current approach to flexible working within the Constabulary. Traditionally, flexible working has been approached from a tiered system with consideration given to the public and organisational need, prior to the needs of the member of staff. Whilst this has a sound rationale, Covid-19 created a need to work differently and in doing so highlighted some of the benefits of a more flexible approach.

Leah Watson, the Head of the Constabulary's Force Resourcing Unit, and a TEC member, leads the working group commissioned to review our flexible working approach. Ms Watson reflected on the current position of the Constabulary and acknowledged that the existing method is poorly managed, lacks consistency and raises matters of fairness. The easiest place to start with a 24/7 emergency service is to limit the flexibility to ensure the necessary capacity is maintained throughout the Constabulary. Ms Watson has recently finished a master's dissertation, which focused on flexibility in the workplace. Current evidence suggests that a rigid approach will not meet the needs of the new generation of police officers and staff who highly value flexibility and work life balance. The evidence points to flexibility being essential and not just a nice to have.

Ms Watson asked the TEC to consider the ethical position of this work as it moves to find solutions to some of these complex issues.

TEC Objective

To consider the aims of the working group in line with the Code of Ethics.

TEC Discussion

The Committee discussed the recent feedback from the workforce surveys, which highlights some disconnect between the current policy and what staff feel is fair and consistent. Whilst the original policy was designed with fairness and consistency in mind, it needs a rethink as the feedback suggests that it does not always achieve this balance.

The Committee then discussed the subjectiveness of fairness and the challenges that this working group face in producing a new policy for flexible working. There was acknowledgement within the Committee that it would make sense to consider flexible working and agile working together so that the policies of the future complement each other.

The Committee then discussed the matter of output verses presenteeism and how a shift in traditional police management thinking may be required to support the transition to a fairer and more consistent approach. This includes trusting staff that are working from home. On the other hand, is a flexible approach fair on those that do not work in a role that easily enables it, such as response policing. Is it fair that those that can work from home can save on travel expenses when those that are unable to cannot? It was accepted that to limit this impact, the challenge should be to include all groups in the review, including response policing and the more difficult areas to manage flexibly. This fits with the wider drive from the Wellbeing Board, chaired by Mr Rhodes.

The Committee members acknowledged the challenges facing this working group and due to the multiple complexities and ethical dilemmas that run throughout this project, Superintendent Osiowy offered to support the working group. Superintendent Osiowy offered a volunteering TEC member to sit within the working group and provide a direct link between the project and the TEC. This received unanimous support from the Committee and was welcomed by Ms Watson. The purpose of the role is to act as a critical friend and underpin ethics as a key consideration throughout this complex and wide-reaching project.

Outcome

Whilst this project is in the infancy of looking for new ways of working, The TEC has offered to support the project by embedding a TEC member within the working Group. This role aims to provide an ethical lens to the solution design thus ensuring that the Code of Ethics flows as a golden thread throughout new ideas and new policies.

Item 3: Update on TEC Review

22 TEC members have replied to the questionnaire that was sent to them in December 2020. The data is being reviewed in line with the responses from the national scanning exercise. A report will be provided to the TEC at the next meeting in May 2021, for consideration and reflection. A copy of this report and recommendations will be submitted to the Joint Audit and Ethics Committee at the same time.